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which condemns the First Amendment in principle and praises it in practice, to be either intellectually or morally respectable. What these men think is indeed quite secondary to the prime problem—the truth of the matter. But the fact of their thought must be registered, as a fact. There is no excuse for being blind to the fact; still less, for being bland about it.

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"all finished." There is no more problem; it has been solved. Leo XIII said the last word. The theologian's task is that of repetition of what has been said. He has not to search, explore, explain, develop; he has simply to impose the finished formula.

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#### BISHOP RYAN ON THE SANCTIFICATION OF SUNDAY

But this obligation is incumbent on society as well as on individuals. That is, man, not only as an individual person, but as a member of society, must pay homage to God. It does not suffice to praise God in private; we must worship God in public. Deists as well as Christian doctors teach that the obligations of public worship, of worshipping God in public, and not merely in private, is of the very essence of the law of nature. Hence we find that this unalterable law of consecrating one day in the week to the public worship of God, Christian society has everywhere recognized and enforced, and so from earliest Apostolic times the observance of the Sunday became of civil as well as ecclesiastical precept.

Civil rulers in all Christian lands, following the lead of the first Christian emperor, have accepted, sanctioned, and enforced the universal ordinance of God's Church, and, therefore, besides all this solemn sanction already mentioned, the sanctification of the Sunday has the sanction of the civil law.

—Bishop Ryan of Buffalo, in his sermon to the Third Plenary Council of Baltimore.

## REPLY TO FATHER MURRAY

In his current rejoinder to my criticisms of his theory on the relation between Church and State Fr. Murray has chosen to attack me instead of clarifying and defending his own views. Indeed, he affirms that he cannot see that his own theories have been touched by my objections.<sup>1</sup> Now, while it is a military adage that the best defense is a counterattack, I think that from the theological standpoint it would have been better if Fr. Murray had attempted to answer the objections which I raised. There are others besides myself who believe that these objections do touch his theories, and his easy-going way of brushing them aside as if unworthy of consideration gives no help toward solving our difficulty of reconciling Fr. Murray's views with the teaching and practice of the Church.

Moreover, it is puzzling to read Fr. Murray's statement that the cases I adduced (as objections to his theories) "would in the end have to be met; but could we not agree to meet them in the end, not at the beginning?"<sup>2</sup> For, if these cases do not touch Fr. Murray's views, why do they have to be met at all? But if, on the other hand, they do touch his views, why should they not be met at once, since they concern the compatibility of Fr. Murray's opinions with Catholic teaching and practice? As Catholics we must regard the Church's teaching and practice as the proximate criterion of the tenableness of any theological theory that may be proposed; and when the theory seems to be opposed to the Church's teaching or practice, a thorough investigation should be made to see if a reconciliation is possible. This should be done, not at the end, after support for the theory has been sought from other sources, but at the very beginning. For, if no reasonable way of establishing such a reconciliation can be found, the theory should be abandoned, however convincing the arguments in its favor may seem. Now, Fr. Murray's theory on the relation between Church and State seems in some respects to be out of harmony with the Church's teaching and practice. If he can prove that there is no opposition, theologians will cease to object to his opinions on this ground. But if he cannot or will not prove this point, he must expect that his theory will be viewed with suspicion.

<sup>1</sup> Cf. *supra*, p. 43.

<sup>2</sup> Cf. *supra*, p. 39 n.

However, since Fr. Murray prefers to attack me instead of answering my objections, the task devolves on me of defending myself against his charges. I shall try to follow as closely as possible the order in which he brings up his objections.

## I

Fr. Murray begins by accusing me of holding by implication that the State possesses a measure of jurisdiction over the Church inasmuch as I said that the State has the obligation "to permit the legitimately delegated preachers of the Gospel to enter its territory and to announce their message to the people." Fr. Murray interprets the verb *permit* as implying on the part of the one granting permission "an act of authority supposing a measure of jurisdiction" so that my words imply that the State possesses a "juridical empowerment" to permit the Church to preach, that the civil power may grant the Church "authorization" to exercise her mission, and that consequently there is a "measure of dependence of the Church on the civil power." And he quotes against my supposed implication the words of Canon 1322 "independently of every civil power" describing the Church's divinely granted right to teach all nations.

