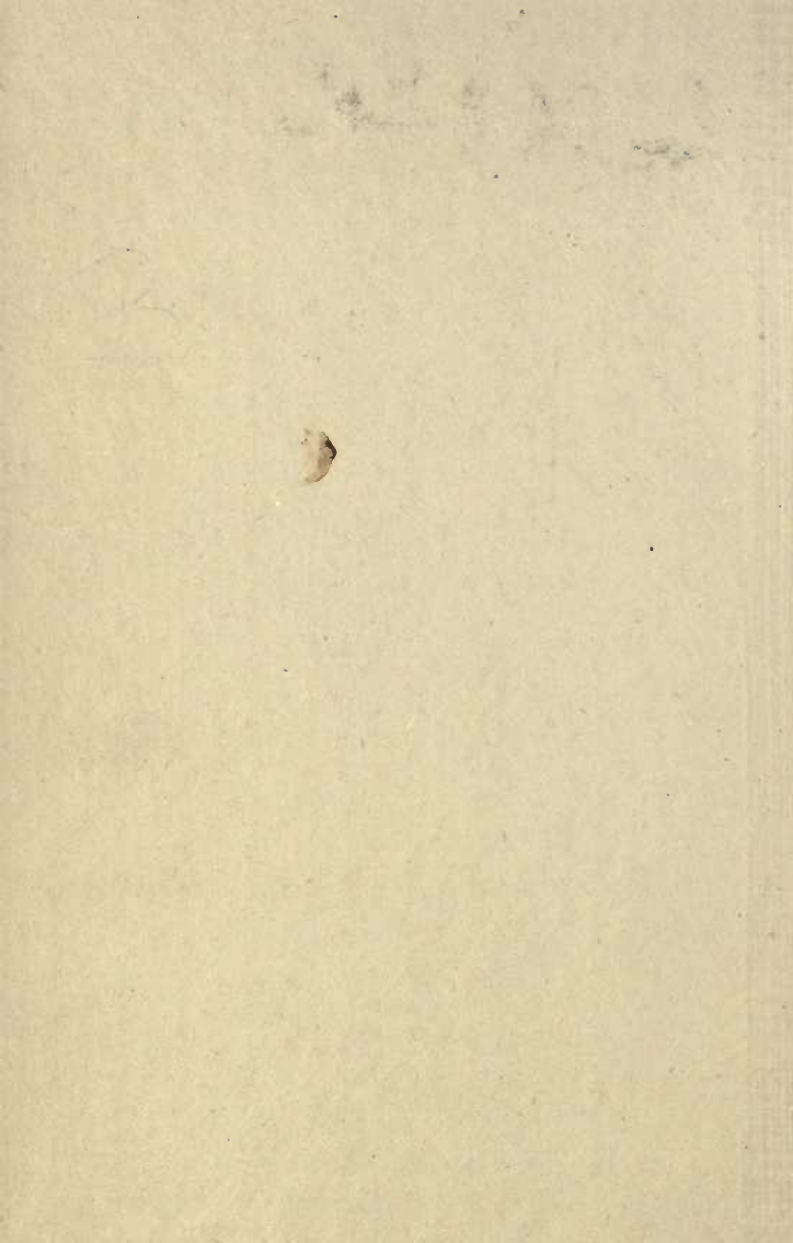


PAPAL SOVEREIGNTY



GILBERT C. NATIONS



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Papal Sovereignty

The Government Within
Our Government

By

GILBERT O. NATIONS

Vice-President of the Free Press
Defense League; author
of "Constitution or
Pope?" etc.

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Preface

CAREFUL study has shown me that the voice of history, of canon law and of international law supports with convincing force and with virtual unanimity the proposition that the Pope is a political sovereign prince, ruling an empire whose subjects are restricted to no territorial limits, but dwell in every land and under every flag.

The peculiar constitution and dogmas of the Roman Catholic Church clothe the Pope with jurisdiction absolutely unlimited in both scope and autocracy. The temporal and eternal destiny of every Roman Catholic under these dogmas depends on his complete subjection to the Pope as supreme and infallible teacher and monarch of the human race.

Notwithstanding the unparalleled sway of the Pope over his vast ecclesiastical empire, his subjects are permitted to

PREFACE

become citizens and to engage actively in the politics of every nation. It is but natural that a political condition so monstrous should inflict untold misery on every community. It appears perfectly manifest that relief can be obtained by nothing short of disfranchisement by all civil governments of the princes and subjects of the Papal Empire.

My excuse for enlarging my work by copying so many excerpts from the authorities cited is that these authorities are not accessible to the masses of the people. Attention is called to the fact that the citations give the book and page of all authorities. This will enable critical readers to verify all the citations used.

Occupying a unique position in the literature of the New Reformation, this work undertakes to cut the tap-root of political Romanism. A fundamental issue, the greatest in the politics of the modern world, is here presented to thoughtful, patriotic citizens of the United States.

GILBERT O. NATIONS.

I

THE POPE A CIVIL SOVEREIGN

I. The Pope is a Civil and Political Prince, Potentate and Sovereign Under the Law of Nations.

THE foregoing proposition embodies the most vital and comprehensive issue in the politics of the world. It affords the only solution of a problem that has confronted all nations more than a thousand years.

Let it be distinctly understood that the spiritual status of the Pope as a bishop is not involved in this discussion. The Roman Catholic religion is not now under consideration. It is of supreme importance to distinguish clearly between religion and politics at the threshold of this investigation.

The Constitution of the United States prohibits any religious test as a qualifi-

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cation to public office, and forbids Congress to make any law respecting an establishment of religion or prohibiting the free exercise thereof.

It has long been the deliberate purpose of the Pope and his adherents, in meeting objections to their political program, to confuse the public mind by making complaint that the Catholic religion is being opposed.

If the Pope is a civil and temporal prince, potentate and sovereign, that fact should be established beyond doubt or denial. In order that the proof may appear with reasonable fullness, the substance of that proof will be presented in the following subsidiary propositions:

II

SUPREME OVERLORD

1. During several centuries the popes claimed and enjoyed supreme authority as the overlords of all other potentates.

At the nightfall of the Middle Ages barbarians from northern Europe poured over the frontiers of the decaying Roman Empire and swept away the imperial fabric that had so long dominated and controlled the civilized world. With the sway of the Cæsars so abruptly terminated, two well-defined institutions arose for the restraint of society amidst the strife and commotion of that turbulent age. These institutions were the *Papacy* and the *Feudal System*.

As barbarian invaders threatened the city of Rome, no Cæsar could be found to roll back with valorous legions the tide of invasion and interpose a barrier stronger than the Alps. In this ex-

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tremity the bishop of Rome, who had already attained to ecclesiastical pre-eminence in the West, being then the most conspicuous person in Rome, undertook the protection of the city. Opportunity was thus afforded him to render services that greatly enhanced the prestige and dignity of his office. Simultaneously the feudal system arose for the protection of life and property throughout the Continent.

Under this system triumphant leaders of the conquering barbarians distributed the lands among their faithful lieutenants, who in turn subdivided their respective portions among the masses of the people as their inferiors.

In connection with this apportionment each of the lieutenants or barons was required to plight his life and property to the conqueror as his overlord by the most solemn oaths of devotion and fealty known to those stern and barbarous times.

In like manner each individual, soldier and tribesman pledged his fealty to the

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lieutenant or baron from whom he received his parcel of land. The ceremony wherein these solemn pledges were made was called homage, the superior to whom fealty was so pledged was designated as the overlord or suzerain, and the person of inferior rank who made the pledge was known as the vassal or underling.

In due time the feudal overlords attained to royal and imperial rank and power, and the popes vied with them for civil supremacy. While conceding to the feudal potentates sovereign power over their respective countries, the popes claimed suzerainty over all the rulers of the earth and made good that claim by receiving homage from the most powerful monarchs of the Middle Ages. Demanding fealty of every Roman Catholic throughout the world, from the king on his throne to the humblest peasant, the popes exercised the right to control the domestic and foreign affairs of every nation. An eminent French authority on international law has portrayed the amaz-

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ing pretensions of the Papacy in the following brief statement:

[Translation from the French.]

“As head of the Catholic Church, the Pope exercised powers and possessed attributes absolutely unprecedented. His authority transcended the material boundaries of the states and extended throughout the entire world, in the East as well as in the West, in Asia, in Africa as well as in Europe and in America, everywhere that there was a Catholic community.”—*Droit International Public* (seventh ed.), Bonfils (Paris, 1914), Sec. 372.

Another leading French writer has described the Papal sovereignty in the following words:

[Translation from the French.]

“It is a superior power to which kings submitted their differences and accepted its adjustments. Furthermore, the popes, who found, in that epoch, in the exercise of the temporal sovereignty, the right to meddle in international relations and the struggles of politics, participated also, as the leaders of religion, in the internal government of states, through their rep-

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representatives, whose mission was less to play the *role* of diplomatic agents than as supreme judges and sovereign administrators. The Church had, in every land, its tribunals, its own domains, and the right to levy certain imposts."—*Droit International Public* (sixth ed.), by Georges Bry, Dean of the Law Faculty of the University of Marseilles (Paris, 1910), Sec. 130.

The other writers on international law with one accord attest the tremendous and virtually unchallenged authority of the popes during the Middle Ages. The following excerpts will show the extent and character of the Papal claims:

"It was under the pontificate of Innocent the Third that the power of Rome reached its meridian height. Of noble birth, and in the prime of manhood when he ascended the Papal throne, equal in ambition and hardly inferior in ability to Hildebrand, he aspired still more openly to universal dominion, and his efforts were crowned with still more signal success. No pope before his time ever exercised an authority so absolute and so extensive; no prince, however powerful, successfully

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resisted his authority. Peter the Second of Aragon acknowledged himself his vassal, and the most worthless king who ever wore the English crown submitted to the like degrading terms. Over Philip Augustus of France, a monarch of very different stamp, the Pope obtained a triumph still more remarkable. Philip had divorced without cause his wife, Isemburga, a Danish princess, and had contracted another marriage. This step was strongly disapproved as well in Denmark as in France, in both of which countries the repudiated queen was deservedly esteemed. By the operation of a Papal interdict, which brought his subjects to the verge of rebellion, Philip was at length compelled to annul his existing marriage and receive back the wife he had unjustly divorced. There was, indeed, hardly a prince in Christendom who did not feel the weight of Innocent's authority. At a time when war appeared imminent between the kings of Portugal and Castile we find him directing his legate to threaten both with excommunication in case the peace was broken. Complaints having been made against his vassal, the King of Aragon, for debasing his coin, he commanded him to restore it

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to the proper standard. At the fourth Lateran Council he absolutely deprived Raymond, Count of Thoulouse, of his dominions on account of his alleged complicity with the Albigenses, and at the same council he declared, after hearing the ambassadors of both the competitors, that Frederick the Second, grandson of Barbarosa, had made good his claim to the imperial crown. Otho the Fourth, who had previously been crowned by Innocent, was at the same time declared to be no longer emperor. The true reasons for this decision are well known. Otho had solemnly promised at his coronation to restore to the Church certain territories in his possession, and he had wholly disregarded his engagements.

“Innocent the Third freely exercised the privilege of creating as well as deposing kings.”—*Hosack on the Law of Nations*, pp. 41, 42.

“On the 15th of May, 1213, John (King of England) did homage to the Pope’s legate at Dover in presence of a number of the nobility and people. . . . After he had thus solemnly acknowledged himself a vassal of the Pope, John delivered up to the legate his crown and scepter, who retained them in his posses-

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sion for five whole days before he returned them to the king.”—*Rapin*, Vol. III., p. 209.

“The popes at one time claimed the authority to absolve sovereigns from their engagements and to annul the obligations of treaties, under whatsoever solemnities they might be contracted. Vattel mentions a number of instances where, he says, they have undertaken to break the treaties of sovereigns, ‘to unloose the contracting power from his engagements, and to absolve him from the oaths by which he had confirmed them.’ . . . ‘Who does not see that these daring acts of the popes, which were formerly very frequent, were violations of the law of nations, and directly tended to destroy all the bonds that could unite mankind, and to sap the foundations of their tranquility, and to render the Pope sole arbiter of their affairs?’ ”—*Halleck on International Law* (London, 1878), pp. 239, 240.

III

MONARCH OF THE PAPAL STATE

2. For more than a thousand years the Pope ruled the Papal State as absolute monarch, and all authorities agree that he was then a civil sovereign.

During the eighth century Pepin and Charlemagne, the most powerful and renowned monarchs of the Middle Ages, wrested from the Lombards a tract of land in central Italy about as large as the State of Maryland, and erected it into a Papal kingdom over which the popes reigned with despotic sway till the year 1870, when the Papacy was divested of this territorial dominion by the military forces of the King of Italy. During that period the sovereignty of the Pope arose from his dual capacity as monarch of the Papal State and as sovereign pontiff of the Roman Catholic Church throughout the world. While the former character

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was clearly sufficient to place him in the category of monarchs, his pre-eminent rank in the family of nations even then was so out of proportion to the size and importance of his territorial kingdom as to preclude the idea that it rested chiefly on that foot.

In view of the fact that civil sovereignty was universally conceded to the Pope prior to his loss of the pontifical state, it appears scarcely necessary to produce authorities in support of this contention which no one denies. The following brief excerpts and authorities taken from leading writers on international law are deemed sufficient:

"Throughout the existence of the Papal State, the popes were monarchs and, as such, were equals to all other monarchs. Their position was, however, even then anomalous, as their influence and the privileges granted to them by the different states were due, not alone to their being the head of the state, but to their being the head of the Roman Catholic Church."—*International Law*, by Oppenheim, Sec. 104.

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[Translation from the French.]

"As temporal ruler of the pontifical state, the Pope was a true sovereign, invested with the powers, the attributes, the prerogatives, and holding the obligations and functions wherewith other princes of states are invested and which they hold."

—*Droit International Public* (seventh ed.), by Bonfils (Paris, 1914), Sec. 371.

[Translation from the French.]

"Along with the spiritual sovereignty, the popes enjoyed during long ages, and until 1870, a temporal dominion which the Catholic powers granted in order to safeguard the independence of the Sovereign Pontiff and which he exercised over a domain which the popes considered inalienable for their own particular reason."

—*Droit International Public* (sixth ed.), by Georges Bry (Paris, 1910), Sec. 131.

[Translation from the Spanish.]

"Until 1870, the Pope, in keeping with his quality of sovereign, was invested with the right of temporal sovereignty which he exercised over a definite territory and the inhabitants thereof. The government of the states of the Church was absolute and presented a theocratic

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character.”—*Elementos de Derecho Internacional Publico por el Dr. Manuel Torres Campos* (third ed., Madrid, 1912), p. 199.

In 1908 the Supreme Court of the United States uttered the following remark:

“At one time the United States maintained diplomatic relations with the Papal State, which continued up to the time of the loss of the temporal power of the Papacy.”—*Ponce vs. Roman Catholic Church*, 210 U. S. loc. cit. 318, 28 Sup. Ct. 737.

While the subjugation of the Papal State and its incorporation into the kingdom of Italy ended the status of the Pope as monarch of that petty state, it did not affect a particle his rank as head of the Roman Catholic Church; and since it is manifest that his commanding and pre-eminent station among mediæval sovereigns could not arise from his position as head of the insignificant pontifical state, but must be due to his ecclesiastical supremacy as head of the Roman Catholic

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Church, that pre-eminence was not therefore diminished by the loss of his small territorial domain. Every claim to civil sovereignty which he possessed in the past by virtue of his ECCLESIASTICAL rank remains unimpaired. If he was ever a civil potentate by virtue of that rank, he is so still. If he ever had power as sovereign pontiff of the Roman Catholic Church to crown and depose monarchs and to participate in the diplomacy and politics of the world, he has that power to-day.

That the tremendous prerogatives of the popes in former centuries were due entirely to their ECCLESIASTICAL position as pontiffs of the Roman Catholic Church, and not to their ROYAL position as rulers of the Papal State, is conclusively demonstrated by the following facts:

(1) Every claim to such prerogatives made by the popes themselves rested upon their ecclesiastical rank as sovereign pontiffs of the Roman Catholic Church.

(2) Every such claim made on their

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behalf by Church councils stood upon the same foundation.

(3) Diplomatic envoys were uniformly accredited to the popes, or by them, as pontiffs and not as monarchs of the Papal State.

(4) It is manifest that the powerful monarchs of Germany, France and England who did homage to the popes as their overlords did so in recognition of the Papal prerogatives as sovereign pontiffs, and not as monarchs of a state infinitely weaker and less important than their own.

(5) The concordats, or treaties, with other potentates were then invariably made by the popes in their ecclesiastical capacity, and were identical in their formal parts with such conventions made since the overthrow of the Papal State.

(6) The popes enforced their claim of supreme and universal sovereignty by such ecclesiastical penalties as excommunication, suspension and interdict rather than by force of arms.

IV

STILL ENJOYS SOVEREIGN POWERS

3. Notwithstanding the loss of his territorial domain, the Pope still claims and enjoys the rights, powers and prerogatives of a political sovereign prince.

Having conclusively shown that the Pope was clothed with all the prerogatives of a civil potentate prior to the loss of his domain in 1870, we come now to consider the more vital question of his status at the present day. The proof that he is now invested with temporal and political sovereignty throughout the world will be presented under the following averments:

(1) The Pope occupies a throne identical in all essentials with those occupied by other monarchs.

