

THE HIGHER LAW.

(From *Brownson's Quarterly Review*, for Jan. 1851.)

The law of God is supreme and overrides all human enactments, and every human enactment incompatible with it is null and void from the beginning, and cannot be obeyed with a good conscience, for "we must obey God rather than men." This is the great truth statesmen and lawyers are extremely prone to overlook, which the temporal authority not seldom practically denies, and on which the Church never fails to insist. This truth is so frequently denied, so frequently outraged, that we are glad to find it asserted by Mr. Seward and his friends, even though they assert it in a case and for a purpose in which we do not and cannot sympathize with them.

What we have said is conclusive against the honorable Senator from New York, but it does not precisely apply to the case of those who resist or refuse to obey the Fugitive Slave Law now that it has been passed. These persons take the ground that the law of God is higher than any human law, and therefore we can in no case be bound to obey a human law that is in contravention of it. Such a law is a violence rather than a law, and we are commanded by God himself to resist it, at least passively. All this is undeniable in the case of every human enactment that really does command us to act contrary to the law of God. To this we hold, as firmly as man can hold to any thing, and to this every Christian is bound to hold even unto death. This is the grand principle held by the old martyrs, and therefore they chose martyrdom rather than obedience to the state commanding them to act contrary to the Divine law. But who is to decide whether a special civil enactment be or be not repugnant to the law of God? Here is a grave and a perplexing question for those who have no Divinely authorised interpreter of the Divine law. The Abolitionists and Free Soilers, adopting the Protestant principle of private judgment, claim the right to decide each for himself. But this places the individual above the state, private judgment above the law, and is wholly incompatible with the simplest conception of civil government. No civil government can exist, none is conceivable even, where every individual is free to disobey its orders whenever they do not happen to square with his private convictions of what is the law of God. The principle of private judgment, adopted by Protestants in religious matters, it is well known, has destroyed for them the church as an authoritative body, and put an end to every thing like ecclesiastical authority; transferred to civil matters, it would equally put an end to the state, and abolish all civil authority, and establish the reign of anarchy or license. Clearly, if government is to be retained, and to govern, the right to decide when a civil enactment does or does not conflict with the law of God cannot be lodged in the individual subject. Where then shall it be lodged? In the state. Then are you bound to absolute obedience to any and every law the state may enact? you make the state supreme, absolute, and deny your own principle of a higher law than the civil law. You have then no appeal from the state, and no relief for conscience, which is absolute civil despotism. Here is a sad dilemma for our un-catholic countrymen, which admirably demonstrates the unsuitableness of Protestant principles for practical life. If they assert the principle of private judgment in order to save individual liberty, they lose government and fall into anarchy. If they assert the authority of the state in order to save government, they lose liberty and fall under absolute civil despotism, and it is an historical fact that the Protestant world perpetually alternates between civil despotism and unbridled license, and after three hundred years of experimenting finds itself as far as ever from solving the problem, how to reconcile liberty and authority. Strange that men do not see that the solution must be sought in God, not in man? Alas! reformers make a sad blunder when they reject the Church instituted by God himself for the express purpose of interpreting his law,—the only protector of the people, on the one hand, against despotism, and of government, on the other, against license!

But the people cannot avail themselves of their own blunder to withdraw themselves from their obligation to obey the laws. Government itself is a Divine ordinance, is ordained of God. "Let every soul be subject to the higher powers; for there is no power but from God; and the powers that be are ordained of God. Therefore he that resisteth the power resisteth the ordinance of God. And they that resist purchase to themselves damnation." We do not say that all the acts of government are ordained of God; for if we did, we could not assert the reality of a law higher than that of the state, and should be forced to regard every civil enactment as a precept of the Divine law. In ordinary government, God does not ordain obedience to all and every of its acts, but to those only of its acts which come within the limits of his own law.—He does not make civil government the supreme and infallible organ of his will on earth, and therefore it may err, and contravene his will and when and where it does, its acts are null and void. But government itself, as civil authority, is a Divine ordinance, and, within the law of God, clothed with the right to command and to enforce obedience. No appeal, therefore, from any act of government, which in principle denies the Divine right of government, or which is incompatible with the assertion and maintenance of civil authority can be entertained. Since government, as civil authority, is an ordinance of God, and as such the Divine law, any course of action, or the assertion of any principle of action, incompatible with its existence as government, is necessarily forbidden by the law of God. The law of God is always the equal of the law of God, and can never be in conflict with itself. Consequently no appeal against government as civil authority to the law of God is admissible,

because the law of God is as supreme in any one of its enactments as in another.

