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A table of contents for *The Churchman* can be found here:

https://biblicalstudies.org.uk/articles_churchman_os.php

THE ROMAN CHURCH AND THE CIVIL POWER.

BY J. W. POYNTER.

THIS article proposes to examine, in a strictly impartial and objective way, the question which has recently come again into prominence: that of what are the plain facts of the attitude of the Roman Catholic Church to civil governments. This problem is of interest in by no means only one country. It has been a matter of conflict for many centuries. In our own age, it has prominence in Italy: both because of the still unsolved dispute as to the Papal "temporal power" over the "States of the Church," and also because of the delicate problems connected with the rise of Fascism; in France, because of the "separation of Church and State," and the local difficulties in Alsace; in Czecho-Slovakia, because of the conflicts between clericalism and the national sentiment surrounding the memory of Huss; in Austria, because of the rise of Social Democracy; in Mexico; and, last but anything but least, in the United States by reason of questions connected with the Presidency. This article will not deal directly with controversies in any one country in particular, but will confine itself to essential principles and their application.

The first questions that arise are these: Is not the main problem one which is not really peculiar to the Roman Catholic Church at all? Does it not rather concern all sects or schools of thought? Must not the rights of conscience always imply possibilities of conflict between the individual and the State? Are we not then faced by a dilemma: either we must say that there is nothing which makes the problem particularly applicable to the Roman Church more than to other systems of belief, or, if there *is* such a distinction, then the Roman Church is thereby shown to be the champion of individual conscience as against the tyranny of an all-powerful State machine?

It is perfectly true that the rights of conscience create, always have created, and probably always will create, difficulties between individual citizens and the State. That is due to the elementary fact that there is no such thing as absolute perfection in this world. The State expresses the life of the community; but it is beyond the bounds of possibility for any State to express that life so perfectly that every citizen will agree with all that is done. So far as any citizens disagree with acts of the State, there is conflict between the individual conscience and the corporate will of the society. That conflict, in most cases, is not severe enough to give rise to actual acts of rebellion. Sometimes, however, it does give rise to such acts: for example, amongst the Puritans in England; the Huguenots in France; the Catholics in Ireland, previous to the Emancipation or, later, to the establishment of the Free State. Whether, however, the differences of individual conscience and State action become

active or not, such differences must always exist to some extent in this imperfect world. No State is faultlessly adjusted to the mind of every citizen.

I would suggest, however, that this fact does not cover all the problems specially associated with the Roman Church. Indeed, it does not cover the chief and most characteristic of those problems.

In ordinary cases of conflict, such as mentioned above, the problem is simply that of a divergence between individual beliefs and the decrees of the Government. That is so even when large bodies of men are engaged against the State : for those large bodies are really only individuals drawn together by common sympathy. The English Puritans coalesced because of common antagonism to certain laws of Church and State ; so also did the French Huguenots ; the Catholics of Ireland worked in concert by reason largely of their common religious and national antipathy to the English dominance ; though, in their case, the problem was complicated by the claims, over Irish religion, of the Roman See. However, on the whole, the usual cause of conflicts with the State is the mere, natural assertion of individual free will.

In the case of the Roman Church, however, a vital difference must be noticed. It is a difference which makes the problem, in the case of that Church, in many ways quite unique.

It is just this : The Roman Church, with its monarchical head, the Pope, claims to be a *jure divino* super-State, with coercive powers over its own subjects, though those subjects are also citizens of the various civil States in which they may live.