In every land and in every age a throne has signified political sovereign

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power. Emperors and kings deliver messages of state and perform the most solemn of their imperial and royal functions seated on thrones. By the universal custom and consent of the human race, thrones belong exclusively to persons vested with supreme and sovereign political authority.

Toward the close of the Papal reign of Leo XIII. that pontiff summoned to Rome Rt. Rev. Bernard O'Reilly, S.T.D., an eminent Roman Catholic prelate and author, to write the biography of the Pope. This fact appears in the preface of the published volume, together with such additional information as shows the work to be virtually an autobiography. It was compiled from data and documents provided for that purpose by the Pope himself, and received his approval and commendation when completed.

Opposite to page 217 of that biography, which is published also with the approval of Cardinals Gibbons and Farley and other eminent prelates, is a full-page engraving of the Throne Room in the

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Vatican, showing the Papal throne and other significant appurtenances, accompanied by the following statement:

“THE THRONE ROOM IN THE VATICAN.

“Here the venerable pontiff received delegations and gave audiences to those who had permission to come before him.”

On page 304 of the same work, in concluding the history of the conclave which chose Leo XIII. as the successor of Pope Pius IX., the following statement appears:

“Meanwhile, they have placed upon the platform of the altar the portable Papal throne—*sedia gestatoria*—and all is in readiness for the first solemn ceremony of doing homage to the newly elected Vicar of Christ. This is called ‘adoration’ from the Latin word *adorare*, the ceremony by which the ancient Romans testified their reverence to any superior being or person, by turning their face toward the object of their homage and carrying the right hand to the lips. Here the act of reverence shown is to the person representing on earth the Re-

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deemer and Guide of mankind, and, indirectly, to Christ Himself.

“Leo XIII., attired in the insignia of his dignity, now advances from behind the altar and *takes his place on the throne*. The sub-dean, in the absence of Cardinal Amat, is the first to approach the throne. He takes from the Pope’s hand the sapphire cardinalitial ring and puts on his finger the Ring of the Fisherman; then he bends low and kisses the feet of His Vicar on earth who in the Last Supper washed and kissed the feet of His apostles; he then kisses the Pope’s hand, while Leo in his turn gives him on both cheeks the kiss of peace. So do all the cardinals in succession, and then the officers of the conclave.”

The Encyclopædia Britannica, eleventh edition, Volume XXVI., at page 892, contains the following statement:

“One of the many curiosities of a conclave for the electing of a pope is that every cardinal present occupies a throne, since, during the vacancy of the Holy See, each member of the Sacred College is a potential sovereign. When the election has taken place the canopy of every throne

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is lowered, with the exception of that occupied by the new pontiff. The palaces of the great Roman nobles contained—and still in some cases contain—a throne for use in the event of a visit from the Pope. The Papal throne itself is an antique bronze chair which stands in St. Peter's."

The *Pilot*, which is the official newspaper organ of Cardinal O'Connell, of Boston, Massachusetts, in its issue of December 2, 1916, related the reception of the new Japanese Ambassador to the Vatican in the following words:

"The honors usually accorded to Ambassadors to the Vatican were given to this Imperial Envoy from the Far East. When he ascended the great staircase leading from the Court of St. Damasus to the spacious Clementine Hall, whose walls are paneled with rich marbles of many colors, the Swiss Guards here presented arms, and one of the Pontifical Private Chamberlains conducted him into the Throne Room, where *His Holiness had just taken his place upon the throne*, surrounded by the members of the Pontifical Court and the commandants of

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the Swiss, Noble and Palantine Guards.

"The Envoy then, standing before the *pontifical throne*, presented to His Holiness the autograph letter of the Emperor, of which he was the bearer, addressing the Pontiff in a few brief words in the French language on behalf and in the name of the Emperor."

In April, 1886, Prince Bismarck, then Imperial Chancellor of Germany, delivered in the Prussian House of Lords a speech wherein he expressed a disposition to mitigate the rigors of existing legislation and policy touching the Roman Catholic Church, and said:

"In pursuance of the purpose I was just explaining to you, I began, as soon as the *present Pope ascended the throne*, to open *publici juris* negotiations with Monsignor Masella (the Nuncio in Munich), which gave hope of a good issue, and which lasted till Cardinal Franchi became Secretary of State (March 9, 1878), and were afterwards suspended."—*O'Reilly's "Life of Leo XIII.,"* pp. 473, 474.

The fact that cardinals and bishops

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of the Roman Catholic Church are accustomed to occupy thrones in their respective dioceses tends rather to enhance than to diminish the significance of the Papal throne. All these medieval inventions disclose one common worldly and political ambition pervading the entire hierarchy. As the Papal throne came into use in order to promote the ambition of its occupant to cope with neighboring monarchs, so the episcopal throne of the local bishop was invented to emphasize his delegated sovereignty in defiance of the civil power.

That such defiance still lives is shown by the frequency with which local prelates in this country and abroad mount their thrones for the transaction of episcopal functions, and the diligence of the Roman Catholic and Rome-favoring newspaper press in reporting that arrogant performance to the people.

V

WEARS A CROWN

(2) The Pope wears an official crown, known as the tiara, or triple crown, as a token of his sovereign power.

Like many of the customs and instrumentalities with which the Papal system expresses its love of worldly pomp, the tiara is of non-Christian origin. It was transplanted from Persia into the Papal system during the darkness of the Middle Ages.

Emperors and kings are crowned with imposing ceremony to indicate their imperial and royal authority. By universal custom and consent, the crown expresses civil and political sovereignty. No conceivable purpose can be subserved by the crowning of the Pope except to indicate his rank as one of the sovereign princes of the world.

The Catholic Encyclopedia, Volume

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XII., at page 270, contains the following statement: .

“INSIGNIA AND MARKS OF HONOR.—The pope is distinguished by the use of the tiara or triple crown. At what date the custom of crowning the pope was introduced is unknown. It was certainly previous to the forged donation of Constantine, which dates from the commencement of the ninth century, for mention is there made of the pope’s coronation. The triple crown is of much later origin.”

In Volume VI. of the *Encyclopædia Britannica*, eleventh edition, appears an article written by Auguste Boudinhon, D.D., D.C.L., professor of canon law in the Catholic University of Paris, on the Conclave. On page 829 of that volume, in describing the process of choosing and installing a pope, Dr. Boudinhon makes the following statement:

“When one cardinal has at last obtained two-thirds of the votes, the dean of the cardinals formally asks him whether he accepts his election and what name he wishes to assume. As soon as he has accepted, the first ‘obedience’ or

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'adoration' takes place, and immediately after the first cardinal-deacon goes to the *Loggia* of St. Peter's and announces the great news to the assembled people. The conclave is dissolved; on the following day take place the two other 'obediencies,' and the election is officially announced to the various governments. If the pope be not a bishop (Gregory XVI. was not), he is then consecrated; and finally, a few days after his election, *takes place the coronation*, from which the pontificate is officially dated. The pope then receives the tiara, the sign of his supreme spiritual authority. The ceremony of the coronation goes back to the ninth century, and the tiara, in the form of a high conical cap, is equally ancient."

In Volume IV. of the Catholic Encyclopedia, at page 194, after stating in detail the proceedings of the conclave, that work gives the following account of the steps required to induct the newly elected pope into office:

"If already a bishop, there takes place only the solemn *Benedictio* or blessing. However, he enjoys full jurisdiction from

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the moment of his election. On the following Sunday or Holy Day takes place, at the hands of the senior cardinal-deacon, the *Papal* "coronation," from which day the new pope dates the years of his pontificate."

For the benefit and consideration of an inquiring reader, the Roman Catholic monthly periodical, *Truth*, in its issue of September, 1915, gives the following statement touching the Papal crown:

"Historians have no definite knowledge as to the exact time when the different bands were instituted for the Pope's crown. *The tiara is a symbol of sovereignty.* By some it is said that Nicholas I. (858-867) united the princely crown with the miter. The Bollandists say this was done earlier. To dispose of the statement that Boniface VIII. added the second crown, we need only refer to the fact that before his time, about 1200, Innocent III. is represented in a painting with two bands on his crown. And as regards the third crown, some writers attribute it to Urban V. (1362-70). The significance of this triple crown, or tiara, is indicated in the words addressed to

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the Supreme Pontiff, when it is presented to him at his consecration: 'Receive the tiara adorned with three crowns, and know that thou art the father of princes and kings, *the ruler of the world*, and the vicar of our Saviour Jesus Christ.' "

Volume XII. of the "New Schaff-Herzog Encyclopedia of Religious Knowledge," in discussing the subject of "Vestments," uses on page 172 the following words:

"A special distinction is, however, the tiara (regnum, triregnum). *This is the princely emblem of the Pope*, and is therefore worn when his princely authority is to be manifested; in liturgical and ecclesiastical functions he wears instead the episcopal miter."

In the article on the tiara in Volume XXVI. of the Encyclopædia Britannica, the following words appear on page 911:

"Tiara, also called regnum, triregnum and corona, the Papal crown, a beehive-shaped, somewhat bulging head-covering, ornamented with three crowns (whence

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triregnum or 'triple' crown). *It has no sacral character, being solely the ensign of sovereign power* (cf. Innocent III., Serm. VII., in S. Silvest: '*Pontifex romanus in signum imperii utitur regno*'), and is therefore never worn at liturgical functions, when the Pope always wears the miter."

The following definition is given in Volume XII., at page 66, of Nelson's Encyclopædia:

"Tiara, the pope's crown, which, in its triple form, *symbolizes his temporal claims*, as the keys are the symbol of his spiritual authority. The tiara is formed of gold cloth, encircled by three crowns, and surmounted by a golden globe and cross. There was a tradition that Boniface VIII. added the second, while Urban V. assumed the third of the crowns."

VI

SOVEREIGNTY GUARANTEED BY LAW OF ITALY

(3) The Italian Law of Papal Guarantees of May 13, 1871, expressly reserves and accords to the Pope the rank and prerogatives of a sovereign prince.

Few statutes enacted by human legislatures are so important as this law respecting Papal guarantees. Writers on international law with one accord recognize it as a very potent factor in the problem of the present civil status of the Pope. Discussion of the nature and effect of that law abounds in the literature of Europe and America on history and international law.

It was the Kingdom of Italy that wrested from the Pope his sovereignty of the pontifical state. Whatever subtraction, if any, was made from his rank and prerogatives by that deed was made

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by the Italian Government. This statute, therefore, enacted so near the time of the subjugation as to be virtually a part of the same transaction, is particularly instructive as showing the view held by Italy of its own act and the consequences resulting therefrom.

While this law of guarantees has never received the full approval of the popes, who refuse to accept the annuity which it accords to them, and has never been submitted to the other nations for express approval, the popes, by accepting some of its provisions in their behalf, and most of the Governments by maintaining diplomatic relations with the Pope under the protection and guarantees afforded by this law, have at least tacitly recognized it as a valid element in the law of nations.

Though the statute is somewhat extended, and a part of its provisions have little direct bearing on the question of Papal sovereignty, its extraordinary importance will justify its reproduction here in full:

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“LAW OF PAPAL GUARANTEES.

“*Victor Emmanuel II.*, by the grace of God and the will of the nation King of Italy, the Senate and the Chamber of Deputies have approved, we have sanctioned and promulgate as follows:

“SECTION 1. PREROGATIVES OF THE PONTIFF AND OF THE HOLY SEE.

“ARTICLE I. The person of the Supreme Pontiff is sacred and inviolable.

“II. Any attempt against the person of the Supreme Pontiff, or any provocation to commit the same, shall be punished with the same penalties as are established by law for a similar attempt or provocation against the King.

“Any offenses or injuries publicly directed against the person of the Pontiff by word or deed, or by any means described in Article I. of the law of the press, shall be punished by the penalties established by Article XIX. of the aforementioned law.

“Such offenses are actionable on behalf of the State, and shall be tried by the Court of Assize.

“The discussion upon religious matters is entirely free.

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"III. The Italian Government shall render to the Supreme Pontiff, in the territories of the Kingdom, the honors which are due to *royal rank*, and shall maintain the privileges of honor which are paid to him by Catholic sovereigns.

"The Supreme Pontiff shall have liberty to maintain the ordinary number of guards attached to his person and for the custody of his palaces; the said guards shall, however, be bound by all obligations and duties entailed upon them by the existing laws of the Kingdom.

"IV. The annual dotation of 3,225,000 lire in favor of the Holy See is maintained.

"The sum aforesaid, equal to the sum inscribed on the Roman Budget under the head of 'Sacri Palazzi Apostolici, Sacro Collegio, Congregazioni ecclesiastiche, Segreteria di Stato, ed ordine diplomatic all' estero,' shall be considered as providing for the maintenance of the Supreme Pontiff, for the diverse ecclesiastical wants of the Holy See, for ordinary and extraordinary repairs to and the custody of the Apostolic Palaces and their dependencies: for allowances, gratuities and pensions to the guards mentioned in the preceding Article, and to

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all persons attached to the Pontifical Court, and for eventful expenditure; as well as for the ordinary repairs and custody of the museums and library thereto annexed, and to allowances, stipends and pensions to persons employed for that purpose.

“The dotation aforesaid shall be inscribed in the great book of the public debt, in the form of an annuity perpetual and inalienable in the name of the Holy See; the same shall likewise be paid pending all vacancies of the See, in order to supply all the wants inherent to the Roman Church during this interval.

“It shall be exempt from any kind of tax or charge, governmental, municipal, or provincial; and it shall never be reduced, even in the case that the Italian Government should subsequently determine to take charge of the expenditure incidental to the museums and library.

“V. The Supreme Pontiff shall, besides the dotation fixed by preceding Article, have free enjoyment of the Apostolic Palaces of the Vatican and the Lateran, with the edifices, gardens and grounds annexed and depending thereon, as also the Villa of Castel Gandolfo, with all its accessories and dependencies.

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“The said palaces, villa and accessories, and likewise the museums, library and artistical and archeological collections therein existing, shall be inalienable and exempt from all tax or charge, and from expropriation for public purposes.

“VI. During the vacancy of the Pontifical See, no judicial or political authority shall, on any pretense whatsoever, offer any impediment or limitation to the personal liberty of the Cardinals.

“The Government shall take proper measures in order that the Assemblies of the Conclave and Œcumenical Councils be not disturbed by any external violence.

“VII. No public officer or agent of the public force shall be permitted, in the discharge of his functions, to penetrate into the palaces or places the habitual residence or temporary sojourn of the Supreme Pontiff, or in which a Conclave or Œcumenical Council may be assembled, without the authorization of the Supreme Pontiff, or of the said Conclave or Œcumenical Council.

“VIII. It is likewise forbidden to visit, search, or seize any papers, documents, books or registers in the Pontifical offices or congregations which may be

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invested with a merely spiritual character.

“IX. The Supreme Pontiff shall have full liberty to exercise all the functions of his spiritual ministry, and to cause all the acts pertaining thereto to be affixed at the doors of the basilicas and churches in Rome.

“X. No person or persons clothed with an ecclesiastical character, who, by virtue of their office, may take part in the publication of any act of the spiritual ministry of the Holy See, shall be subject, on account thereof, to any molestation, investigation, or examination on the part of the public authorities.

“Any foreign person invested with an ecclesiastical office in Rome shall enjoy the personal rights which belong to Italian citizens by force of the laws of the Kingdom.

“XI. The Envoys of foreign Governments to His Holiness shall enjoy, in the Kingdom, all the rights and immunities which belong to Diplomatic Agents, in accordance with international law.

“Such offenses as may be committed against the said Envoys shall be punished with the same penalties as are established for the offenses committed

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against foreign Envoys to the Italian Government.

“The rights and immunities established in accordance with international law are hereby ensured, in the territories of the Kingdom, to the Envoys of His Holiness to the foreign Governments, both in going to or returning from the place of their mission.

“XII. The Supreme Pontiff shall be at liberty to correspond with the Episcopate, and with the whole Catholic world, without any interference on the part of the Italian Government.

“To this effect he shall be free to establish in the Vatican, or in any other of his residences, postal and telegraphic offices, and to employ therein persons of his choice.

“The Pontifical Post-office shall be allowed either to correspond directly by closed mail with the exchange Post-office of foreign States, or to deliver its correspondence into the Italian Post-offices.

“In either case, the transmission of despatches or correspondence, bearing the stamp of the Pontifical Post-offices, shall be free from any tax or charge throughout the Italian territory.

“Messengers commissioned by the Su-

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preme Pontiff shall be placed, in the Kingdom, on the same footing as the Cabinet messengers of foreign Governments.

“The Pontifical Telegraphic Office shall be connected with the telegraphic lines of the Kingdom, at the charge of the State.

“Telegraphic despatches issued by the said office, and bearing the authentic qualification of ‘Pontificii,’ shall be received and transmitted with the same privileges which are conceded to State telegrams; they shall also be exempt from any tax in the Kingdom.

“Similar advantages shall be extended to telegrams of the Supreme Pontiff, or signed by his order, bearing the stamp of the Holy See, which may be presented at any telegraphic office of the Kingdom.

“Telegrams addressed to the Supreme Pontiff shall be exempt from the taxes usually charged to the receiver.

“XIII. Seminaries, academies, colleges and other institutions for the education and tuition of members of the priesthood, in the City of Rome, and in the six suburban sees, shall remain exclusively dependent on the Holy See, without any interference on the part of the school authorities of the Kingdom.

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“SECTION 2. RELATIONS OF CHURCH AND STATE.

“XIV. Every special restriction of the right of assemblage of members of the Catholic clergy is hereby annulled.