Now, it is surely unfair to accuse a person of holding something by *implication*, when he *explicitly* states the contrary. Yet, that is what Fr. Murray has done in this instance. Furthermore, he avoids making any reference to my explicit statements which are directly contrary to what he ascribes to me by implication. Thus, in the very paragraph from which his first quotation against me is taken<sup>3</sup> I quoted to support my teachings the very canon from which he has taken a phrase to use against me.<sup>4</sup> Indeed, the phrase "independently of every civil power" which Fr. Murray adduces to prove I am wrong is found in the very sentence which he quotes from my article. (To emphasize the freedom of the Church from all civil power in the exercise of her apostolate I put this phrase in italics, which Fr. Murray omits in quoting me.)

An even more startling example of this method of controversy appears in Fr. Murray's footnotes, Nos. 3 and 6.<sup>5</sup> In the former footnote, Fr. Murray quotes from my article "Christ the King of

<sup>3</sup> Cf. *supra*, p. 28. <sup>4</sup> *AER*, CXXV, 1 (July, 1951), 13. <sup>5</sup> Cf. *supra*, pp. 29, 31.

Civil Rulers" which appeared in *The American Ecclesiastical Review* for October, 1948; in the latter he refers to a statement in the same paragraph. But he makes no reference to a sentence that I put between these two. That my readers may perceive the full significance of this method of argumentation, I shall quote the entire paragraph:

The civil rulers have the obligation to permit the Catholic Church to teach its doctrines to the people, whether baptized or unbaptized. In the event that the Gospel is being announced for the first time, the rulers have the right and the duty to investigate the claims of the preachers before giving positive approval. Since the Church received her commission to preach directly from Christ Himself, she has the right to announce her message in non-Christian lands, whether the government consents or not. However, the usual procedure of missionaries to pagan lands has been to seek governmental confirmation of their mission, when it is prudently possible to follow this procedure.<sup>6</sup>

Now, Fr. Murray quotes the first two of these four sentences, refers to the fourth, and entirely omits any reference to the third. He claims that I denied by implication that "it is the law of Christ that the Church should have direct access to all men, 'independently of every civil power,' " yet disregards my statement that "since the Church received her commission to preach directly from Christ Himself, she has the right to announce her message in non-Christian lands, whether the government consents or not." It is difficult to believe that Fr. Murray overlooked this third sentence of my paragraph, since he evidently read the first, the second and the fourth sentences.

What, now, of the force of Fr. Murray's charge based on the meaning of the verb *permit*? He takes it for granted in the text of his article that this word signifies an authoritative giving of a right; and though in note 3 he indicates that this verb might signify a mere forbearance of prohibition, he argues that in my context it means the granting of authorization. I believe, however, that if Fr. Murray had quoted the statements from my context which I just mentioned, it would be clear that in my use of *permit* I had merely in mind the attitude of the government of doing nothing to hinder the activity of the Church in its divinely authorized

<sup>6</sup> *AER*, CXIX, 4 (Oct. 1948), 249.



task of preaching and ministering to the spiritual needs of the people. If Fr. Murray had given all the pertinent context, the only charge that could be reasonably based on my statement that the civil rulers must permit the Church to function is that I did not choose the correct word to express my meaning. The meaning of my statement must be evident to any fair-minded reader.

But, did I make a mistake in choosing the word *permit* to express my meaning, as Fr. Murray takes for granted in the text of his article? I believe that the authority of the dictionary can best answer that question. In the *Standard Dictionary* the first meaning of *permit* is given as "to allow by tacit consent or by not hindering, take no steps to prevent, consent tacitly to, suffer," whereas under the secondary meaning we find "to grant leave to by express consent or authorization, empower expressly, authorize." Similarly, in Webster's *International Dictionary* the primary definition of this word is "to consent to, allow to be done, to tolerate, to put up with," while for the secondary meaning we have "to grant one express license or liberty to do an act, to authorize, to give leave."

Hence, although I used the word *permit* in its primary meaning to express an idea that is perfectly orthodox, Fr. Murray insists on interpreting it in a secondary meaning and then claiming that I have enunciated (by implication) a proposition gravely derogatory to the perfect liberty which the Church received from her Divine Founder. Fr. Murray's mode of argumentation seems a bit arbitrary, to put it mildly.

Certainly, when the Council of Trent used the word *permissive* to signify the relation of the divine will to sin, there was no intention of saying that God *authorizes* men to commit sin.<sup>7</sup> I am sure that when Fr. Murray says, in the beautiful prayer of his holy Founder "Ne permittas me separari a te" he has no intention of asking Our Lord not to authorize him to lose the state of grace. The use of the word *permission* in the sense which I have ascribed to it and in conjunction with a situation such as we are considering in this discussion is found in a letter of St. Bernardine Realino, S.J., appearing in a recent biography of this holy confrere of Fr. Murray: "We have received word that our Fathers have entered

<sup>7</sup> DB, 816.