Before illustrating this in such detail as may be necessary, it is well to draw attention to one of the most critical dates in modern history : the year 1648. Europe for a whole generation had been torn by the horrors of the politico-religious Thirty Years' War, in which "Germany was plunged into an abyss of ruin that is hardly credible." (Professor A. J. Grant, *A History of Europe*, London, 1920, p. 552). At the end of that period of terror, the general exhaustion necessitated a peace by compromise. Neither the Papal nor the Protestant interests had been able to subvert the other, so domains had to be marked out in which that interest should prevail which was strongest in each case. Undoubtedly, however, the very fact that such a compromise was necessary marked a defeat of the Catholic cause. Protestantism, though under the ban of the Church as a heresy or heresies, was henceforth part of the hegemony of a Europe over which, previous to Luther, the Holy See had claimed (and to a great extent exercised) sole rights of ultimate religious headship. A distinct new epoch was marked off by the Peace of Westphalia in 1648. The Holy See was deeply conscious of that fact. Pope Innocent X, in his Bull *Zelo domus Dei*, denounced the Peace, and declared that the signators of the treaties were absolved from their engagements in its regard. The statesmen, however, had anticipated this, and had inserted in the treaties a clause repudiating any such condemnation. Thus, the Peace of 1648 marked a definite new era not in facts alone, but also in words.

"The phrase of the Treaty of Westphalia, *cujus regio ejus religio*, i.e. the religion of the prince is the religion of the land, sums up the secular reply to the ecclesiastical order." (Dom Bede Jarrett, *Catholic Encyclopædia*, XI, 454.)

A key to the whole problem which we are considering is to be found in realizing fully not only what, but also *all that is implied in what*, it was that ended at the Peace of 1648, compared with the state of affairs which has followed that date.

It is easy to exaggerate the degree of unity which existed—whether in politics or in Church order—in Europe before the Reformation. Mr. Hilaire Belloc expressed the real state of matters correctly when he wrote (*The Universe*, London, May 13, 1927): "The conception of the Christian centuries between the Peace of the Church under Constantine and the crash of the sixteenth century, as a period of fixed, easy, united Catholicism, is wildly wrong. It was all peril, all conflict, and all recurring imminence of disaster."

That is very true; but it is also true that, in Western Europe, not only was the Papacy supreme in religious matters, but it was also largely dominant over States in State matters. It had to fight for that supremacy and dominance, and neither the one nor the other was completely realized; but both were asserted, and often existed as realized facts. The religious supremacy was realized more fully than the political dominance; but even the latter was a cardinal feature of European life. "The two swords, spiritual and temporal, are in the Church's power; the first to be wielded (*exercendus*) by the Church, the other for the Church; the first by the priests, the other by kings and soldiers, but at the beck and permission of the priest (*ad nulum et patientiam sacerdotis*)." Thus Boniface VIII, in the Bull *Unam Sanctam*, in 1302: and he was only expressing maxims which had been brought to their greatest height of practical effect by one of his predecessors, Innocent III, and which formed, three and a half centuries later, the principle at the back of Innocent X's censure of the Westphalian Peace.

This, then, was the conception which Europe definitely and formally repudiated in 1648. We have seen, however, that that repudiation was not accepted by the Holy See. To a great extent—and owing to the compelling logic of facts—the Papacy has since acquiesced in things as they are: even as it also finds a *modus vivendi* with the Italian State since the fall of the temporal sovereignty of the Popes over Rome. Acquiescence by constraint, however, is not the same as willing acceptance; and the fact is that, as the Holy See has never accepted the "Italian occupation" of Rome, so neither has it accepted the principles of Westphalia.

It must be borne in mind carefully that the political domination of the Popes was regarded by them as an indirect but none the less real consequence of their Divine Right as Vicars of Christ. No fallacy could be further from the truth than the idea, often met in modern popular writings, that that dominance was merely or chiefly a convenience accepted, or agreed upon, by statesmen for the general good. Pope Pius V, in his Bull deposing Elizabeth of

England (see *Bullarium Romanum*, tom. ii, p. 324), took no such view. On the contrary, he said: "The Most High, to whom is given all power in heaven and earth, has committed to one alone on earth, that is, to Peter, the Prince of the Apostles, and to the Roman Pontiff, his successor, the absolute government of the one Holy Catholic and Apostolic Church, out of which there is no salvation. Him only has God set up as Prince over all nations and kingdoms, with power to pluck up and pull down, to scatter and destroy, to plant and build."

The political dominance, then, was regarded by the Holy See as an indirect but none the less real and true derivative of its Divine Right; and the repudiation of that dominance, by the statesmen at Westphalia, was not accepted by that See. The only problem that remains, then, is: What is the mind of the Papacy *now*?