“XV. The Government hereby renounces its right of ‘Legazia Apostolica’ in Sicily, as also its right of appointment of representation in the collation of the higher benefices throughout the Kingdom.

“Bishops shall not be required to take the oath of allegiance to the King.

“The higher and lesser benefices shall be conferred solely upon citizens of the Kingdom, with the exception of such benefices as are situate in the City of Rome and in the suburban sees.

“No new provision is made for the collation of benefices in the patronage of the Crown.

“XVI. The ‘exequatur’ and the ‘placet’ of the Crown and every other form of Government warrant for the publication and execution of acts emanating from ecclesiastical authorities are hereby abolished.

“All acts, however, of the authorities aforesaid, concerning the settlement of

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ecclesiastical estates, and the provision for the higher and lesser benefices, with exception of those which are situate in the City of Rome and in the suburban sees, shall remain subject to the 'exequatur' and the 'placet' of the Crown, until it be otherwise provided by the special law mentioned in Article XVIII.

"No change is made in regard to the enactments of civil laws respecting the creation and modes of existence of ecclesiastical institutions, and the alienation of their estate.

"XVII. No complaint or appeal from acts issued by the ecclesiastical authorities, in matters spiritual or disciplinary, shall be allowed; no compulsory execution, however, shall be acknowledged or granted to the acts aforesaid. The cognizance of the legal effects of the said acts, or of any act whatsoever of the last-mentioned authorities, belongs to the civil magistrates.

"Should these acts, however, be found contrary to the laws of the State, or to public order, or detrimental to the rights of private citizens, they shall remain without effect, and they shall be subject to penal law, should they constitute a misdemeanor.

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“XVIII. Provision shall be made by a further enactment for the reorganization, the conservation, and the administration of ecclesiastical property throughout the Kingdom.

“XIX. Any provision of law now in force, concerning matters contemplated by this present enactment, in so far as they be contrary to the same, shall henceforth be null and void.

“We order that the present Law, provided with the Seal of State, be inserted in the official collection of the Laws and Decrees of the Kingdom of Italy, charging all whom it may concern to obey and cause it to be obeyed as a Law of the State.

“Given in Turin, May 13, 1871.

“VICTOR EMMANUEL.

“G. LANZA.

“E. VISCONTI-VENOSTA.

“GIOVANNI DE FALCO.

“QUINTINO SELLO.

“C. CORRENTI.

“C. RICOTTI.

“G. ACTON.

“CASTAGNOLA.

“G. GADDA.”

—*British State Papers*, Vol. LXV., p. 638.

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The provision in clause 3 of the foregoing law for the honors of royal rank to be accorded to the Pope by the Italian Government makes the definition of the term "royal honors" matter of importance. Bouvier's "Law Dictionary," Rawle's third revision, gives at page 2,975 the following definition:

"ROYAL HONORS.—In diplomatic language, by this term is understood the rights enjoyed by every empire or kingdom in Europe, by the Pope, the grand duchies of Germany, and the Swiss confederation, to precedence over all others who do not enjoy the same rank, with the exclusive right of sending to other states public ministers of the first rank, as ambassadors, together with other distinctive titles and ceremonies."

Some confusion and misunderstanding have arisen from the unfortunate terminology used by many writers on the loss to the Papacy of the pontifical state. Many authors refer to that event as terminating the temporal power of the Pope, though the same authors recognize temporal sovereignty in him after that

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loss. It would be more precise to refer to the incorporation of the Papal State into the Kingdom of Italy as divesting the Pope of his territorial dominion rather than divesting him of temporal power. In order to grasp the real situation and the thought present in the mind of these authors, due allowance should be made for this apparent looseness of terminology.

Provisions contained in the foregoing statute¹ show clearly that *Italy had no intention of disturbing the prerogatives of the Pope as sovereign pontiff of the Roman Catholic Church*. The inviolability of person accorded to him in the first clauses of this law is an attribute belonging to every sovereign and to no one else. Moreover, he is expressly guaranteed the dignity and honors of royal rank. The place of his residence or temporary sojourn is exempted from any control or interference by the Government of Italy or its officials. The same exemption is extended to conclaves and œcumenical councils.

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Provision is made whereby the Pope may send and receive envoys under the same protection and immunities enjoyed by diplomatic agents to and from the king. Ample facilities are provided for communication by mail and telegraph between the sovereign pontiff and the entire world, including the hierarchy and membership of the Roman Catholic Church in every land.

As stated in an earlier paragraph of this work, the claims of the Pope to sovereign power prior to 1870 were supported by his character as monarch of the Papal State and also by his position as supreme pontiff of the Roman Catholic Church. It was established by the authorities on international law that the immense sovereign prestige exercised by him in the politics of the world could not arise from his position in the small Papal State, but was due to his rank as sovereign pontiff.

The foregoing law of guarantees demonstrates that Italy, when divesting him of the Papal State, had no intention

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to impair his sovereign rank as pontiff. All the essential rights and prerogatives of the latter rank were expressly recognized and perpetuated by this statute, and he is still clothed with all the sovereignty pertaining to that rank.

VII

STILL CLAIMS PRE-EMINENT SOVEREIGNTY

(4) The highest Roman Catholic authorities, including popes and œcumenical councils, claim for the Pope supreme and pre-eminent sovereignty throughout the world.

The immense civil and political power wielded by the popes in the Middle Ages has already been set forth in this work and established by quotations from leading writers on international law. It is clear that such power can not coexist with real sovereignty and independence of the state.

But some of the greatest popes and œcumenical councils will now be permitted to state the Papal claims to sovereignty. The Papacy reached the zenith of its civil power in the reign of Innocent the Third early in the thirteenth

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century. None of his predecessors had wielded a dominion so bold, so extended and so absolute. This great pontiff, in his triumphant conflict with Philip Augustus, King of France, addressed to that powerful monarch the following pungent statement:

“To princes power is given on earth, but to priests it is attributed also in heaven; to the former only over bodies, to the latter also over souls. Whence it follows that by so much as the soul is superior to the body, *the priesthood is superior to the kingship*. . . . Single rulers have single provinces, and single kings, single kingdoms; but Peter, as in the plenitude, so in the extent of his power, is pre-eminent over all, since he is the Vicar of Him whose is the earth and the fulness thereof, the whole wide world and all that dwell therein.”—*Encyclopædia Britannica*, Vol. XIV., p. 579.

Few utterances touching Papal sovereignty have received more attention than the famous bull issued in 1302 by Boniface VIII. against Philip the Fair, King

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of France. Notwithstanding imputations of heresy against that pope, the greatest Roman Catholic authorities of later times unhesitatingly declare this bull to be a valid and irreformable declaration of ecclesiastical law. Following is an English translation of the bull in its entirety:

FAMOUS BULL UNAM SANCTAM OF BONIFACE VIII.

“Boniface, Bishop, Servant of the servants of God. For perpetual remembrance:—

“Urged on by our faith, we are obliged to believe and hold that there is one holy, catholic, and apostolic Church. And we firmly believe and profess that outside of her there is no salvation nor remission of sins, as the bridegroom declares in the canticles, ‘My dove, my undefiled, is but one, she is the only one of her mother; she is the choice of her that bare her.’ And this represents the one mystical body of Christ, and of this body Christ is the head, and God is the head of Christ. In it there is one Lord, one faith, one baptism. For in the time of the Flood there

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was the single ark of Noah, which prefigures the one church, and it was finished according to the measure of one cubit and had one Noah for pilot and captain, and outside of it every living creature on the earth, as we read, was destroyed. And this Church we revere as the only one, even as the Lord saith by the prophet, 'Deliver my soul from the sword, my darling from the power of the dog.' He prayed for his soul, that is, for himself, head and body. And this body he called one body, that is, the Church, because of the single bridegroom, the unity of the faith, the sacraments, and the love of the Church. She is that seamless shirt of the Lord which was not rent, but was allotted by the casting of lots. Therefore, this one and single Church has one head and not two heads,—for had she two heads, she would be a monster,—that is, Christ and Christ's vicar Peter and Peter's successor. For the Lord said unto Peter, 'Feed my sheep.' 'My,' he said, speaking generally and not particularly, 'these and those,' by which it is to be understood that all the sheep are committed unto him. So, when the Greeks or others say that they were not committed to the care

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of Peter and his successors, they must confess that they are not of Christ's sheep, even as the Lord says in John, 'There is one fold and one shepherd.'

"That in her and within her power are two swords, we are taught in the Gospels, namely, the spiritual sword and the temporal sword. For when the Apostles said, 'Lo, here'—that is, in the Church,—are two swords, the Lord did not reply to the Apostles 'it is too much,' but 'it is enough.' It is certain that whoever denies that the temporal sword is in the power of Peter, hearkens ill to the words of the Lord which he spake, 'Put up thy sword into its sheath.' Therefore, both are in the power of the Church, namely, the spiritual sword and the temporal sword; the latter is to be used for the Church, the former by the Church; the former by the hand of the priest, the latter by the hand of the princes and kings, but at the nod and sufferance of the priest. The one sword must of necessity be subject to the other, and the temporal authority to the spiritual. For the Apostle said, 'There is no power but of God, and the powers that be are ordained of God;' and they would not have been ordained unless one sword had been

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made subject to the other, and even as the lower is subjected by the other for higher things. For, according to Dionysius, it is a divine law that the lowest things are made by mediocre things to attain to the highest. For it is not according to the law of the universe that all things in an equal way and immediately should reach their end, but the lowest through the mediocre and the lower through the higher. But that the spiritual power excels the earthly power in dignity and worth, we will the more clearly acknowledge just in proportion as the spiritual is higher than the temporal. And this we perceive quite distinctly from the donation of the tithe and functions of benediction and sanctification, from the mode in which the power was received, and the government of the subjected realms. For truth being the witness, the spiritual power has the functions of establishing the temporal power and sitting in judgment on it if it should prove to be not good! And to the Church, and the Church's power, the prophecy of Jeremiah attests: 'See, I have this day set thee over the nations and the kingdoms, to pluck up and to break down and to destroy

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and to overthrow, to build and to plant.'

"And if the earthly power deviate from the right path, it is judged by the spiritual power; but if a minor spiritual power deviate from the right path, the lower in rank is judged by its superior; but if the supreme power (the Papacy) deviate, it can be judged not by man, but by God alone. And so the Apostle testifies: 'He which is spiritual judges all things, but he himself is judged by no man.' But this authority, although it be given to man, and though it be exercised by a man, is not a human, but a divine, power given by divine word of mouth to Peter and confirmed to Peter and to his successors by Christ himself, whom Peter confessed, even him whom Christ called a rock. For the Lord said to Peter himself, 'Whatsoever thou shalt bind on earth,' etc. Whoever, therefore, resists this power so ordained by God, resists the ordinance of God, unless perchance he imagine two principles to exist, as did Manichæus, which we pronounce false and heretical. For Moses testified that God created heaven and earth, not in the beginnings, but 'in the beginning.'

"Furthermore, that every human creature is subject to the Roman pontiff,—

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this we declare, say, define, and pronounce to be altogether necessary to salvation."—*History of the Christian Church*, by Schaff, Vol. V., Part II., p. 25.

When addressing the cardinals in opposition to Colonna, Pope Boniface VIII. spoke as follows:

[Translation from the German.]

"How shall we assume to judge kings and princes, and not dare to proceed against a worm! Let them perish forever, that they may understand that the name of the Roman Pontiff is known in all the earth and that *he alone is most high over princes*."—*Aus den Tagen Bonifaz VIII.*, p. 152 *et seq.*

Lest it may be contended that the foregoing Papal declarations belong to the darkness of the Middle Ages and are no longer recognized by the Roman Catholic Church, it is proper to state that these and all other official words and deeds of the Papacy since its institution have been expressly reaffirmed with emphasis by the greatest popes of the

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nineteenth and twentieth centuries. On December 8, 1864, Pope Pius IX. issued his "Syllabus of Erros," wherein he collated in brief paragraphs eighty alleged heresies which had been condemned in his previous letters, encyclicals and allocutions.

The peculiar form of this Syllabus renders it liable to misunderstanding by casual readers. The Pope merely states in concise paragraphs the respective doctrines which he condemns. He holds and teaches, therefore, the negative or opposite of these doctrines as stated and condemned in the Syllabus.

In paragraph 23 of this Syllabus, the Pope denounces and condemns the doctrine that

"The Roman Pontiff and Œcumenical Councils have exceeded the limits of their power, have usurped the rights of princes, and have even committed errors in defining matters of faith and morals."

In so denying and condemning the statement that Roman pontiffs and councils have exceeded their powers and

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usurped the rights of princes and committed doctrinal errors, Pius IX. affirms that his predecessors have not committed the wrongs charged in the paragraph. He thus expressly reaffirms the doctrines and conduct of all preceding popes.

Pope Leo XIII., in his "Encyclical Letter Immortale Dei," of November 1, 1885, also reaffirms the teaching of all earlier pontiffs in the following words:

"If, in the difficult times in which our lot is cast, Catholics will give ear to Us, as it behooves them to do, they will readily see what are the duties of each one in matters of opinion as well as action. As regards opinion, whatever the Roman pontiffs have hitherto taught, or shall hereafter teach, must be held with a firm grasp of mind, and, so often as occasion requires, must be openly professed.

"Especially with reference to the so-called 'Liberties' which are so greatly coveted in these days, all must stand by the judgment of the Apostolic See, and have the same mind."—*Great Encyclical Letters of Leo XIII.*, pp. 129, 130.

In the foregoing statement Leo XIII.

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adds the sanction of his approval of all that Roman pontiffs had taught in the past and all that they would teach in the future. Like Pius IX., therefore, he reaffirms as infallible and irreformable the extravagant claims made by all his predecessors.

The "Catholic Directory for 1916," published with official sanction and approval of the Roman Catholic hierarchy, of which the Pope is the sovereign head, gives on page 1 the following as the official title of the Pope:

"HIS HOLINESS THE POPE

"Bishop of Rome and vicar of Jesus Christ,

"Successor of St. Peter, prince of the apostles,

"Supreme pontiff of the universal church,

"Patriarch of the West, primate of Italy,

"Archbishop and metropolitan of the Roman province,

"Sovereign of the temporal dominions of the Holy Roman Church."

VIII

STILL CLAIMS PRE-EMINENT SOVEREIGNTY (Continued)

BUT the Roman Church in recent times has not been satisfied with merely reaffirming the claims to sovereignty of the earlier pontiffs. Pope Pius IX. convened at Rome in 1870 the last œcumenical council that has been held. It is known as the Vatican Council, and its decrees concerning the attributes and sovereign pre-eminence of the Pope so far transcend all claims previously made as to revolutionize the legal status of the Papacy in its relation to civil government. The prerogatives attributed to the Roman pontiff by the solemn decrees of that council surpass the most extravagant powers accorded to any institution, political or ecclesiastical, in all the past history of mankind.

The most significant statements em-

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anating from the Vatican Council relative to the attributes of the sovereign pontiff are contained in Chapters III. and IV. of the "Dogmatic Decrees." Though attention of the public has been directed less to the third chapter than to the fourth, declarations contained in the former bear even more directly on the civil and ecclesiastical supremacy of the Roman pontiff.

Moreover, the decree of infallibility contained in the fourth chapter is by its own terms limited to utterances wherein the pontiff speaks *ex cathedra*, while no such limitation applies to the statements in the third chapter. These statements require unconditional submission and obedience to Papal discipline and authority on the part of every Roman Catholic in the world. The following paragraphs in the third chapter fairly indicate the scope and spirit of that chapter:

"Hence we teach and declare that by the appointment of our Lord the Roman Church possesses a superiority of ordinary power over all other churches, and that this power of jurisdiction of the

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Roman Pontiff, which is truly episcopal, is immediate; to which all, of whatever rite and dignity, both pastors and faithful, both individually and collectively, are bound, by their duty of hierarchial subordination and true obedience, to submit not only in matters which belong to faith and morals, but also in those that appertain to the discipline and government of the Church throughout the world, so that the Church of Christ may be one flock under one supreme pastor through the preservation of unity both of communion and of profession of the same faith with the Roman Pontiff. This is the teaching of Catholic truth, from which no one can deviate without loss of faith and of salvation.”—*Dogmatic Canons and Decrees* (New York, 1912), bearing the Impri-matur of Cardinal Farley, pp. 247, 248.

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“If, then, any shall say that the Roman Pontiff has the office merely of inspection or direction, and not full and supreme power of jurisdiction over the universal Church, not only in things which belong to faith and morals, but also in those which relate to the discipline and government of the Church spread throughout the world; or assert that he possesses

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merely the principal part, and not all the fullness of this supreme power; or that this power which he enjoys is not ordinary and immediate, both over each and all the churches, and over each and all the pastors and the faithful—let him be anathema.”—*Id.*, p. 250.

There is manifestly great significance in the fact that *collective* obedience is expressly required in the foregoing dogma. Resistance to Papal aggressions has seldom been offered by individuals. Such resistance has come chiefly from states or the sovereign rulers of states. The most withering ecclesiastical weapon in the hands of the Pope has been in all past ages the interdict, which operates against states and peoples in their collective character.

With these facts the sagacious prelates in the Vatican Council were perfectly conversant, and the form of the dogma under consideration is therefore a master stroke of their political discernment and skill. In 1875 William E. Gladstone published a most admirable tract on “The

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Vatican Decrees in Their Bearing on Civil Allegiance." His comment on the decree of obedience to Papal authority, set forth in the third chapter of "The Dogmatic Decrees," is at once so judicious and so forceful as to justify the following quotation:

MR. GLADSTONE'S STATEMENT.