China with the permission of the king, and are preaching our holy faith and baptizing."<sup>8</sup>

Fr. Murray endeavors to confirm his charge that I subject the Church to the authority of the State by pointing out that I say that "it is within the scope of the official duty of civil rulers to find out whether or not the Church is authorized by God to demand certain rights" and hence they "must investigate the validity of its credentials." This, he says, implies a right of the government "to pass judgment on the Gospel,"<sup>9</sup> and constitutes the civil ruler "a competent judge of religious truth."<sup>10</sup> Moreover, he adds, I have been guilty of rationalism or Pelagianism in holding that the civil ruler, after having made an investigation of the Church's claim, is *per se* bound to yield to the Church's claims, since this involves an act of faith, and this in turn requires supernatural grace which is beyond human meriting so that we may not say that it ought to happen.

Fr. Murray arrives at his conclusion that I show a tendency toward rationalism and Pelagianism by filling in a proposition in my chain of argumentation, which he says follows by logical necessity, and then promptly condemning me on the basis of this proposition. I do not think that this proposition follows necessarily. If I were asked to fill in this link (I did not do so because I thought it sufficiently implied) I would express it as: "The State is bound *per se* to accept the proofs for the Church's claims" which is quite different from Fr. Murray's interpretation of my thought: "The State *per se* will accept the proofs for the Church's claims and believe in the Church's divine authority."

At any rate, there is a vital defect in Fr. Murray's objections in that he does not distinguish between the preamble of faith, the motives of credibility and the judgment of credibility (and credibility) on the one hand, and the truths of faith, the motive of faith and the act of faith on the other hand. The former are natural, the latter are supernatural. It is because of his failure to make this important distinction that Fr. Murray identifies the obligation of the state to yield to the claims of the Catholic Church—which obligation I uphold—with an act of faith.<sup>11</sup> Again, he ascribes to me the asser-

<sup>8</sup> Cf. Sweeney, S.J., *Bernardine Realino. Renaissance Man* (New York: The Macmillan Co., 1951), p. 125.

<sup>9</sup> Cf. *supra*, p. 31 n.

<sup>10</sup> Cf. *supra*, pp. 31 f.

<sup>11</sup> Cf. *supra*, p. 33.

tion that the government has a right to "pass judgment on the Gospel."<sup>12</sup> I certainly would hold nothing of the kind, unless the Gospel be considered as a purely human narrative, in which case a civil ruler, anxious to find out the value of the Church's claims, may investigate its reliability, just as a private individual may do.

In other words, the civil official has the obligation to investigate the motives of credibility offered by the Catholic Church as the private citizen has, and the intellectual procedure in both cases can be the same. The difference between the two is found in the practical judgment. In the former case it determines an obligation of an official character (to permit the Church full freedom), in the latter case it determines an obligation of a private character only (to embrace the religion taught by the Catholic Church). In both instances the judgment is a logical consequence of a *judicium speculativum creditatis* ("The claims of the Church are sound"), and a *judicium speculativo-practicum creditatis* ("The claims of the Church should be accepted"). All this process is essentially different from the supernatural act of faith. I wholeheartedly profess that I believe that the act of faith (as also even the *initium fidei*) requires supernatural grace, and I trust that by this profession I shall clear myself of the charge of Pelagianism.

It is difficult to see, even from the practical standpoint, why Fr. Murray objects to the investigation of the motives of credibility by a civil official with a view to permitting the Church to exercise its ministry without hindrance. Would he hold that the civil official must allow everyone who proclaims a religion to preach and minister without any investigation of his credentials? Does he mean that a ruler, confronted by several preachers, each claiming to announce God's message, but differing among themselves, may not examine the proofs each has to offer for the sincere purpose of finding which is the authentic teacher? Does he hold that in the event that such a ruler finally concludes that the Catholic preacher alone has sound credentials, and permits the Catholic Church to proclaim its message and baptize the citizens and perform other acts of the ministry, unhampered, and even favored by the government, he has committed a sin by placing the Church "in a position of dependence on the civil power" and by making himself "a competent judge of religious truth"?

<sup>12</sup> Cf. *supra*, p. 31 n.

## II

The main objection adduced by Fr. Murray in the second part of his paper can be proposed, I think, in the following syllogistic form:

Christ did not make any absolute laws for civil rulers that civil rulers would be incapable of fulfilling in any real, concrete political situation. But it is impossible under a government such as we have in the United States for the civil officials to investigate the truth of the Church (the credentials of Catholicism). Therefore, Our Lord laid down no law that is absolute, binding all civil rulers under the Christian dispensation to investigate the credentials of Catholicism.