It will be convenient to quote the late Pope Leo XIII in illustration of the facts. He is quoted not because his statements are in any way different from what would have been, or actually have been, made by other Popes. They agree therewith entirely, for they merely express the normal teaching of the Church. Leo XIII is here quoted simply because he was a prolific encyclical-writer, and therefore his declarations are handy for reference and verification by all and sundry.

"Just as the end at which the Church aims is by far the noblest of all ends, so is its authority the most exalted of all authority; nor can it be looked upon as inferior to the civil power, or in any manner dependent upon it": Leo XIII, Encyclical *Immortale Dei*, 1885.

"Jesus Christ, the Founder of the Church, willed her sacred power to be distinct from the civil power, and each power to be free and unshackled in its own sphere: with this condition, however—a condition good for both, and of advantage to all men—that union and concord should be maintained between them; and that on those questions which are, though in different ways, of common right and authority, the power to which secular matters have been entrusted should happily and becomingly depend on the other power which has in its charge the interests of heaven": *Arcanum Divinae*, 1880.

"If the laws of the State are manifestly at variance with the Divine Law, *containing enactments hurtful to the Church*, or conveying injunctions adverse to the duties imposed by religion; or if they violate, in the person of the Supreme Pontiff, the authority of Jesus Christ, then, truly, to resist becomes a positive duty, to obey, a crime": *Sapientiae Christianae*, 1890 (italics present writer's).

"Although, in the extraordinary condition of these times, the Church usually acquiesces in certain modern liberties, she does so not as preferring them in themselves, but as judging it expedient to permit them, till, in happier times, she can exercise her own liberty": *Libertas Praestantissimum*, 1888.

This is perfectly clear: The Church is in no way dependent on the State, but is exalted above it; the independence of the State is

to be subject to its obeying the Church in disputed matters ; the Holy See is to have a right to annul civil laws which (itself being final judge) it holds to be against the Church's Divine mission ; and acquiescence by the Papacy in a state of affairs, opposed to these claims, is to be taken only as a measure of prudence.

Attention may here be drawn to the establishment, recently, by the present Pope (Pius XI) of the new Feast of Christ the King. It is foreign to the purpose of this Article to discuss the purely spiritual sides of that Feast, which no doubt are worthy of deep reverence ; but it has also a distinct bearing on our present problem.

The Rev. M. MacMahon (*Liturgical Catechism*, Dublin) explains the Feast thus :

“ Q. : Against what specific evils of our time is the establishment of this feast mainly directed ?

“ A. : (1) The denial of Christ's authority to rule all nations. (2) The denial of the right of the Church to teach the human race, to make laws, to rule over peoples unto their eternal salvation. (3) The putting of the religion of Christ on a footing with false religions. (4) The putting of the religion of Christ under civil authority. (5) The setting up of a natural religion in place of the Divine religion.”

Pius XI himself, in the encyclical establishing the Feast, said : “ It would be a grave error to say that Christ has no authority in civil affairs, since, by virtue of the absolute empire over all creatures, committed to Him by the Father, all things are in His power. . . . Rulers and princes are bound to give public homage and obedience to Christ. . . . His kingly dignity demands that the State should take account of the commandments of God, and of Christian principles, both in making laws and administering justice.”

The significance of this is in the fact that the Roman Church recognizes no “ Christian principles ” save those taught as such by the Roman Church herself. “ To the Pope and to the collective episcopate alone does it belong to define matters of faith.” (*A Manual of Christian Doctrine*, by Provost Wenham ; London, 1905 revision ; p. 371.) “ Justice itself forbids, and reason itself forbids, the State to be godless, or to adopt a line of action ending in godlessness : that is, to treat the various religions (as they call them) alike, and to give them promiscuously equal rights and privileges. The profession of one religion being necessary to the State, that one must be professed which alone is true [i.e., of course, Roman Catholicism] ” : Leo XIII, *Libertas Praestantissimum*.