"Even therefore, where the judgments of the Pope do not present the credentials of Infallibility, they are unappealable and irreversible: no person may pass judgment upon them; and all men, clerical and lay, dispersedly or in the aggregate, are bound truly to obey them; and from this rule of Catholic truth no man can depart, save at the peril of his salvation. Surely, it is allowable to say that this Third Chapter on universal Obedience is a formidable rival to the Fourth Chapter on Infallibility. Indeed, to an observer from without, it seems to leave the dignity to the other, but to reserve the stringency and efficiency to itself. The Third Chapter is the Merovingian Monarch; the Fourth is the Carolingian Mayor of the Palace. The Third has an overawing splendor; the Fourth, an iron grip. Little

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does it matter to me whether my superior claims infallibility, so long as he is entitled to demand and exact conformity. This, it will be observed, he demands even in cases not covered by his infallibility; cases, therefore, in which he admits it to be possible that he may be wrong, but finds it intolerable to be told so. As he must be obeyed in all his judgments, though not *ex cathedra*, it seems a pity he could not likewise give the comforting assurance that they are all certain to be right.

“But why this ostensible reduplication—this apparent surplusage? Why did the astute contrivers of this tangled scheme conclude that they could not afford to rest content with pledging the Council to infallibility in terms which are not only wide to a high degree, but elastic beyond all measure?

“Though they must have known perfectly well that ‘faith and morals’ carried everything, or everything worth having, in the purely individual sphere, they also knew just as well that, even where the individual was subjugated, they might and would still have to deal with the State.

“In mediæval history, this distinction

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is not only clear, but glaring. Outside the borders of some narrow and proscribed sect, now and then emerging, we never, or scarcely ever, hear of private and personal resistance to the Pope. The manful 'Protestantism' of mediæval times had its activity almost entirely in the sphere of public, national, and State rights. Too much attention, in my opinion, can not be fastened on this point. It is the very root and kernel of the matter. Individual servitude, however abject, will not satisfy the party now dominant in the Latin Church: the State must also be a slave."—Pages 28, 29.

We come now to consider the decree of infallibility contained in the fourth chapter of the "Dogmatic Decrees." In order that the substance of that decree may be clearly known and correctly understood, the concluding paragraphs summing up the essence of the decree are copied here verbatim:

"Therefore, faithfully adhering to the tradition received from the beginning of the Christian faith, for the glory of God our Saviour, the exaltation of the Catholic religion, and the salvation of Chris-

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tian people, the sacred Council approving, we teach and define that it is a dogma divinely revealed: that the Roman Pontiff, when he speaks *ex cathedra*, that is, when in discharge of the office of pastor and doctor of all Christians, by virtue of his supreme Apostolic authority, he defines a doctrine regarding faith or morals to be held by the universal Church, by the divine assistance promised to him in blessed Peter, is possessed of that infallibility with which the divine Redeemer willed that his Church should be endowed for defining doctrine regarding faith and morals; and that therefore such definitions of the Roman Pontiff are irreformable of themselves, and not from the consent of the Church.

“But if any one—which may God avert—presume to contradict this our definition: let him be anathema.”—*Dogmatic Canons and Decrees*, pp. 256-7.

Such is the famous doctrine of Papal infallibility. For hundreds of years the claim of the Roman Catholic Church to infallibility had been an issue of contention in many forums. Both in the arena of polemics and in seeking to justify their

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claims to citizenship and the franchise, Roman prelates have denied with much industry and vehemence any claim of the sovereign pontiff to infallibility. Their denial had induced the removal of civil disabilities existing against them by legislative action in various countries within the past hundred years. The efficacy of their denial in removing such disabilities in England is clearly pointed out by Mr. Gladstone in his tract hereinbefore quoted.

When not so occupied in denying that the Roman Catholic Church laid claim to infallibility, the leading prelates were debating in synod and council whether the infallibility of the church was vested in the pope or the œcumenical council.

The Vatican Council, the largest numerically in the history of the church, with 764 prelates in attendance, solved the problem for all future time by handing down, on July 18, 1870, the foregoing decree of Papal infallibility. The tremendous force and boundless scope of that decree are not perhaps readily appar-

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ent to those unskilled in the construction of statutory enactments. To such readers it may appear to have little or no direct bearing on the relations existing between the Papacy and civil governments. But lawyers and statesmen and scholars were not slow to grasp its import and significance.

IX

STILL CLAIMS PRE-EMINENT SOVEREIGNTY (Concluded)

POPE LEO XIII. and other Roman Catholic authorities skillfully endeavor to divert attention from the dangers lurking in this decree by declaring that the state has exclusive jurisdiction over society in its earthly and civil aspects, while the church deals with man exclusively in his spiritual and eternal interests, and that conflict of the civil with the ecclesiastical power is therefore virtually impossible. But if such conflict should incidentally arise, these Papal writers insist, a friendly agreement or concordat, bilateral and beneficent, will readily define the boundary separating the two sovereign jurisdictions and prevent serious friction.

In the following remarks, taken from the "Encyclical Letter *Immortale Dei*"

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of November 1, 1885, Pope Leo XIII. states with characteristic suavity the theory which Roman Catholics hold out to the world touching the essential harmony between church and state:

“The Almighty, therefore, has appointed the charge of the human race between two powers, the ecclesiastical and the civil, the one being set over divine, and the other over human, things. Each in its kind is supreme, each has fixed limits within which it is contained, limits which are defined by the nature and special object of the province of each, so that there is, we may say, an orbit traced out within which the action of each is brought into play by its own native right. But inasmuch as each of these two powers has authority over the same subjects, and as it might come to pass that one and the same thing—related differently, but still remaining one and the same thing—might belong to the jurisdiction and determination of both, therefore God, who foresees all things and who is the author of these two powers, has marked out the course of each in right correlation to the other. For the powers that are, are ordained of

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God. Were this not so, deplorable contentions and conflicts would often arise, and not infrequently men, like travelers at the meeting of two roads, would hesitate in anxiety and doubt, not knowing what course to follow. Two powers would be commanding contrary things, and it would be a dereliction of duty to disobey either of the two.

“But it would be most repugnant to deem thus of the wisdom and goodness of God. Even in physical things, albeit of a lower order, the Almighty has so combined the forces and springs of nature with tempered action and wondrous harmony that no one of them clashes with any other, and all of them most fitly and aptly work together for the great purpose of the universe. There must, accordingly, exist, between these two powers, a certain orderly connection, which may be compared to the union of the soul and body in man. The nature and scope of that connection can be determined only, as We have laid down, by having regard to the nature of each power, and by taking account of the relative excellence and nobleness of their purpose. One of the two has for its proximate and chief object the well-being

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of this mortal life; the other, the everlasting joys of heaven. Whatever, therefore, in things human, is of a sacred character, whatever belongs, either of its own nature or by reason of the end to which it is referred, to the salvation of souls, or to the worship of God, is subject to the power and judgment of the Church. Whatever is to be ranged under the civil and political order is rightly subject to the civil authority. Jesus Christ has Himself given command that what is Cæsar's is to be rendered to Cæsar, and that what belongs to God is to be rendered to God.

"There are, nevertheless, occasions when another method of concord is available for the sake of peace and liberty: We mean when rulers of the State and the Roman Pontiff come to an understanding touching some special matter. At such times the Church gives signal proof of her motherly love by showing the greatest possible kindness and indulgence."—*Great Encyclical Letters*, pp. 114, 115.

Notwithstanding the smooth urbanity of the foregoing statement from the most diplomatic pontiff of the nineteenth cen-

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tury, the Papacy has so construed its own prerogatives under the decrees of the Vatican Council as to assume unlimited power to curb and restrain the rights and jurisdiction of the state. Leading Roman Catholic authorities on the canon law, and the popes themselves, boldly declare and hold that, in the relations between the civil and ecclesiastical powers, the latter occupies exactly the position of a superior tribunal with ample right to restrain the civil power, as an inferior, within jurisdictional limits prescribed by the Pope alone. The restraining power of the Pope is identical in its method and amplitude with the writ of prohibition by which a superior court restrains an inferior court within the bounds of its jurisdiction.

In support of these allegations, a few brief passages from the encyclical letters of Leo XIII. will now be submitted, after which one of the ablest and most luminous Papal writers on canon law will be permitted to state fully and in his own words the power and method by which

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Roman Catholic authorities accord to the Pope this supreme jurisdiction to define the rights and restrain the authority of every civil government in the world. In this connection the following expressions of Leo XIII. are submitted:

“But 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.”—*Great Encyclical Letters*, p. 185.

“And just as the end at which the Church aims is by far the noblest of 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.”—*Id.*, pp. 112, 113.

These declarations of Leo XIII., in his pastoral encyclicals touching the duties of Roman Catholics as citizens, purport under the Vatican Decrees to be infallible and irreformable. Taken to-

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gether, they clearly express the claim of the Pope to authority superior to that of the state.

The real teaching of the Roman Church, when stated more fully, is that, to prevent strife between the civil and ecclesiastical powers, the one or the other must be clothed with the paramount right to define the jurisdictional limits of both, and to locate the boundary-line between the two jurisdictions. This paramount right the Papacy boldly claims and asserts. Appropriating the unbounded wisdom and prerogatives that lurk in the decree of infallibility, it declares that only supreme and infallible wisdom is capable of defining the limits of its own jurisdiction or that of its rival; and since this wisdom is attributed by the Vatican decree exclusively to the Pope, he alone is able to define with infallible accuracy the limits of his own jurisdiction, from which he is by divine right empowered to banish and restrain the jurisdiction of the state.

By virtue of the foregoing doctrine,

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the Papacy claims in the most emphatic manner the exclusive right to define the civil authority of the state in a way to prevent the exercise of that authority within the circle which the Pope, by the same infallible right, has defined as belonging solely to him. The exercise by the Pope of this unlimited prerogative would make an end of all sovereign power in the state or in any other functionary than the Pope himself. His paramount prerogatives would confine the authority of the state within jurisdictional limitations fixed by him exactly as a superior court by its writ of prohibition restrains the inferior court within jurisdictional boundaries fixed and determined by the superior court issuing the writ.

It may be objected that the infallibility set forth by the Vatican Council is confined to those Papal utterances which relate to faith and morals; that they do not, therefore, include issues of discipline and civil authority. But the Pope is made the sole and infallible judge of

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what are questions concerning faith and morals, and he is clothed with power without limit to give any breadth and latitude whatever to the range of faith and morals. There is no conceivable duty or conduct that may not, in his construction, be brought within the bounds of faith and morals. His prerogatives, therefore, cover the whole field of organized society and human relationship.

Dr. Sebastian B. Smith, an eminent Roman Catholic authority and voluminous writer on canon law, in Section 481 of his work in three volumes on ecclesiastical law, beginning on page 227 of Volume I., states the astounding claims of the Papacy over the civil government, on the basis of the Vatican decrees and Papal bulls, in the following words:

“In whatsoever things, whether essentially or by accident, the spiritual end—that is, the end of the Church—is necessarily involved, in those things, though they be temporal, the Church may by right exert its power and *the civil state ought to yield*. . . . In this proposi-

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tion is contained the full explanation of the indirect spiritual power of the Church over the state. The proposition is proved: I. From reason.—Either the Church has an indirect power over the state, or the state has an indirect power over the Church. There is no alternative. For, as experience teaches, conflicts may arise between Church and State. Now, in any question as to the competence of the two powers, either there must be some judge to decide what does and what does not fall within their respective spheres, or they are delivered over to perpetual doubt and to perpetual conflict. But who can define what is or is not within the jurisdiction of the Church in faith and morals, except a judge who knows what the sphere of faith and morals contains and how far it extends? It is clear that the civil power can not define how far the circumference of faith and morals extends. To do this it must know the whole deposit of explicit and implicit faith. Therefore, the *Church alone can fix the limits of its jurisdiction; and if the Church can fix the limits of its own jurisdiction, it can fix the limits of all other jurisdiction—at least, so as to warn it off its own domain.* Hence, the Church

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is supreme in matters of religion and conscience; she knows the limits of the competence of the civil power. Again, if it be said that the State is altogether independent of the Church, it would follow that the State would also be independent of the law of God in things temporal; for the divine law must be promulgated by the Church. It is unmeaning to say that princes have no superior but the law of God; for a law is no superior without an authority to judge and to apply it. II. We next prove our thesis from authority. We refer to the famous bull *Unam Sanctam*, issued by Pope Boniface VIII. in 1302. This bull declares that there is but one true Church, and therefore one head of the Church—the Roman Pontiff; that there are two swords—*i. e.*, two powers—the spiritual and the temporal; the latter must be subject to the former. The bull finally winds up with this definition: ‘And this we declare, affirm, define (*definimus*), and pronounce, that it is necessary for the salvation of every human creature that he should be subject to the Roman Pontiff.’ This is undoubtedly a *de fide* definition—*i. e.*, an utterance *ex cathedra*. In fact, the bull, though occasioned by

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and published during the contest between Boniface VIII. and Philip the Fair, King of France—who held that he was in no sense subject to the Roman Pontiff—had for its object, as is evident from its whole tenor and wording, this: to define dogmatically the relation of the Church to the state in general; that is, universally, not merely the relations between the Church and the particular state or nation—France. Now, what is the meaning of this *de fide* definition? There are two interpretations: one, given by the enemies of the Papacy, is that the Pope, in this bull, claims not merely an indirect, but a direct and absolute, power over the State, thus completely subordinating it to the Church; that is, subjecting it to the Church, even in purely temporal things. This explanation, given formerly by the partisans of Philip the Fair, by the Regalists in the reign of Louis XIV., and at present by Janus, Dr. Schulte, the Old Catholics, and the opponents of the Papal infallibility in general, is designed to throw odium upon the Holy See and arouse the passions of men, especially of governments, against the lawful authority of the Sovereign Pontiffs. The second or Catholic interpretation is that the

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Church, and therefore the Pope, has indirect authority over the State; that therefore the State is subject to the Church in temporal things, so far as they relate to eternal salvation or involve sin. Thus, the illustrious Bishop Fessler, Secretary to the Vatican Council, says that this bull affirms merely that Christian rulers are subject to the Pope, as head of the Church, but not in purely temporal things; 'still less,' continues Fessler, 'does it [the bull] say (as Dr. Schulte formulates his second proposition) that the temporal power must act unconditionally in subordination to the spiritual.' That this is the correct interpretation appears, I., from the whole tenor of the bull itself; for it expressly declares that the spiritual and temporal powers are distinct one from the other; that the former is to be used by the latter for the Church. Again it says: 'The spiritual power (*i. e.*, the Church) has to instruct and judge the earthly power, if it be not good. If, therefore, the earthly power deviates (from its end), it will be judged by the spiritual.' Again, before issuing the bull *Unam Sanctam*, Pope Boniface VIII. had already declared, in a consistory held in 1302, that he had never

dreamt of usurping upon the authority of the King (of France)—*i. e.*, of assuming any power over the state in purely temporal matters; but that he had declared, in the bull *Ausculda Fili* (A. D. 1301), the King (of France) to be like any other Christian, subject to him only in regard to sin. It is therefore *de fide* that the Church, and therefore the Pope, has indirect power over the State; and that, consequently, THE STATE, IN TEMPORAL THINGS THAT INVOLVE SIN, IS SUBJECT TO THE CHURCH.

“482. From what has been said we infer: 1. The authority of princes and the allegiance of subjects in the civil state of nature are of divine ordinance; and, therefore, so long as princes and their laws are in conformity to the law of God, the Church has no jurisdiction against them nor over them. 2. If princes and their laws deviate from the law of God, the Church has authority from God to judge of that deviation, and to oblige its correction. 3. This authority of the Church is not direct in its incidence on temporal things, but only indirect. 4. THIS INDIRECT POWER OF THE CHURCH OVER THE STATE IS INHERENT IN THE DIVINE CONSTITUTION AND COMMISSION

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OF THE CHURCH; but its exercise in the world depends on certain moral and material conditions by which alone its exercise is rendered either possible or just. This last conclusion is carefully to be borne in mind; it shows that, until a Christian world and Christian rulers existed, there was no subject or *materia apta* for the exercise of the supreme judicial authority of the Church in temporal things. So much for the relation of the Church to the infidel state. When a Christian world came into existence, the civil society of man became subject to the spiritual direction of the Church. So long, however, as individuals only subjected themselves, one by one, to its authority, the conditions necessary for the exercise of its office were not fully present. The Church guided men, one by one, to their end; but as yet the collective society of nations was not subject to its guidance. It is only when nations and kingdoms become socially subject to the supreme doctrinal and judicial authority of the Church that the conditions of its exercise are verified. So much for the relation of the Church to the Catholic state. At present the world or civil society, with scarcely a single exception, has ceased to be Catholic, or

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even Christian. It has withdrawn itself socially as a whole, and, in the public life of nations, from the unity and the jurisdiction of the Christian Church. Now, the Church, it is true, never loses its jurisdiction *in radice* over the baptized; but it never puts it forth in regard to heretics or the heretical state. So much for the relation of the Church to the heretical state. In this entire question, therefore, the authority itself of the Church must be distinguished from its exercise."

X

SENDS AND RECEIVES AMBASSADORS

(5) Nearly all nations maintain diplomatic envoys at the Vatican, and the Pope sends ambassadors known as nuncios to many of the nations.