I think that a distinction is called for in the major of this argument. If the meaning is that the concrete political situation itself is in conformity with the divine law in all respects, I concede. But if a particular situation contains factors that are themselves not in accord with God's will, it does not follow that Our Lord did not lay down laws which in this particular instance cannot be fulfilled because of these factors.

Similarly, I would distinguish the minor. If what is meant is that certain unfortunate conditions prevailing in our land, particularly the fact that so many of our citizens are not concerned with seeking the one true religion, render it the most feasible policy for our government to show equal favor to all religions (and consequently exempt the civil officials from the obligation of seeking the true religion as far as any governmental policy is concerned), I fully agree. And, to repeat what I have often said before, I firmly believe that for our land the most practical policy is to have equal freedom for all religions, and I cannot see any probability of a change of circumstances in future (even the gaining of an overwhelming majority of the votes by Catholics) that would justify a change in our national policy of equal rights for all creeds.

However, if the meaning of this minor is that it is essential to a democratic form of government to show no special favor to the one true religion, so that there need be no attempt on the part of the officials to discover the true religion, I deny the minor. I cannot see why homage cannot be rendered to Christ the King, and obedience given to His laws, and special favor shown to His Church in a democracy, just because it is a democracy.



If the principle laid down in the major of Fr. Murray's argument were applied to other situations, it would lead to conclusions which could not be admitted. Certainly, every Catholic admits that the Church possesses authority in spiritual matters over all baptized persons. But how can the Church in practice exercise that authority today over the millions of baptized persons separated from her communion? Certainly, if we argued that Christ did not make any absolute laws for His Church that the Church would be incapable of fulfilling in concrete situations, it would seem to follow that He made no ruling to the effect that all the baptized come under the spiritual jurisdiction of His Church.

The principle proposed by Fr. Murray—that Our Lord would not lay down any absolute laws that could not be observed in all concrete situations—would fail also if applied to the unquestionable obligation imposed on the Church to preach the Gospel to all human beings. After two thousand years, it is still not possible to fulfill this precept. Similarly, the law making the reception of Baptism necessary as a means for salvation is one that cannot be observed in the case of a vast number of infants who die daily throughout the world. But the existence of such a law cannot be doubted.

In other words, from the undeniable fact that in the United States conditions are such as to preclude governmental favor to the Church of Christ, it does not follow that it is not the obligation *per se* of the government in a democracy such as ours to find out the true religion and to favor it.

Fr. Murray claims that only in an unlimited monarchy could my theory of the obligations of the state become practical; and he designates me as a crypto-monarchist, whose ideas on the Church-State problem are based on the royal absolutism of the French kings. Even Leo XIII, according to Fr. Murray, was inclined to base his doctrines on the State on conditions prevailing in France.<sup>13</sup> However, this assertion can hardly be applied to the statement of Leo XIII in his Encyclical on Catholicity in the United States, which clearly proposes special favor to the true Church as possible and desirable even under a government such as that of the United States:

<sup>13</sup> Cf. *supra*, p. 44.

The fact that Catholicity with you is in good condition, nay, is even enjoying a prosperous growth, is by all means to be attributed to the fecundity with which God has endowed His Church, in virtue of which, unless men or circumstances interfere, she spontaneously expands and propagates herself; but she would bring forth more abundant fruits if, in addition to liberty, she enjoyed the favor of the laws and the patronage of the public authority.<sup>14</sup>

Fr. Murray asks: "Would [Fr. Connell] say that, since this obligation and right [to investigate the claims of the Church] derive directly from Jesus Christ, 'We, the People' are not empowered to nullify them by any act of free popular consent? Would he say, in other words, that the American system of constitutional government, wherein the powers of the civil ruler are limited by act of the people, is directly in contradiction to the law of Christ?"<sup>15</sup>

To this I would answer that the prohibition to show special favor to any particular religion, imposed by our constitution on the civil officials of our land, is perfectly reasonable and in no way opposed to the law of Christ, insofar as that law admits of cases in which, because of particular circumstances, equal freedom for all creeds is the most practical policy. Pope Leo XIII pointed this out,<sup>16</sup> and undoubtedly such conditions prevail in the United States. But this does not prove that in other circumstances it would not be the required condition for the government to recognize the true religion, whatever form of government it may be. In such circumstances the people would do wrong by voting against governmental recognition of the true religion, just as they would do wrong if they voted that all children must attend State schools.