Thus it will be seen that the civil aspect of the Feast of Christ the King is that it exalts, into confirmation by a solemn liturgical act, the claims of the Holy See to civil domination. The civil law should be conditioned by “ Christian principles ” ; Christian principles are *such as the Holy See recognizes as such* ; the Pope is Vicar of Christ, with supreme power of jurisdiction (*supremam potestatem jurisdictionis* : Vatican Council, constitution *De Ecclesiâ*, chapter 3) ; the exercise of that power leads straight to constant participation in, and eventually to dominance over, the affairs of the State.

It is sometimes said that Papal encyclicals are not always binding as "articles of faith." This idea embodies a serious misunderstanding. This or the other encyclical may or may not be "infallible," but Catholic theology regards all encyclicals as worthy of deep respect. In any case, however, it must be remembered that the encyclicals here quoted are not mere *obiter dicta* of this or that Pope. They are mere summaries of the ordinary, immemorial, orthodox Roman doctrine.

It is clear, then, that the Roman doctrine of Church and State is in no way altered, in principle, from when Boniface VIII wrote of the "two swords," or from when Innocent X repudiated the pacification of Westphalia. The question, then, emerges: What is the proper or wise attitude to be adopted by civil States to Roman Catholics?

Macaulay long ago refuted the fallacy by which it is sought to justify penalizing some citizens because of theoretical tenets of their belief. "There never was a religious persecution in which some odious crime was not, justly or unjustly, said to be obviously deducible from the doctrines of the persecuted party. . . . The true distinction is perfectly obvious. To punish a man because he has committed a crime, or because he is believed, though unjustly, to have committed a crime, is not persecution. To punish a man, because we infer from the nature of some doctrine which he holds, or from the conduct of other persons who hold the same doctrine with him, that he will commit a crime, is persecution, and is, in every case, foolish and wicked." (*Essay on Hallam.*)

The doctrinal tenets of Roman Catholicism form no reason for legal discrimination against Roman Catholic citizens. In generations immediately following the Reformation, penal laws were enacted, in countries like England, against them. That was due, however, to the fact that the Papacy fomented actual war against England. It was not a matter of theoretic belief, but of practical defence in war. Similarly, the Huguenots in France waged war against the French State. In all such conflicts, *practical facts* are to be considered. Such dangers having passed away, however, there can be no excuse for discrimination against some citizens because of theoretic beliefs. Should such beliefs lead to overt treasonable acts, the State can always deal with those acts as such; but mere *belief* is no matter for State discrimination.

One other question, however, arises: When it is a question, not of individual citizens, but of *headship of the whole State*, is a Roman Catholic then safely to be trusted in such headship over a non-Catholic community?

This is not a mere question of individual belief. The head of the State symbolizes the whole State. The essential Roman Catholic conception of the State is certainly contradictory to the essential *non-Roman Catholic* conception thereof: as has been proved above. If, then, the head of a non-Catholic State be a Roman Catholic, is not a vital self-contradiction introduced, so that an element of dangerous instability at once exists?

This question deserves serious consideration. Subject to correction, I answer it thus :

In a non-Catholic State where the headship is *hereditary* (for example, in England), it would be perilous for the Head thereof to be a Catholic. Every Roman Catholic is conscientiously obliged to educate all his or her children in the Roman Catholic faith, and every Roman Catholic is bound by canon-law. Thus, in such a non-Catholic State as we are supposing, the headship would be *permanently identified* with a jurisdiction external to the realm, and of which the principles are contrary in many vital respects to that of his State. Safeguards might be enacted, but the peril of instability would always be present.

In a non-Catholic State (say, a republic) where the headship is *elective at given periods*, this danger, though not absent, exists far less. A Catholic's being eligible for that temporary position, would not identify the *headship itself* with Roman Catholicism.

However, the main purpose of this article is to detail the actual facts as to the position of the Roman Catholic Church in regard to the civil power. The essence of that position is this: the Roman Catholic Church claims to be a super-State, with coercive powers, and to be itself the final judge as to the exercise of those powers, which extend far into civil matters.