The sending of envoys to represent the Pope in matters ecclesiastical began early in the Middle Ages. These early representatives bore various titles intended to express the peculiar functions which they were respectively authorized to discharge. But the custom of sending to the secular courts Papal envoys clothed with diplomatic powers belongs to the later centuries. Mgr. Johann P. Kirsch, S.T.D., professor of pathology and Christian archeology in the University of Fribourg, in Volume XI. of the Catholic Encyclopedia, at pages 160-162, makes the following statement:

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“NUNCIO.—An ordinary and permanent representative of the pope, vested with both political and ecclesiastical powers, accredited to the court of a sovereign or assigned to a definite territory with the duty of safeguarding the interests of the Holy See. The special character of a nuncio, as distinguished from other Papal envoys (such as legates, collectors), consists in this: that his office is specially defined and limited to a definite district (his nunciature), wherein he must reside; his mission is general, embracing all the interests of the Holy See; his office is permanent, requiring the appointment of a successor when one incumbent is recalled; and his mission includes both diplomatic and ecclesiastical power. Nuncios, in the strict sense of the word, first appear in the sixteenth century. The first permanent representatives of the Holy See at secular courts were the *apocrisarii* at the Byzantine Court. In the Middle Ages the popes sent, for the settlement of important ecclesiastical or political matters, legates (*legati a latere*) with definite instructions, and at times with ordinary jurisdiction. The officials, sent from the thirteenth century for the purpose of collect-

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ing taxes either for the Roman Court or for the Crusades, were called *nuntii*, *nuntii apostolici*. During the fourteenth and fifteenth centuries this title was given also to Papal envoys entrusted with certain other affairs of an ecclesiastical or diplomatic nature. Frequently they were given the right of granting certain privileges, favors and benefices. During the Great Western Schism and the period of the reform councils (fifteenth century), such embassies were more frequently resorted to by the Holy See. Then were also gradually established permanent diplomatic representation at the various courts. With previous forms of Papal representation as a precedent, and modeled upon the permanent diplomatic legations of temporal sovereigns, there finally arose in the sixteenth century the present nunciatures of the Holy See. . . .

"The powers of Papal nuncios correspond to the twofold character of their mission. As the diplomatic representatives of the popes, they treat with the sovereigns or heads of republics to whom they are accredited. With their mission they are given special credentials as well as special instructions, whether of a public or private nature. They also receive

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a secret code and enjoy the same privileges as ambassadors. Their appearances in public are regulated in conformity with general diplomatic customs. They also have certain distinctions, especially that of being *ex-officio* dean of the entire diplomatic body within their nunciature, and therefore on public occasions take precedence of all diplomatic representatives. Internuncios and delegates enjoy a similar right of precedence over all other diplomatic representatives of equal rank. This privilege of Papal envoys was expressly recognized by the Congress of Vienna in 1815 and is universally observed. Nuncios enjoy the title of 'Excellency' and the same special honors as ambassadors."

Volume IX. of the Catholic Encyclopedia contains the following luminous statement, beginning on page 119:

"NUNCIOS.—In the thirteenth century *legati missi* came to be known as *nuncios*, by which name they are yet called. After the Council of Trent nuncios were established permanently in various countries. Besides an ecclesiastical mission, they have also a diplomatic character, having

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been from their origin accredited to courts or governments. Their jurisdiction is ordinary, but it is customary at present to grant them special faculties, according to the needs of the country to which they are sent; such faculties are conveyed in a special Brief. They are also given credential letters to be presented to the ruler of the country, and particular instructions in writing. The nuncios are usually titular archbishops: occasionally, however, bishops or archbishops of residential sees are appointed to the office. Some nuncios are of the first and some of the second class, the only difference between them being that, at the end of their mission, those of the first class are usually promoted to the cardinalate. . . .

"The Apostolic delegation to the United States deserves special mention. First, on account of its importance it is practically equivalent to a nunciature of the first class, as may be inferred from the Encyclical of 6 January, 1895, addressed by Leo XIII. to the archbishops and bishops of the United States, which declared: 'When the Council of Baltimore had concluded its labors, the duty still remained of putting, so to speak, a

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proper and becoming crown upon the work. This we perceived could scarcely be done in a more fitting manner than through the due establishment by the Apostolic See of an American legation. Accordingly, as you are well aware, we have done this. By this action, as we have elsewhere intimated, we wished, first of all, to certify that in our judgment and affection America occupied the same place and rights as other states, however powerful and imperial.'” (*Longinque Oceani*, January 6, 1895, “Great Encyclical Letters,” p. 327.) “Moreover, from the beginning all the incumbents of this office have been elevated to the cardinalate. . . .

“The delegation to the United States was established by Leo XIII., 24 January, 1893.”

Papal nuncios are accredited to those nations only which maintain diplomatic envoys at the Vatican. But the Pope sends envoys of a lower rank, known as internuncios, to countries not represented by a diplomatic agent at the Papal court.

Only sovereign powers have a right under the law of nations to send and

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receive ambassadors. This truth is so elementary that it seems superfluous to produce authorities in its support. Halleck, in his text-book on international law, published in London in 1878, gives on page 272 the following succinct declaration of the law:

“In Europe, the right of sending ambassadors is considered as exclusively confined to crowned heads, to the great republics, and other States entitled to royal honors. Papal legates, or nuncios, at Catholic courts are usually ranked as ambassadors.”

Pope Leo XIII., in his “Encyclical Letter *Immortale Dei*,” in stating the attitude of the nations of the earth towards the Papal claim to sovereign rights, uses the following words:

“It can not be called in question that in the making of treaties, in the transaction of business matters, in the sending and receiving ambassadors, and in the interchange of other kinds of official dealings, they have been wont to treat with the Church as with a supreme and legitimate power. And assuredly all

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ought to hold that it was not without a singular disposition of God's providence that this power of the Church was provided with a civil sovereignty as the surest safeguard of her independence."—*Great Encyclical Letters of Pope Leo XIII.*, p. 114.

The Catholic Encyclopedia, Volume XI., at page 161, gives the following list of states to which Papal nuncios are accredited:

First Class: 1. Austria Hungary; 2. France (no incumbent since 1904); 3. Spain; 4. Portugal.

Second Class: 1. Swiss nunciature (no incumbent since 1873); 2. Munich; 3. Brussels; 4. Brazil.

Internuncios: 1. Holland and Luxemburg; 2. Argentina, Uruguay and Paraguay; 3. Costa Rica (vacant); 4. Ecuador, Bolivia and Peru; 5. San Domingo, Haiti and Venezuela.

Baker's "First Steps in International Law," at page 119, gives the following list of countries having diplomatic agents at the Vatican:

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“The States still actually represented at the Vatican are: Austria and Hungary, Spain, France and Portugal, who have each an ambassador at Rome; Bavaria, Belgium, Bolivia, Ecuador, Chili, Guatemala, Monaco, the Republic of Nicaragua, Peru, who maintain a minister plenipotentiary. Germany has retained a chancellor. Holland has no minister accredited to the Holy See, but an internuncio continues to reside at The Hague.”

In 1904 the French embassy at the Vatican was discontinued, and that republic has not renewed diplomatic relations with the Holy See. To the foregoing there should be added Russia, Great Britain and Japan, which have recently sent ambassadors to the Vatican.

XI

MAKES TREATIES

(6) The Pope makes treaties, known as concordats, with the other sovereign powers.

Nearly all nations have entered into treaty relations with the Pope. These conventions are not usually called treaties, however, but are known by the Latin name of concordats. But they are executed with solemn formalities identical with those which characterize all international treaties.

The fact is significant, also, that concordats entered into since the overthrow of the Papal State are in precisely the same form as those executed before that event. It thus appears conclusively that the sovereign right of the Pope to negotiate such treaties was not a particle affected by the loss of his territorial domain.

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Equally before and since he was divested of the crown of the Papal State, the Pope has executed concordats, as he has received and accredited envoys, in his capacity as sovereign pontiff and not as monarch of the pontifical state. This will readily appear by producing here the formal parts of a concordat executed before the loss of his territorial dominion and one executed after that event.

In 1843, twenty-seven years before the overthrow of the Papal State, the Pope entered into a solemn convention with the King of Sardinia. The formal parts of that convention, which appear in the opening and concluding clauses and the signature of the plenipotentiaries, are as follows:

“IN THE NAME OF THE MOST HOLY
TRINITY.

“His Holiness the Reigning High Pontiff and His Majesty the King of Sardinia, moved by an equal desire of encouraging, and of further increasing the commercial relations between their respective states, and persuaded that

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nothing can tend more to this end than the causing reciprocally to disappear in the application of the maritime regulations every difference of treatment between the subjects of the one and of the other dominion, have on this account unanimously determined to conclude a Convention, and have named for that purpose for their Plenipotentiaries, viz.:

“His Holiness the Reigning High Pontiff has named his Most Reverend Eminence the Cardinal Luigi Lambruschini, Bishop of Sabina, his Secretary of State and the Briefs, Librarian of the Holy Church, Grand Prior at Rome of the Order of Jerusalem, Grand Cross decorated with the Broad Riband of the Holy Military Order of St. Maurice and St. Lazarus, &c. And His Majesty the King of Sardinia has named his Excellency the Count Frederic Broglia of Mombello, His Majesty’s Envoy Extraordinary and Minister Plenipotentiary at the Holy See, Commander of the Holy Military Order of St. Maurice and St. Lazarus, Knight of the Pontifical Order of Christ, Grand Cross of the Orders of St. Joseph of Tuscany and of St. Ludovic of Lucca, &c.; who, after having exchanged their respective Full

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Powers and found them to be in good and due form, have agreed upon the following Articles.

“ . . . The present Convention shall be approved and ratified by His Holiness the reigning High Pontiff and by His Majesty the King of Sardinia; and the Ratifications shall be exchanged at Rome within five weeks from the date of signature, and sooner if possible.

“In faith of which the above-mentioned Plenipotentiaries have signed it, and affixed thereto the seal of their arms.

“ROME, March 15, 1843.

“(L. S.) CARD. LAMBRUSCHINI.

“(L. S.) COUNT FREDERIC BROGLIA OF MOMBELLO.

—*State Papers Published by the British Government*, Vol. XXXII., pp. 1274-76.

On June 23, 1886, sixteen years after the loss to the Papacy of the pontifical state, Pope Leo XIII. entered into a convention with the King of Portugal, of which the formal parts are substantially identical with those of all previous concordats, as will fully appear from the following introductory and concluding excerpts:

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“IN THE NAME OF THE MOST HOLY
TRINITY.

“His Holiness the Supreme Pontiff Leo XIII., and His Most Faithful Majesty the King Don Lewis I., being animated with the wish to favour and further the development of the Christian communities in the East Indies and to settle in a stable and definite manner the patronage therein of the Portuguese Crown, have determined to make a concordat, and for this purpose they have appointed their Plenipotentiaries, as follows:

“On the part of His Holiness, the Most Eminent and Reverend Cardinal L. Jacobini, his Secretary of State;

“And on the part of His Most Faithful Majesty, his Excellency the Councillor of State, Joas B. da S. Ferras de Carvalho Martens, Ambassador Extraordinary, a Peer of the Realm and Honorary Minister of State; who, after exchanging their respective full powers, which were found in due and proper form, have agreed upon the following articles:

“The present Treaty, together with its annex which is an integral part thereof,

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shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged at Rome within three months from the date of the signature of the same, or sooner if possible.

“ROME, June 23, 1886.

“(L. S.) L. CARDINAL JACOBINI.

“(L. S.) JOAS B. DA S. FERRAS DE CARVALHO MARTENS.”

—*State Papers*, Vol. LXXVII., p. 1143.

In order to show the substantial identity in form of the foregoing and all concordats with the treaties which nations are accustomed to make one with another, the formal parts of a treaty recently concluded between Great Britain and Germany in the usual way are here given as follows:

“His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, considering it advisable to regulate by a Treaty the extradition of fugitive criminals between certain British Protectorates and Germany, have appointed as

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their Plenipotentiaries for this purpose:

“His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, his Ambassador Extraordinary and Plenipotentiary, Member of his Privy Council, the Right Honourable Sir William Edward Groschen;

“His Majesty the German Emperor, King of Prussia, his Secretary of State of the Foreign Office, Actual Privy Councillor, Herr von Kiderlen-Waechter.

“The Plenipotentiaries, after having communicated to each other their respective full powers, which were found to be in good and due form, have agreed to and concluded the following Articles:

“IV. The present Treaty shall be ratified and the ratifications shall be exchanged as soon as possible.

“The Treaty shall come into operation two months after the exchange of ratifications, and shall remain in force as long as the Extradition Treaty between Great Britain and the German Empire of the 14th May, 1872, remains in force, and shall lapse with the termination of that Treaty.

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"In witness whereof the respective Plenipotentiaries have signed this Treaty and have affixed thereto the seal of their arms.

"Done in duplicate at Berlin the 17th August, 1911.

"(L. S.) W. E. GROSCHE.

"(L. S.) KIDERLEN."

—*British State and Foreign Papers*, Vol. CIV., pp. 153-4, A. D. 1911.

The power to make treaties is an attribute of sovereignty. Only those who are clothed with sovereign power can become parties to these solemn international conventions. In view of this fact, Section 10 of Article I. of the Constitution of the United States prohibits the making of treaties between the several States of the Union or between any State and foreign nations.

The Supreme Court of the United States has recently approved the following definition:

"Treaties are contracts between NATIONS."—*Rainey vs. U. S.*, 232 U. S. 310.

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The American and English Encyclopædia of Law, Volume XXVIII., at page 476, says:

“A treaty is a contract between two or more SOVEREIGNS.

“ . . . As a general rule, every sovereign state whose powers have not been limited or modified by compacts with other states has the power to make treaties.”

XII

TEXT-BOOKS ON INTERNATIONAL LAW DECLARE HIM SOVEREIGN

(7) Writers on international law are virtually unanimous in declaring that the Pope is now a sovereign potentate.

A number of texts on the law of nations have been quoted in a previous chapter to show the tremendous sovereign power and prerogatives accorded to the Pope prior to the loss of his territorial domain. It now remains to be shown that the overwhelming preponderance of opinion as expressed in such texts is that the Pope is still a sovereign potentate and member of the family of nations. Under a special act of Congress, John Bassett Moore, professor of international law in Columbia University and for many years Assistant Secretary of State of the United States, wrote an international law digest which

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was published in eight large volumes in 1906 by the Government. As a storehouse of learning and research, this great work is unrivaled in the literature of the public law of nations. In Volume I., on page 16, this work gives the following statement of the law:

“The Holy See occupies a position analogous to that of states, and *the Pope is treated as a sovereign, and even as a privileged sovereign.*”

Frantz Despagne published in Paris, in 1910, an admirable work in French known as “Droit International Public.” The following statement is translated from Section 154 of that work:

“The Pope is considered as a sovereign. In their relations with him, the principal Catholic states accord to him a right to the pre-eminence which manifests itself in special honors. Non-Catholic states generally treat him with deference.”

Rev. Sabastian B. Smith, D.D., in his work on ecclesiastical law heretofore quoted, in Sections 201-3, uses the following language:

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“201. Is the Church possessed of jurisdiction in the proper sense of the term?

“A. Protestants contend that the entire power of the Church consists in the right to teach and exhort, but not in the right to command, rule or govern; whence they infer that she is not a perfect society or *sovereign state*. This theory is false; for the Church, as was seen, is vested *jure divino* with power (1) to make laws; (2) to define and apply them (*potestas judicialis*); (3) to punish those who violate her laws (*potestas coercitiva*).

“202. The punishments inflicted by the Church, in the exercise of her coercive authority, are chiefly spiritual (*poenæ spirituales*); e. g., excommunication, suspension and interdict. We say *chiefly*; for the Church can inflict temporal and even corporal punishments.

“203. *Has the Church power to inflict the penalty of death?* Card. Tarquini thus answers: 1. Inferior ecclesiastics are forbidden, though only by ecclesiastical law, to exercise this power directly. 2. It is certain that the Pope and Œcumenical Councils have this power, at least immediately; that is, *they can, if the neces-*

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sity of the Church demands, require a Catholic ruler to impose this penalty. That they can not directly exercise this power can not be proved."

For more than a hundred years the great work on "The Law of Nations," in French, by Edmund De Vattel, has been recognized as standard authority of very high rank. The following statement translated into English is found on page 61 of Volume III. of that work as republished in 1916 by the Carnegie Institution at Washington, D. C.:

"All that we have set forth above is derived so clearly from the ideas of independence and sovereignty that it will never be questioned by any one in good faith or who is willing to draw logical inferences. If all the affairs of religion can not be finally regulated by the state, it is not free and its prince is only half sovereign. There is no middle course. Either each state must be master in its own territory on the subject of religion as on every other, or the system of Boniface VIII. must be accepted and *all Roman Catholic Christendom be looked upon as a single state, with the Pope as*

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supreme head, and kings as subordinate administrators of temporal affairs, each in his own province, much as the Sultans were formerly under the sovereignty of the Caliphs."

Bonfils makes the following remark touching the effect on the Papal authority of the incorporation of the pontifical state into the Kingdom of Italy:

[Translation from the French.]

"The Pope lost nothing of his ecclesiastical authority. Not only is it conserved intact, but it has increased as the *Catholic Church has grown into an absolute and irresponsible sovereignty.*"—*Droit International Public*, by Bonfils, Sec. 374.

The work on international law by Halleck, published in London in 1878, in Volume I., page 102, makes the following statement:

"Thus the Catholic Powers concede the precedence to the Pope, as the visible head of the Church; but Russia, and the Protestant states of Europe, consider him only as a sovereign prince in Italy, and, as such, entitled to royal honors, but

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not to any precedence from his rank as sovereign pontiff."