I cannot agree with the summation of my views which Fr. Murray essays to give. He interprets me as upholding the direct subjection of the civil power to the law of Christ and of His Church.<sup>17</sup> Certainly, it is not fair to present my views in this unqualified fashion, when I expressly stated: "The mediaeval view that the Pope has direct jurisdiction over all civil government is now abandoned."<sup>18</sup>

The *concordia* of which Fr. Murray speaks in the end is indeed

<sup>14</sup> *The Great Encyclical Letters of Leo XIII*, ed. John J. Wynne, S.J. (New York: Benziger Brothers, 1903), p. 323.

<sup>15</sup> Cf. *supra*, p. 35.

<sup>17</sup> Cf. *supra*, pp. 41 f.

<sup>16</sup> *DB*, 1874.

<sup>18</sup> *AER*, CXIX, 4 (Oct. 1948), 247.

a goal to be ardently sought. From the standpoint of practical ways of attaining this objective I presume we are in substantial agreement. We must accept present-day conditions as they are and make the best of them, supplementing our own efforts with the prayer "Ut omnes unum sint." But I do not think that Fr. Murray has given us any convincing reasons for departing from the views on the relation between Christ and the State, and the Church and the State, and on the ideal form of *concordia* which our standard dogmatic manuals present as the commonly accepted Catholic doctrine.

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In conclusion, let me add a word about the attitude which Fr. Murray manifests toward me in his article. Frequently he uses expressions indicating that I have shown a lack of intellectual ability in this controversy. He ascribes to me "a lack of breadth, depth, comprehension and clarity," "falsity of perspective," and "confusions in my political thought." He says that I give no idea of what is the speculative problem with which I am dealing, that I have a "genius for the peripheral," and that I am guilty of logicism. This last he defines as "the achievement of a pseudo-consequence by a concatenation of propositions that represent mere conceptualizations," which, I take it, is a somewhat complicated way of saying that I am rather stupid.

Now, I have no wish to enter into any discussion on this subject. Each of us is endeavoring to use the intellectual gifts conferred on him by God in the service of Catholic truth; and God has given Fr. Murray a brilliant mind. However, all of us, including Fr. Murray, are fallible; and when a theologian objects to the views of another, he is fully within his rights to combat those views (always with due observance of the Church's teachings), and to point out factual or dialectic flaws, if he finds them. No one can reasonably object to this manner of controversy. But it is more gracious and more charitable to refrain from remarks about an opponent's intellectual deficiencies. It adds nothing to the objective value of one's arguments.

I candidly admit that I have found difficulty in understanding Fr. Murray's theory; and even now I am not sure that I have fully grasped it. I would attribute this to my own mental limitations, were it not for the fact that other theologians whom I regard

as outstanding in intelligence have admitted that they experience the same difficulty. Hence, I believe that the manner in which Fr. Murray presents his view may be a partial cause, at least. He is fond of lengthy and complicated sentences, which at times furnish difficult reading. Accordingly, I courteously suggest that Fr. Murray give us his views simply and briefly—in two or three pages, if possible. Then we shall be prepared to discuss more understandingly his views on Church and State.

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#### FIFTY YEARS AGO

The leading article in *The American Ecclesiastical Review* for January, 1902, from the pen of Fr. Matthew Russell, S.J., of Dublin, Ireland, is a biographical notice of Canon Patrick Sheehan, whose novels *My New Curate* and *Luke Delmege* first appeared in this periodical. It is indeed edifying to read that the extensive literary activities of this good priest in no wise infringed on his zealous labors as pastor of Doneraile. . . . Fr. Joseph Putzer, C.S.S.R., explains the faculty of granting a *sanatio in radice* contained in the privileges communicated by the Holy See to the Bishops of the United States. . . . "The Priestly Ministration in Cases of Epilepsy, Apoplexy and Uraemia" is the topic discussed by Fr. Alfred Mulligan, of Birmingham, England. He describes the characteristic symptoms of each of these three ailments, and states his opinion as to which particular cases call for the administration of Extreme Unction. He makes mention of the theological teaching that if a priest is summoned to an urgent sick-call when he has just finished the Consecration in the Mass he is to place the sacred species in the tabernacle and attend to the needs of the sick person; then on his return he is to resume the Mass where he left off, even though several hours have elapsed. However, if the interruption occurs before the Consecration and the interval lasts more than an hour, he is to begin the Mass again. . . . Under the title "Hugh of St. Victor, Mystic," Fr. J. McSorley, C.S.P., contributes a scholarly article on the theological status of the great twelfth-century writer and on the various editions of his works. . . . In the "Ecclesiastical Library Table" are summarized recent writings on philosophy, theology and Sacred Scripture.

F. J. C.