Dr. Franz von Liszt, professor of law in the University of Berlin, makes the following statement touching the present sovereign status of the Pope:

[Translation from the German.]

"The Pope: He is indeed under the Italian guarantee law of the 13th of May, 1871—Fleischmann 107—as well as also in consequence of the acknowledgment of the laws by the other powers, no subject of Italy or any other state; consequently extraterritorial or extranational. He also has the benefit of a series of other privileges, such as the rights of active and passive embassies, which also only belong to the sovereign states; and he makes constant use of these privileges, with the consent of the powers."—*Das Völkerrecht* (Berlin, 1913), p. 49.

XIII

EVERY ROMAN CATHOLIC A PAPAL SUBJECT

II. Every Prelate, Priest and Member of the Roman Catholic Church is a Subject of the Pope, and Bound to Him by Civil and Ecclesiastical Bonds of Fealty and Obedience.

The Papal system is essentially *imperium in imperio*. It is a mighty ecclesiastical empire deeply rooted in the domestic and international politics of the world. The Pope reigns over this empire as supreme and absolute monarch. Claiming to derive his sovereign power directly from God alone, he exercises the most arbitrary and despotic authority ever wielded by human hands.

The ramifications of the vast Roman Catholic fabric, like the roots of a great cancer, have penetrated every tissue of

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human society and for centuries have sapped the vitality of mankind. Each individual member of this unique organism is held under the supreme duty of promoting the prosperity and sway of the whole and particularly of its sovereign head.

In every land dominated by the Papacy the percentage of illiteracy among the people is appalling, the major portion of material wealth is monopolized by the hierarchy and its political and financial paramours, and civil and religious liberty is totally unknown. The political struggles and aspirations of the human race during the past four hundred years have been one common story—the story of humanity fleeing from Papal and imperial despotism.

An eminent Roman Catholic authority, after stating in his standard text on canon law two somewhat divergent theories concerning the Papal form of government, concludes his statement in these words, wherein he expressly declares that Church a monarchy:

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“The difference between these two opinions seems to be verbal rather than real. Both admit that the supreme power in the Church is vested in a single ruler—the Roman Pontiff—and that therefore *the Church is a monarchy* as to the form of government; according to Craisson, this is *de fide*.”—*Elements of Ecclesiastical Law*, S. B. Smith, Sec. 463.

John B. Sagmuller, professor of theology in the University of Tubingen, Wurtemberg, Germany, in his article on cardinals, in the Catholic Encyclopedia, designates the Papal government as monarchical in the following language:

“RELATIONS OF THE CARDINALS TO THE POPE.—In the Middle Ages the cardinals attempted more than once to secure over the Pope the same pre-eminence which they had secured in a permanent way over the episcopate; *i. e.*, they sought to change the *monarchical form of government* into an aristocracy.”—Vol. III., p. 336.

Under the doctrine of the Vatican decrees, the highest authority in the Roman Catholic Church is vested in the

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Pope. His declarations *ex cathedra*, carrying the sanction of infallibility, are absolutely binding on every Roman Catholic throughout the world. The famous bull "*Unam Sanctam*" of Boniface VIII. and many subsequent Papal utterances declare that salvation depends on acceptance of the supreme authority of the Pope. The greatest popes of recent times declare unequivocally that every member of the church is a subject of the Roman pontiff. In his encyclical letter, "*Sapientie Christianæ*," of January 10, 1890, Leo XIII. so declares in the following words:

"But the man who has embraced the Christian faith, as in duty bound, is by that very fact *a subject of the Church as one of the children born of her, and becomes a member of that greatest and holiest body, which it is the special charge of the Roman pontiff to rule with supreme power, under its invisible head, Jesus Christ.*"—*Great Encyclical Letters*, p. 183.

The following additional excerpts

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from the same encyclical will show more clearly the Papal claim to complete fealty and obedience of every Roman Catholic:

“But this likewise must be reckoned amongst the duties of Christians, that they allow themselves to be ruled and directed by the authority and leadership of bishops, and, above all, of the Apostolic See.

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“In addition to what has been laid down, it is necessary to enter more fully into the nature of the Church. She is not an association of Christians brought together by chance, but is a divinely established and admirably constituted society, having for its direct and proximate purpose to lead the world to peace and holiness. And since the Church alone has, through the grace of God, received the means necessary to realize such end, she has her fixed laws, special spheres of action, and a certain method, fixed and conformable to her nature, of governing Christian peoples. But the exercise of such governing power is difficult, and leaves room for numberless conflicts, inasmuch as the Church rules peoples scattered through every portion of the earth,

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differing in race and customs, who, living under the sway of the laws of their respective countries, owe obedience alike to the civil and religious authorities.

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"Religion should, on the contrary, be accounted by every one as holy and inviolable; nay, in the public order itself of States—which can not be severed from the laws influencing morals and from religious duties—it is always urgent, and indeed the main preoccupation, to take thought how best to consult the interests of Catholicism. Wherever these appear by reason of the efforts of adversaries to be in danger, all differences of opinion among Catholics should forthwith cease, so that, like thoughts and counsels prevailing, they may hasten to the aid of religion, the general and supreme good, to which all else should be referred."—*Id.*, pp. 194, 195 and 197.

The foregoing citations establish clearly that the Pope claims and enjoys the primary and supreme fealty and allegiance of every Roman Catholic. A distinction both fundamental and far-reaching is thus seen between the Roman

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Catholic Church and every other denomination. No other religious body is bound as such to a potentate engaged in world politics and diplomacy and exercising jurisdiction and control over the civil and ecclesiastical conduct and relations of its membership.

It is but natural, therefore, that the Papacy has stood since its inception as a grave political problem confronting every government. This ever-present problem has embarrassed statesmen, diplomats and scholars some thirteen hundred years. Speaking of this peculiarity of the Papal system, Mr. Gladstone uses the following pertinent language:

“But it is the peculiarity of Roman theology that, by thrusting itself into the temporal domain, it naturally, and even necessarily, comes to be a frequent theme of political discussion. To quiet-minded Roman Catholics it must be a subject of infinite annoyance that their religion is, on this ground more than any other, the subject of criticism; more than any other the occasion of conflicts with the State and of civil disquietude. I feel sincerely

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how much hardship their case entails. But this hardship is brought upon them altogether by the conduct of the authorities of their own Church. Why did theology enter so largely into the debates of Parliament on Roman Catholic Emancipation? Certainly not because our statesmen and debaters of fifty years ago had an abstract love of such controversies, but because it was extensively believed that the Pope of Rome had been and was a trespasser upon ground which belonged to the civil authority and that he affected to determine by spiritual prerogative questions of the civil sphere. This fact, if fact it be, and not the truth or falsehood, the reasonableness or unreasonableness, of any article of purely religious belief, is the whole and sole cause of the mischief. To this fact, and to this fact alone, my language is referable; but for this fact it would have been neither my duty nor my desire to use it. All other Christian bodies are content with freedom in their own religious domain. Orientals, Lutherans, Calvinists, Presbyterians, Episcopalians, Non-conformists, one and all, in the present day, contentedly and thankfully accept the benefits of civil order; never pretend

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that the State is not its own master; make no religious claims to temporal possessions or advantages; and, consequently, never are in perilous collision with the State. Nay, more, even so I believe it is with the mass of Roman Catholics individually. But not so with the leaders of their Church, or with those who take pride in following the leaders."—*The Vatican Decrees in Their Bearing on Civil Allegiance*, pp. 11, 12.

XIV

CARDINALS BELONG TO PAPAL COURT

1. Every cardinal is an active member of the *Curia Romana*, or Papal Court, which assists the Pope in governing the vast Papal Empire.

The *Curia Romana*, or Roman Court, is the most elaborate and comprehensive executive cabinet in the world. This court embraces all ecclesiastical officials which the Pope uses to assist him in the government of the Roman Catholic Church. It is the distinguishing pride and characteristic of cardinals that they all are members of this court.

Under the present law of the Papacy the number of cardinals in the world is limited to seventy. Six of these are officially designated as cardinal-bishops, fifty are cardinal-priests, and fourteen are cardinal-deacons. Collectively they compose the corporation known as the Col-

lege of Cardinals and constitute the highest and chief portion of the Papal Court or cabinet.

Rev. Sebastian B. Smith, heretofore quoted as an eminent Roman Catholic authority and specialist on ecclesiastical law, defines the duty of cardinals and their relation to the Pope and the entire Roman Church in the following words:

“Cardinals are the immediate counselors or advisors of the Pope, and form, so to speak, the senate of the Roman Church. Hence, they are compared to the seventy ancients appointed to assist Moses, and to the apostles chosen to aid our Lord.”—*Elements of Ecclesiastical Law*, Vol. I., Sec. 487.

The active membership of every cardinal in the Papal Court is so vital and his fealty to the Pope as sovereign is so intimate and profound as to render a cardinal legally incapable of representing any government as its ambassador to the Vatican. Being essentially high officials in the Papal Empire, all cardinals are bound to render to the Pope paramount

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and exclusive allegiance in his political and diplomatic relations with the civil governments of the world. A concrete and striking illustration of this occurred in 1875 when the German Empire sent Prince Hohenlohe as its diplomatic representative to the Pope. William Edward Hall, A.M., in his "Treatise on International Law," fourth edition, published in London in 1895, at page 313, makes the following statement of the law applicable to that particular case:

"The Pope refused in 1875 to accept Prince Hohenlohe as ambassador from Germany because, being a cardinal, he was *ex officio* a member of the curia."

Edwin Maxey, professor of constitutional and international law in West Virginia University, in his admirable text-book published in St. Louis in 1906, states the same fact and law in the following words:

"The Pope refused to receive Prince Hohenlohe, because as a cardinal he was *ex officio* a member of the curia."—*International Law by Maxey*, p. 106.

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Edwin F. Glenn, who was then Acting Judge Advocate of the United States Army, wrote a "Handbook of International Law," which was published in 1895 as a hornbook by the West Publishing Company at St. Paul. On page 107 that work says:

"In 1875 the Pope refused to receive Prince Hohenlohe as ambassador from Germany, because, being a cardinal, he was, *ex officio*, a member of the curia."

In the officially authorized "Life of Leo XIII.," by O'Reilly, heretofore described and quoted, the same facts are stated as follows:

"While the Falk legislation was as yet in its preparatory stage, it was sought either to obtain the tacit acquiescence of the court of Rome to the proposed measures, or to find a specious pretext for a diplomatic rupture. Cardinal Hohenlohe was appointed ambassador of the German Empire near the Holy See. Doubtless the cardinal accepted his mission in the hope of preventing greater misfortunes; the Pope, at any rate, refused to receive him. And so all diplomatic inter-

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course ceased between the Vatican and Berlin.”—Page 470.

It thus clearly appears that the paramount allegiance of every cardinal is to the Papal Empire of which he is an official. The chief pride and delight of cardinals seem to arise from this political connection and fealty to Rome. They seldom lose an opportunity to declare themselves *princes*, and as such clad in the *Roman purple*, a color belonging to kings and emperors in every land and in every age of the world.

Smith's "Elements of Ecclesiastical Law" declares, in Section 493: "Cardinals are, moreover, Roman princes—nay, are considered princes of the blood." In Section 495, the same work states as follows:

"INSIGNIA OF CARDINALS.—These consist chiefly: 1. Of the red hat given them by Pope Innocent IV. 2. The red cap bestowed by Paul IV. 3. The sacred purple, which was the distinctive dress of the emperors: it came to be worn by all the cardinals from the time of Boniface VIII."

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On August 20, 1916, a Roman cardinal residing in this country delivered before a convention of Roman Catholics in New York an extended oration wherein he made extravagant statements of the loyalty to our Government of all Roman Catholics in the United States. This speech was printed in the "Congressional Record," at the expense of the Government, on September 6 following, by the grace of a Roman Catholic member of Congress.

How can a Roman cardinal, while boasting that he is a prince of the blood in the Papal monarchy, and while wearing the Roman purple as such prince, consistently pretend any fealty or devotion to the Government of the United States? The Constitution of the United States, Article I., Sections 9 and 10, forbids the granting of any title of nobility by the United States or by any State. How can one, when boasting that he is a prince in a foreign monarchy, do such violence to consistency as to claim patriotism or citizenship in this country?

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All cardinals are appointed by the Pope alone, and the Pope is elected exclusively by the cardinals. Under the narrow and exclusive policy fostered by this arrangement, the popes have been able to control absolutely for many centuries the character and nationality of their successors. For this purpose a majority of the cardinals are chosen from Italy, and, in consequence, none but Italians have been elected to the Papal throne since the Middle Ages.

So has the Papacy become distinctively an Italian dynasty. The foregoing statement as to the appointment of the cardinals by the Pope, and the election of the Pope by the cardinals, will sufficiently appear from the following excerpts from the article on cardinals by Auguste Boudinhon, D.D., D.C.L., professor of canon law in the Catholic University of Paris, in Volume V., at page 323, of the *Encyclopædia Britannica*, eleventh edition:

“The creation of cardinals (to use the official term) is in fact nowadays the

function of the Pope alone. It is accomplished by the publication of the persons chosen by the Pope in secret consistory. No other formality is essential; and the provision of Eugenius IV., which required the reception of the insignia of the cardinalate for the promotion to be valid, was abrogated before long, and definitely annulled by the declaration of Pius V. of the 26th of January, 1571. Similarly, neither the consent nor the vote of the Sacred College is required

“The most lofty function of the cardinals is the election of the Pope.”

A further element of narrow selfishness touching the Papal succession is shown in the fact that, though any member of the Roman Church, even a layman, is eligible to the Papacy, the cardinals have uniformly chosen one of their own number during a period of more than five centuries, as appears by the following statement:

“Though since Urban VI. (1378-89) none but a cardinal has been elected pope, no law reserves to the cardinals alone

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this right.”—*Catholic Encyclopedia*, Vol. IV., p. 194.

The popes have further contrived to enhance the preponderance of Italians in the conclave by decreeing that the cardinals present in Rome shall proceed to the election at the end of ten days from the death of the Pope, without awaiting the arrival of their absent colleagues. In view of the impossibility of reaching the Papal capital from distant lands in the brief period mentioned, it is inevitable that a considerable number of the non-Italians will be absent when the election is held. The law as here stated clearly appears from the following paragraph:

“The Pontifical laws regulating everything that regards this, the highest body of electors in the Church, leave no room for doubt or indecision. It is expressly enjoined that the cardinals present in Rome shall wait for ten days after the death of a pope, and that then they shall enter into conclave and proceed to the election of a successor without waiting for the arrival of their absent col-

leagues.”—*Life of Leo XIII.*, by O'Reilly, p. 292.

On December 1, 1911, the London *Daily Telegram* published an English translation of the oath administered to cardinals by Papal requirement, and Monsignor Canon Moyse admitted the published oath to be genuine in the Roman Catholic London *Tablet* of December 16 following. This oath is deemed sufficiently important to justify its insertion here in full.

“OATH OF THE CARDINALS.

“I, —, of the Holy Roman Church, cardinal of —, promise and swear, from this hour forward, as long as I shall live, to be faithful and obedient to the blessed Peter and the Holy Roman Apostolic Church, and our Most Holy Lord Pius X., and his canonically elected successors;

“To give no counsel nor to concur in anything nor aid in any way against the pontifical majesty or person;

“Never to disclose affairs entrusted to me by them personally, by their nun-

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cios, or by letters, willingly or knowingly, to their detriment or dishonor;

“To be ever ready to aid them to retain, defend, and recover their rights against all, to fight with all zeal, and all my forces, for their honor and dignity,

“To direct and defend honorably and kindly legates and nuncios of the apostolic see in all places under my jurisdiction, to provide for their safe journey, and treat them honorably going, during their stay, and during their return, and to resist even to the shedding of blood whosoever would attempt anything against them;

“To try in every way to assert, uphold, preserve, increase, and promote the rights, even temporal, especially those of the civil principality, the liberty, the honor, privileges, and authority of Holy Roman Church, of our lord the Pope, and the aforesaid successors;

“When it shall come to my knowledge that some machination, prejudicial to those rights, which I can not prevent, is taking place, immediately to make it known to the Pope, his successor, or to some one qualified to convey the knowledge to them;

“To observe and fulfil, and see that

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others observe and fulfil, the regulations, the decrees and the ordinances, the dispensations and preservation of provisions and apostolic mandates, the constitutions of Pope Sixtus V. of happy memory, concerning visits '*Ad limina Apostolorum*' at the prescribed times, according to the tenor of said constitution;

"To combat with every effort heretics, schismatics, and those rebelling against our lord the Pope and his successors;

"When summoned for any reason whatsoever by the Holy Father or his successor, to come to them, or when detained by a just cause to send one to present my excuses, and to show them due reverence and obedience;

"Never to sell or to give away, mortgage, or alienate without consent of the Roman Pontiff, even though the consent of said chapter or convents or churches or monasteries or their benefices be had, the possessions belonging to the '*mensa*' of the church, monasteries, or other benefices committed to me;

"Likewise to observe inviolably the constitution of the Supreme Pontiff Pius X., which begins '*Vacante Sede Apostolica*,' given at Rome the twenty-fifth

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day of December, in the year 1904, concerning the vacancy of the Holy See and the election of the Roman Pontiff; and to lend no help nor countenance to any intervention of the civil power in the election of the Pope; likewise,

“To observe minutely each and all of the decrees, especially those which have emanated from the sacred congregation of the ceremonies, or those to come from it, relative to the sublime dignity of the cardinalate, nor to do anything which would be repugnant to the honor and dignity of it, and to pay the rights of the cardinal’s ring conceded by Gregory XI. to the ‘*Sancta Congregatio de Propaganda Fide*.’

“So help me God and these holy gospels.”

In case of diplomatic or other differences or transactions between the Papacy and the civil government, it is manifest that any cardinal living within the jurisdiction of this or any other country would be compelled to choose between treason to the civil government and violation of the foregoing oath of obedience and fealty to the Pope.

XV

BISHOPS ARE CREATURES AND DEPUTIES OF THE POPE

2. Every Roman Catholic bishop is appointed by the Pope, and is a procurator of the Papal Empire.

In past ages various modes of appointing Roman bishops have obtained. During the closing centuries of the Middle Ages many and fierce conflicts arose between the Pope and various other monarchs concerning the right to appoint bishops, the popes claiming that right exclusively for themselves, while other sovereigns claimed substantial prerogatives touching the matter in their respective countries. In the fourteenth century exclusive power to appoint bishops throughout the world began to be accorded to the Roman pontiffs. The following statement discloses clearly that all bishops now owe their appointment and

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their episcopal authority to the Pope:

“343. Owing to abuses consequent on elections by chapters, the Sovereign Pontiffs began, in the fourteenth century, to reserve to themselves the appointment of bishops. Clement V. took the first step in this matter by reserving the appointment to some bishoprics; John XXII. increased the number, and Pope Benedict XII. (1334) finally reserved to the Holy See the appointment (*i. e.*, the election and confirmation) of all the bishops of the Catholic world. Elections by chapters were consequently discontinued everywhere. Afterwards, however, the right of election was restored to cathedral chapters in some parts of Germany, so that in these parts only bishops and archbishops are still, as of old, canonically elected by their cathedral chapters.

“344. Were the Roman Pontiffs guilty of usurpation in reserving to themselves the appointment of bishops?

“A. By no means; for the Pope alone is, by virtue of his primacy, vested with *potestas ordinaria*, not only to confirm, but also to elect, bishops. Hence it was only by the consent, express or tacit, of the Popes that others ever did or could

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validly elect bishops.”—*Elements of Ecclesiastical Law*, by S. B. Smith, Secs. 343, 344.

In his encyclical letter, “*Sapientiæ Christianæ*,” of January 10, 1890, Pope Leo XIII. declares that every bishop is a Roman Catholic prince, in the following statement:

“Now the administration of Christian affairs immediately under the Roman Pontiff appertains to the bishops, who, although they attain not to the summit of pontifical power, are nevertheless truly princes in the ecclesiastical hierarchy.”—*Great Encyclical Letters of Pope Leo XIII.*, p. 202.

A Roman Catholic author, in discussing the general powers of bishops, states:

“Whatever opinion may be held, it is certain that bishops can not validly exercise any episcopal jurisdiction without having been appointed by the Sovereign Pontiff to some see.”—*Elements of Ecclesiastical Law*, by S. B. Smith, Sec. 535.

Every bishop and ecclesiastic in the Roman Catholic Church is bound to the

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Pope by such obligations that the law of the church does not permit such persons to take an oath of fealty or allegiance to any other prince or potentate, as the following statement clearly discloses:

“. . . At the celebrated Council of Clermont (1095), at which the first Crusade was preached, Urban strengthened the former prohibitions by declaring that no one might accept any spiritual office from a layman, *or take an oath of fealty to any layman.*”—*Encyclopædia Britannica*, Vol. XIV., p. 722.

All bishops are required to bind themselves to the Papacy by a solemn oath substantially identical with the oath of a cardinal, as given in the last preceding chapter of this work. The cathedral of each bishop is supplied also with a throne which the bishop occupies to demonstrate his own gubernatorial authority as a procurator under the imperial sway of the Sovereign Pontiff. The foregoing facts and others of interest are set forth in the following quotation:

“The bishop is consecrated after *tak-*

ing the oath of fidelity to the Holy See, and subscribing the profession of faith, by a bishop appointed by the Pope for the purpose, assisted by at least two other bishops or prelates, the main features of the act being the laying on of hands, the anointing with oil, and the delivery of the pastoral staff and other symbols of the office. After consecration the *new bishop is solemnly enthroned* and blesses the assembled congregation.

“The *potestas ordinis* of the bishop is not peculiar to the Roman Church, and, in general, is claimed by all bishops, whether oriental or anglican, belonging to churches which have retained the Catholic tradition in this respect. Besides the full functions of the presbyterate, or priesthood, bishops have the sole right (1) to confer holy orders, (2) to administer confirmation, (3) to prepare the holy oil, or chrism, (4) to consecrate sacred places or utensils (churches, churchyards, altars, &c.), (5) to give the benediction to abbots and abbesses, (6) to anoint kings. In the matter of their rights of jurisdiction, however, Roman Catholic bishops differ from others in their peculiar responsibility to the Holy See. Some of their powers of legislation

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and administration they possess *motu proprio* in virtue of their position as diocesan bishops, others they enjoy under special faculties granted by the Holy See; but all bishops are bound, by an oath taken at the time of their consecration, to go to Rome at fixed intervals (*visitare sacra limina apostolorum*) to report in person, and in writing, on the state of their dioceses.

“The Roman bishop ranks immediately after the cardinals; he is styled *reverendissimus, sanctissimus* or *beatissimus*. In English the style is ‘Right Reverend’; the bishops being addressed as ‘my lord bishop.’

“The insignia (*pontificalia* or pontificals) of the Roman Catholic bishop are (1) a ring with a jewel, symbolizing fidelity to the church, (2) the pastoral staff, (3) the pectoral cross, (4) the vestments, consisting of the caligæ, stockings and sandals, the tunicle, and purple gloves, (5) the mitre, symbol of the royal priesthood, (6) the throne (*cathe-dra*) surmounted by a baldachin or canopy, on the gospel side of the choir in the cathedral church.”—*Encyclopædia Britannica*, eleventh ed., Vol. IV., p. 2.

The requirement of the Pope that every bishop must visit the Holy See in person at regular intervals, and report the condition of his see, is fully set forth in the following statement:

"The bishop has also obligations regarding the Holy See. Throughout his entire administration he must conform to the general legislation of the Church and the direction of the pope. In this respect two special obligations are incumbent upon him: he must pay the *Visitatio ad limina Apostolorum*, and present the *Relatio de statu diocesis*; i. e., he must visit the shrines of Sts. Peter and Paul at Rome and present a report of the condition of his diocese. The Decretals imposed this obligation upon the bishops whose consecration the pope reserves to himself. It has become general since the fifteenth century, and Sixtus definitely ruled in favor of this obligation (Bull '*Romanus Pontifex*,' 20 December, 1585). According to this Bull the bishops of Italy, and the neighboring islands of Dalmatia and Greece, must make the visit *ad limina* every three years; those of Germany, France, Spain, England, Portugal, Belgium, Bohemia, Hungary,

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Poland and the islands of the Mediterranean Sea every four years; those of other parts of Europe, of North Africa and the isles of the Atlantic Ocean situate to the New World, every five years; those of other parts of the world, every ten years. . . . The bishops must pay this visit personally, and for this purpose are allowed to absent themselves from their dioceses, the bishops of Italy for four months, other bishops for seven months. . . .

“. . . The *Visitatio liminum* includes a visit to the tombs of St. Peter and St. Paul, an audience with the Holy Father, and a written report which the bishop ought to present to the Congregation of the Council according to the formula of Benedict XIII. in 1725.”—*Catholic Encyclopedia*, Vol. II., p. 588.

These enthroned Roman bishops, wearing the mitre of “royal priesthood,” bound to the Sovereign Pontiff of the Roman Catholic Empire by the most solemn oaths of fealty, and prohibited from taking any oath of fealty to this or any government, are a discordant and alien and dangerous ingredient in this great, free republic.

XVI

PAPAL SUBJECTS IN AMERICAN POLITICS

3. Many millions of Papal subjects enjoy all rights of American citizenship, participating aggressively in our politics, and holding many of the highest public offices in the United States.

The Official Catholic Directory for 1917, bearing the imprimatur of the Cardinal Archbishop of New York, gives the number of Roman Catholics in the United States, exclusive of our insular possessions, as 17,022,879. The vast preponderance of these claim and enjoy all the rights and prerogatives of citizenship. They are crowded chiefly into our great cities. Nearly three millions are in New York State, a very large per cent. being in Greater New York City. The other great municipalities contain immense numbers of them. The presence in each

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great city of hundreds of thousands of these Papal subjects under the abject control of the local cardinal or archbishop, with his army of subordinate prelates, priests and politicians, has sunken our municipal politics to the shameless depths of corruption and degradation that all good citizens so much deplore. This Roman Catholic vote in control of the vast Papal system is the political weapon that has enabled Tammany Hall to dominate and plunder New York City a hundred years.

Subjects of the Papal Empire hold many public offices of great rank and power in every department of our national, State and local governments. The Chief Justice of the Supreme Court of the United States, the Associate Justice ranking next to the Chief, the Clerk and the Marshal of that great tribunal are subjects of the Roman Church, which the Pope rules with supreme power, as stated by Pope Leo XIII. in the quotation given in Chapter XII. of this work. A very considerable number of Roman subjects

sit on the circuit and district court benches of the United States, while hosts of them are in the supreme and inferior courts of the various States. From the President's secretary down through every executive department of our Federal Government they are entrenched in countless strategical positions. Scores of them sit in the Congress of the United States, and hundreds have found their way into the State Legislatures, and virtually all these are diligent in promoting the political purposes of the Papal system. From the highest officer in our navy, all down the lines of our military and naval establishments, these Papal subjects hold many offices of great power.

Boasting three million Roman Catholic votes in the United States, the Papal hierarchy boldly demands financial and political preferment at the hands of every Governmental department, and tacitly or openly threatens the political and financial ruin of all who dare to resist these demands. With the selfish deliberation and sagacity acquired in a thousand years

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of intrigue and plunder, the Papal Empire is steadily invading our country.

Critical international relations incident to the great European War have elicited much serious thought and discussion of the allegiance to our Government of citizens of foreign birth or descent. This discussion has brought into currency the phrase "hyphenated allegiance." Citizens of great political wisdom and wide experience in public affairs have freely expressed grave misgivings as to the loyalty of upright persons with a sentimental attachment to the land of their birth, while ignoring the presence among us of the millions whose paramount allegiance to the crowned and reigning sovereign prince of the world-embracing Papal Empire can not be denied.

XVII

VAST AMERICAN PROPERTIES CONTROLLED BY THE POPE

4. Title to all real and personal property held by the Roman Catholic Church in this country is vested in the cardinals and bishops, and controlled directly by the Pope.

In all parts of the United States are choice tracts of land occupied by the massive buildings that attest the wealth and power of the Papal system. It would be impossible to estimate the value in money of these immense properties, many of which are used for commercial and speculative purposes, and which are exempted from taxation by our National and State Governments. The aggregate value would doubtless mount high into the hundreds of millions—perhaps into billions—of dollars.

But title to all these Roman Catholic

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properties is vested in the three cardinals as archbishops of New York, Boston and Baltimore, and in the other bishops throughout the country. The Third Plenary Council of Baltimore, which was held under the sanction of Pope Leo XIII. and presided over by his delegate, so decreed, as shown by the following statement:

“The Third Plenary Council defined more exactly what was meant by secure methods of ownership according to civil law, directing that (1) the bishop himself be constituted a corporation sole for possessing and administering the goods of the whole diocese; or (2) that the bishop hold the goods in trust in the name of the diocese; or (3) that the bishop hold and administer the church property in his own name (in fee simple) by an absolute and full legal title. In the last case the bishop is to remember that, though before the civil law he is the absolute owner, yet by the sacred canons he is only procurator.”—*Catholic Encyclopedia*, Vol. XII., p. 473.

That none of the church property can be disposed of without the express direc-

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tion of the Pope clearly appears from the following declaration of ecclesiastical law:

“According to the *C. Ap. Sedis* of Pius IX., it is, generally speaking, forbidden, under pain of excommunication *latæ sententiæ*, to alienate (*i. e.*, to sell, mortgage, lease for more than three years, etc.) Church property, movable or immovable—or, as others express it, ecclesiastical immovables (*bona eccle. immobilia*) and valuable movables (*mobilia pretiosa*)—without permission from the Holy See. We say (*a*) generally speaking; for ecclesiastical things may be alienated without Papal leave—*v. g.*, if they are of little or no use, if recourse to Rome is difficult, etc. We say (*b*) of considerable value; for things, both movable and immovable, worth, *v. g.*, only \$25, or, according to some, \$100, may be alienated by leave from the bishop. Whether the above law, requiring the pontifical permission for the alienation of Church property, has, by virtue of custom to the contrary, ceased to be obligatory outside of Italy, seems a disputed question. Does it obtain in the United States? It does with regard to

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(all alienations involving a sum greater than \$5,000."—*Elements of Ecclesiastical Law*, by S. B. Smith, Vol. I., Sec. 668.

Suppose princes of the royal blood as members of the imperial court of some other foreign potentate and procurators of that potentate held title to vast real and personal properties in every city, town and village of this country, and that none of such properties could be sold or disposed of without first obtaining consent of the crowned and reigning potentate seated on his foreign throne; how would the American people regard such a condition? That is precisely the status of all Roman Catholic property in the United States. Though protected by law equally with the property of American citizens, this Papal wealth pays not one dollar of revenue, while the loyal citizens of the United States and their property bear all the financial burdens of the Government.

XVIII

PAPACY HOSTILE TO OUR INSTITUTIONS

III. The Roman Catholic Church is Fundamentally Hostile to Every Principle of Free Government.

The chief corner-stone of popular government is the supreme sovereignty of the people. The Declaration of Independence lays down as self-evident the truth that all governments derive their just powers from the consent of the governed. Fleeing from arbitrary power in the hands of European despots, the founders of this republic were deeply impressed with the civil equality and sovereign rights of all mankind.

Since the founding of our Government the popes have not ceased to condemn as essentially vicious the principle of popular sovereignty. In his encyclical

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letter, "*Immortale Dei*," of November 1, 1885, Pope Leo XIII. expressed his hatred and condemnation of government by the people in the following bitter denunciation:

"The *sovereignty of the people*, however, and this without any deference to God, is held to reside in the multitude; which is doubtless a doctrine exceedingly well calculated to flatter and to inflame many passions, but which lacks all reasonable proof, and all power of insuring public safety and preserving order. Indeed, from the prevalence of this teaching, things have come to such a pass that many hold as an axiom of civil jurisprudence that seditions may be rightfully fostered. For the opinion prevails that princes are nothing more than delegates chosen to carry out the will of the people; whence it necessarily follows that all things are as changeable as the will of the people, so that risk of public disturbance is ever hanging over our heads."—*Great Encyclical Letters*, p. 123.

Contrast the foregoing Papal condemnation with the immortal speech of Lincoln at Gettysburg, wherein he spoke

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with such reverence of "government of the people, by the people, for the people." Contrast the Papal denunciation of sedition, or the uprising of the people against oppressive government, with Jefferson's statement in the Declaration of Independence that it is the duty of the people to alter or abolish the government that becomes destructive of human rights. Contrast it with the purpose expressed in the preamble of our National Constitution "to secure the blessings of liberty to ourselves and our posterity."

The immediate predecessor of the foregoing pope, Pius IX., in Clause 39 of his "Syllabus of Errors," made public December 8, 1864, also condemned the civil sovereignty of the people by branding as erroneous the following declaration of human rights:

"39. The commonwealth is the origin and source of all rights, and possesses rights which are not circumscribed by any limits."

Space forbids the insertion of numerous other Papal declarations in harmony

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with the foregoing from the ablest popes of the nineteenth century. The statements here given are deemed sufficient to show clearly the essential and unwavering hostility of the Papal system to democratic and representative institutions.

XIX

SEPARATION OF CHURCH AND STATE

1. The Papacy stands in uncompromising opposition to separation of Church and State.

The authors of the Constitution of the United States, impressed with the sorrow and oppression that had befallen Europe by reason of the union of the civil and ecclesiastical powers, provided in Article VI. that no religious test should ever be required as a qualification to public office. The people were so desirous to safeguard all popular rights that they incorporated the following as the first amendment to the Constitution:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the

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Government for a redress of grievances."

Against every right of the people vouchsafed in the foregoing amendment, the highest authorities of the Roman Catholic Church have continued till the present time to hurl sweeping denunciations. Opposition of the Papal system to separation of Church and State will sufficiently appear from the following:

"Hence follows the fatal theory of the need of separation between Church and State. But the absurdity of such a position is manifest."—*Great Encyclical Letters of Leo XIII.*, p. 148.

"With treacherous phrases about liberty of conscience and separation of the State from the Church, it takes advantage to weaken the bonds of religion, to accredit indifferentism, and to please the heretic and the unbeliever by a fashion of marriage suited to their minds."—*Letter of Cardinal Pecci* (afterwards Leo XIII.) *to King of Italy*, "Life of Leo XIII." by O'Reilly, p. 222.

"But this teaching is understood in two ways. Many wish the State to be separated from the Church wholly and entirely, so that in regard to every right

of human society, in institutions, customs and laws, the officers of States, and the education of youth, they would pay no more regard to the Church than if she did not exist; and, at most, would allow the citizens individually to attend to their religion in private if so minded. Against such as these, all the arguments by which We disprove the principle of separation of Church and State are conclusive; with this superadded, that it is absurd the citizen should respect the Church, while the State may hold her in contempt.”—*Great Encyclical Letters of Pope Leo XIII.*, p. 160.

Pope Pius IX. condemned as error the doctrine that

“The Church ought to be separated from the State, and the State from the Church.”—*Syllabus of Errors*, Clause 55.

Pope Gregory XVI. also condemned separation of Church and State in the following words:

“Nor can We hope for happier results, either for religion or for the civil government, from the wishes of those who desire that the Church be separated from the State, and the concord between

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the secular and ecclesiastical authority be dissolved.”—*Great Encyclical Letters of Pope Leo XIII.*, p. 125.

From among many Papal utterances condemning liberty of conscience and worship, only the following from Leo XIII. can be produced here:

“To make this more evident, the growth of liberty ascribed to our age must be considered apart in its various details. And, first, let us examine that liberty in individuals which is so opposed to the virtue of religion; namely, the liberty of worship, as it is called. This is based on the principle that every man is free to profess as he may choose any religion or none.”—*Id.*, p. 149.

The inherent tyranny of the Roman Catholic Church, and its hatred of religious and civil liberty as embodied in our Constitution and laws, appear unmistakably from the following:

“And it is a part of this theory that all questions that concern religion are to be referred to private judgment; that every one is to be free to follow whatever religion he prefers, or none at all

if he disapprove of all. From this the following consequences logically flow: that the judgment of each one's conscience is independent of all law; that the most unrestrained opinions may be openly expressed as to the practice or omission of divine worship; and that every one has unbounded license to think whatever he chooses and to publish abroad whatever he thinks.

“Now, when the State rests on foundations like those just named—and for the time being they are greatly in favor—it readily appears into what and how unrightful a position the Church is driven. For when the management of public business is in harmony with doctrines of such a kind, the Catholic religion is allowed a standing in civil society equal only, or inferior, to societies alien from it; no regard is paid to the laws of the Church, and she who, by the order and commission of Jesus Christ, has the duty of teaching all nations, finds herself forbidden to take any part in the instruction of the people. With reference to matters that are of twofold jurisdiction, they who administer the civil power lay down the law at their own will, and in matters that appertain to

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religion defiantly put aside the most sacred decrees of the Church. They claim jurisdiction over the marriages of Catholics, even over the bond as well as the unity and the indissolubility of matrimony. They lay hands on the goods of the clergy, contending that the Church can not possess property. Lastly, they treat the Church with such arrogance that, rejecting entirely her title to the nature and rights of a perfect society, they hold that she differs in no respect from other societies in the State, and for this reason possesses no right nor any legal power of action, save that which she holds by the concession and favor of the government. If in any State the Church retains her own right—and this with the approval of the civil law, owing to an agreement publicly entered into by the two powers—men forthwith begin to cry out that matters affecting the Church must be separated from those of the State.”—*Id.*, p. 121.

XX

FREEDOM OF SPEECH AND PRESS

2. Freedom of speech and of the press is denounced by the popes as vicious and intolerable.

The Papacy attained its imperial greatness during the Dark Ages. A creature of darkness, it can not endure the light of public discussion. Its policy has always been to suppress freedom of thought and expression by the heavy hand of authority. In lands dominated by the Roman Catholic Church there is virtually no free periodical press, and freedom of speech as understood in Protestant lands is totally unknown.

Pope Leo XIII. sets forth the attitude of the Papacy towards freedom of thought and expression in the following declarations:

“From what has been said, it follows

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that it is quite unlawful to demand, to defend, or to grant unconditional freedom of thought, of speech, of writing, or of worship, as if these were so many rights given by nature to man."—*Great Encyclical Letters of Pope Leo XIII.*, p. 161.

"If unbridled license of speech and of writing be granted to all, nothing will remain sacred and inviolate; even the highest and truest mandates of nature, justly held to be the common and noblest heritage of the human race, will not be spared."—*Id.*, p. 152.

The hostility of the Papal Empire to freedom of the press is further shown by the fact that Roman Catholic representatives in the Congress of the United States have sought with great energy and diligence to secure legislation that would enable the Postmaster General to suppress and destroy, without notice, trial or opportunity to make defense, any publication that may offend the Roman hierarchy. These assaults on one of the most fundamental rights of constitutional liberty were made with great vigor in

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the Sixty-third Congress, and were renewed in the Sixty-fourth. Five separate bills have been introduced in Congress for this purpose by representatives coming from the great Roman Catholic strongholds of Greater New York City and Boston, in each of which cities a Roman cardinal and member of the Papal court is present to direct the political activities of Rome. As these bills are substantially identical in their arbitrary provisions, it will be sufficient to insert here the bill introduced by Roman Catholic Representative Gallivan, of Boston, March 27, 1916:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled: That the Postmaster General shall make the necessary rules and regulations to exclude from the mails those publications the avowed and deliberate purpose of which is to attack a recognized religion held by the citizens of the United States, or any religious order to which citizens of the United States belong."

The following letter, written by the

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Roman Catholic Archbishop of New York, will further show the intolerant and destructive policy of Rome towards even her own periodical publications:

“452 MADISON AVENUE, New York,
“APRIL 13, 1887.

“TO THE EDITOR AND PROPRIETOR OF THE
CATHOLIC HERALD:

“*Gentlemen*—By this note, which is entirely private and not to be published, I wish to call your attention to the fact that the Third Plenary Council of Baltimore, following the leadership of Pope Leo XIII., has pointed out the duties of the Catholic press, and denounced the abuses of which journals styling themselves Catholic are sometimes guilty. ‘That paper alone,’ say the council (decree No. 228), ‘is to be regarded as Catholic that is prepared to submit in all things to ecclesiastical authority.’ Later on it warns all Catholic writers against presuming to attack publicly the manner in which a bishop rules his diocese, affirming that those who so presume, as well as their approvers and abettors, are dealt with by canonical censures.

“For some time past the utterances of the *Catholic Herald* have been shock-

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ingly scandalous. As this newspaper is published in this diocese, I hereby warn you that if you continue in this course of conduct it will be at your peril. I am, gentlemen, yours truly,

“M. A. CORRIGAN,

“Archbishop of New York.”

—*Facing the Twentieth Century*, by James M. King, p. 367.

XXI

OPPOSES PUBLIC SCHOOLS

3. Free public schools are vehemently opposed and denounced by the Roman Catholic Church.

Few American institutions are so prized by all patriotic citizens as the free public school. From Maine to California the public schoolhouse is recognized as a cradle of liberty and intelligence. American citizens pay their school tax with a cheerful sense of satisfaction.

The free public school belongs peculiarly to Protestant peoples. It is virtually unknown in countries dominated by Romanism. It is very significant that among Protestant peoples the percentage of illiteracy is extremely small, while in all Roman Catholic communities it is appallingly large. In some of the Protestant countries persons unable to read

and write compose less than one per cent. of the total population, while in Roman Catholic countries the number exceeds fifty per cent.

On September 30, 1860, Cardinal Pecci, who afterwards became Pope Leo XIII., wrote the Royal Commissary of Italy a letter against reforms that were being instituted by the Government in portions of that peninsula. He was especially bitter in denouncing a decree establishing public education under the direction of the civil government. In that letter the cardinal used the following language:

“The decree admits that religion is inseparable from a wise instruction and education. But then it excludes in the most absolute manner the direction and superintendence of the religious authority from the institutions in which youth is instructed and educated, and substitutes for it privately those of the Government.”—*Life of Leo XIII.*, by O'Reilly, p. 239.

Prof. William Turner, of the Catholic University of America at Washington,

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D. C., states the hostile disposition of the Roman Church towards public secular education in the following words:

“The Church can not approve schools which exclude religion from the curriculum, both because religion is the most important subject in education, and because she contends that even secular education is not possible in its best form unless religion be made the central, vitalizing and co-ordinating factor in the life of the child. The Church, sometimes, tolerates schools in which religion is not taught, and permits Catholic children to attend them, when the circumstances are such as to leave no alternative, and when due precautions are taken to supply by other means the religious training which such schools do not give. She reserves the right to judge whether this be the case, and, if her judgment is unfavorable, *claims the right to forbid attendance* (see letter of Gregory XVI. to Irish bishops, 16 Jan., 1831). . . . *State monopoly of education has been considered by the Church to be nothing short of tyrannical usurpation.*” — *Catholic Encyclopedia*, Vol. XIII., p. 558.

In Clauses 45 and 48 of his “Syllabus \

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of Errors" of 1864, Pope Pius IX. heartily condemns the idea that education shall be under direction of the civil government and separated from the control of the Roman Catholic Church.

The Papacy does not permit secular control of the public schools in countries which it can dominate. By treaty stipulation the Pope is accustomed to exact from the Government of such countries full control of the state school system by the Roman Catholic hierarchy. As illustrating the provisions so exacted and enforced in Roman Catholic countries, a sample is here submitted of such provisions taken from the concordat made in 1887 between the Pope and the United States of Colombia in South America. Following are the sections of that concordat bearing on education:

"XII. In the universities, colleges, schools and other educational centers, the public education and instruction shall be organized and directed in conformity with the doctrines and moral teaching of the Catholic religion. Religious instruc-

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tion shall be obligatory in such institutions, and the religious exercises prescribed by the Catholic religion shall be observed in them.

“XIII. In consequence of the foregoing Article, the respective ordinaries, either in person or by delegates appointed for that purpose, shall exercise the right of inspecting and revising the text-books used for the teaching of religion and morality in such institutions. The Archbishop of Bogota shall select the books to be used as text-books in religion and morality in the universities; and in order to insure uniformity of instruction on these subjects, this Prelate, in concert with other diocesan Bishops, shall select the text-books for the other Government educational establishments. The Government will take care that, in the delivery of lectures on literary and scientific subjects, and generally in all branches of instruction, no ideas contrary to the Catholic doctrine, or tending to lessen the respect and veneration due to the Church, are propagated.

“XIV. In case religious and moral teaching should not be in conformity with Catholic doctrines, in spite of the orders and precautions of the Government, the

respective ordinaries shall be able to deprive the professors and masters of the right of giving instruction in such matters."—*State Papers Published by the British Government*, Vol. LXXIX., p. 818.

Such is the real disposition of the Papal Empire towards public education. Manifestly, the protestations of loyalty to the public schools which are frequently made by mouthpieces of Rome in this country are deliberately false and intended merely to deceive the public. Notwithstanding the inherent hatred and opposition of the Papacy to our great system of free public schools, Roman Catholic politicians have contrived to secure the employment of an appalling number of Papists as teachers and even as principals and superintendents in these schools. The enmity of the Pope and the entire Papal hierarchy to public education renders it impossible for any Papal subject to serve in good faith as an officer or teacher in any American public-school system.

XXII

MARRIAGE

4. The Roman Catholic Church violates and defies all marriage laws not in harmony with the Papal law of marriage.

The canon law of the Roman Church boldly forbids Roman Catholics to obey marriage laws of this or any nation which are not identical with her own laws on that subject. She thus openly defies our national and State laws governing marriage, and requires all Roman Catholics to violate and disregard the same. This defiance of our law has caused Roman priests to destroy domestic happiness in many Christian homes, to force separation of legally married husbands and wives, and to stigmatize the children born in lawful wedlock as illegitimate. Her defiance of our marriage laws clearly appears from the following:

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“When, however, the State enacts laws inimical to the marriage laws of the Church, practically denying her right to protect the sacred character of matrimony, *she can not allow her children to submit to such enactments.*”—*Catholic Encyclopedia*, Vol. IX., p. 700.

“As, then, marriage is holy by its own power, in its own nature, and of itself, it ought not to be regulated and administered by the will of civil rulers, but by the divine authority of the Church, which alone in sacred matters professes the office of teaching.”—*Great Encyclical Letters of Pope Leo XIII.*, p. 68.

Pope Pius IX., in a letter of protest to the King of Italy against the law of 1860 authorizing civil marriages, condemned that law, and the marriages contracted thereunder, in the following words:

“We wrote to your Majesty that the law is not Catholic; and if the law is not Catholic, the clergy are obliged to tell the people so, even at the risk of incurring the threatened penalties. Your Majesty, we also speak to you in the name of Christ Jesus, whose Vicar we

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are, how unworthy soever; and we say to you in His Name, do not sanction this law, which is pregnant with a thousand disorders. . . . We give ourselves up willingly to the hope of seeing you support the rights of the Church, protect her ministers, and free her people from the peril of being subjected to certain laws which bear on their face the decay of religion and of the morality of nations.”—*Life of Leo XIII.*, p. 222.

The Council of Trent officially defined the attitude of the Roman Catholic Church on the subject of marriage. It declared positively that all marriages not solemnized by a Roman priest are absolutely null and void in the following words:

“Those who otherwise than in the presence of the parish priest himself or of another priest acting with the license of the parish priest or of the Ordinary, and in the presence of two or three witnesses, shall attempt to contract matrimony, the Holy Synod renders altogether incapable of contracting marriage thus, and decrees that contracts of this kind are null and void.”

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In 1907 Pope Pius X. handed down from the Papal throne the latest and most radical legislative utterance of the Papacy to the same effect in the decree which is popularly known from its opening words in Latin as the *Ne Temere* Decree. The most salient provisions of that decree, when translated into English, read as follows:

“III. Only those marriages are valid which are contracted before the parish priest or the Ordinary of the place or a priest delegated by either of these, and at least two witnesses, according to the rules laid down in the following articles, and saving the exceptions mentioned under VII. and VIII.

“VII. When danger of death is imminent and where the parish priest or the Ordinary of the place or a priest delegated by either of these cannot be had, in order to provide for the relief of conscience and (should the case require it) for the legitimation of offspring, marriage may be contracted validly and licitly before any priest and two witnesses.

“VIII. Should it happen that in any

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district the parish priest or the Ordinary of the place or a priest delegated by either of them, before whom marriage can be celebrated, is not to be had, and that this condition of things has lasted for a month, marriage may be validly and licitly entered upon by the formal declaration of consent made by the spouses in the presence of two witnesses.”

The foregoing excerpts from the decree of the Council of Trent and the *Ne Temere* Decree are taken from the *Ec-clesiastical Review* of February, 1908, at pages 133 *et seq.*

XXIII

DISFRANCHISEMENT THE ONLY ADEQUATE REMEDY

IV. No Member or Subject of the Papal Empire is Legally Entitled to Citi- zenship.

Numerous lay members of the Roman Catholic Church are doubtless ignorant of the civil status and disability which the Papal hierarchy has forced upon them. These laymen sincerely believe themselves capable of the highest type of patriotism. In any conflict or transaction between the Government of the United States and other civil governments they would probably support their own country.

But in dealings or breach of comity between America and the Vatican their paramount fealty to the Vatican would compel them to oppose the American

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Government. However little they may be aware of this situation, it exists none the less by virtue of the sovereign status of the Pope and the established principles of canon law.

The Papal Empire is the only government in the world whose subjects are permitted to vote in another sovereignty. No subject of any other monarch than the Pope and no citizen of any other nation is given citizenship in the United States. Before enjoying the franchise in this country, such person must take steps required by law to sever his identity with the nation to which he has previously belonged.

Nor would it be sufficient that Roman Catholics should forswear allegiance to the Pope as the subjects of other monarchs abjure allegiance to those monarchs. Such an oath taken by subjects of the Pope would not remove their disability, for two substantial reasons. In the first place, under the doctrine of the Roman Catholic Church, an oath against that Church or against the Pope does not

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bind the conscience and the life of a Roman Catholic in favor of a Protestant or of Protestant institutions.

In the second place, the oath taken by a subject of the British Empire, for instance, when seeking citizenship in the United States, severs his British connection. He must terminate his connection with that empire before claiming the rights of an American citizen. The same condition binds the citizens and subjects of all sovereignties except the Papacy. Roman Catholics remain subject to the Pope regardless of oaths as long as they remain in the organization over which he reigns as sovereign. Complete subjection to the Pope is the very essence of Roman Catholicism and is inseparable from it.

So long as the Sovereign Pontiff claims and exercises temporal jurisdiction and participates in the diplomacy and politics of the world, his subjects are bound by the same conditions that bind subjects to other monarchs. No Roman Catholic, while retaining membership in

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the Papal Empire, which is identical with the Roman Catholic Church, is entitled to citizenship under any civil government. He can escape this disability exactly as subjects of other empires and governments escape it, by severing entirely his connection with the political empire which the Pope rules with supreme power. Till he does this, he is not entitled to any political rights as an American citizen.

Because of his political fealty to the Pope and his consequent civil disability—not because of his religion—every Roman Catholic enjoying the privileges of an American citizen is doing so in violation of the spirit and essence of constitutional law. He can not be at once an American citizen and a subject of the Papal Empire. He must surrender the one prerogative or the other. If he prefers to retain membership in the Pope's ecclesiastical empire, justice demands his disfranchisement and surrender of American citizenship.

The political sovereignty of the Pope

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with the consequent dual allegiance of all Roman Catholics has complicated the politics of the civilized world since the nightfall of the Dark Ages. It has embroiled the nations in their fiercest conflicts and drenched the earth with human blood. Having scourged the Old World through so many centuries, the Papal system is now pouring its ignorant and degraded peoples into this country and fastening its destructive grip on our institutions. The most stupendous political issue of modern times is thus being forced upon us. The mighty problem awaits solution at the hands of our citizens. Its difficulty, its magnitude, its vital importance, challenge the strongest hands, the clearest heads and the bravest hearts of the greatest and freest people beneath the sun.



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