Now it is clear that Mr. Seward and his friends, the Abolitionists and Free Soilers, have nothing to which they can appeal from the action of government but their private interpretation of the law of God, that is to say, their own private judgment or opinion as individuals; for it is notorious that they are good Protestants, holding the pretended right of private judgment, and rejecting all authorized interpretation of the Divine law. To appeal from the government to private judgment is to place private judgment above public authority, the individual above the state, which, as we have seen, is incompatible with the very existence of government, and therefore, since government is a Divine ordinance, absolutely forbidden by the law of God,—that very higher law invoked to justify resistance to civil enactments. Here is an important consideration, which condemns, on the authority of God himself, the pretended right of private judgment, the grossest absurdity that ever entered the heads of men outside of Bedlam, and proves that, in attempting to set aside on its authority a civil enactment, we come into conflict not with the human law only, but also with the law of God itself. No man can ever be justifiable in resisting the civil law under the pretence that it is repugnant to the Divine law, when he has only his private judgment, or, what is the same thing, his private interpretation of the Sacred Scriptures, to tell him what the Divine law is on the point in question, because the principle on which he would act in doing so would be repugnant to the very existence of government, and therefore in contravention of the ordinance, therefore, of the law of God.

As Catholics we have an infallible Church to tell us when there is a conflict between the human law and the Divine, to save us from the necessity, in order to get rid of despotism, of asserting individualism, which is the denial of all government, and, in order to get rid of individualism, of asserting civil despotism, that is, the supremacy of the state, the grave of all freedom. We have never to appeal to the principle of despotism nor to the principle of anarchy. We have always a public authority, which, as it is ineradicable, can never be oppressive, to guide and direct us, and if we resist the civil law, it is only in obedience to a higher law, clearly and distinctly declared by a public authority higher than the individual and higher than the state. Our readers, therefore, will not accuse us of advocating civil despotism, which we abhor, because we show that they who reject God's Church, and assert private judgment, have no alternative but despotism or license. They are, as Protestants, under the necessity of being slaves and despots, not we who are Catholics. We enjoy, and we alone enjoy, the glorious prerogative of being at once freemen and loyal subject.

ON MIXED EDUCATION.

(From the *French Correspondent of the Tablet*.)

France, November, 1850.

A friend of mine has sent me the *Southern Reporter* of the 26th October, which contains the address of Sir R. Kane, President of the Queen's College, Cork, on the occasion of the distribution of premiums, and the commencement of the second collegiate year. I have perused this important and elaborate document with attention, because I thought I should find in it the principal arguments employed in favor of the new Colleges by their abettors, ably represented by my illustrious countryman. A long residence in France, an intimate acquaintance with her University, a competent knowledge of its teachings and of its fruits, enable me to form correct judgments upon these matters than those of my countrymen who have not had similar opportunities. The all-important question of education has for many years occupied most of my leisure hours. I have studied it in a religious and social point of view, as well as in its action upon individuals. I am an Irish Catholic, and as I love my religion and my country more than life, I have not seen without profound regret the evils that have arisen, and that are likely to arise, from difference of opinion among both Priests and people upon so vital a subject.

Why do the wise, the virtuous, the patriotic, form two camps—two adverse bodies? Has a diabolical policy cast once more the apple of discord, and has ambition or base lucre picked it up? I hope not; I believe not. I have hitherto attributed this discordance of opinion, this unhappy disunion of friends and brethren, to the absence of sufficient data to judge from. I am convinced that if men, who love their religion and their country could see and examine the question in all its bearings, penetrate and weigh the remote, as well as the immediate consequences of "Mixed Education," as furnished, directed, and influenced by an ever-varying and molley power, called *Constitutional Government*, there would be but little difference of opinion amongst them. It is because I think I can help honest patriots and sincere Christians to arrive at truth, that I undertake to write a series of letters on this vexed question. I shall think myself happy if I can induce my readers to see, to judge and to act, as they assuredly would, if I could paint in true and vivid colors the natural effects of this system of education as it has worked on the Continent.

It is my intention to follow Sir Robert—to examine and comment upon his assertions—to distinguish what is but specious from what is true in them, and especially to supply abundant information, which he has either suppressed, or was unable to furnish, and which I loudly proclaim to be indispensably necessary for properly understanding and appreciating the theory, practice, and effects of the system he eulogises.

In this first letter I shall confine myself to some remarks on the *Separation of Religion and Science*—a separation which the enemies of revealed religion, and their dupes or allies, the revolutionists of

Europe, are laboring hard, and not in vain, to achieve. Irish patriots will, I hope, never identify themselves with these ruthless unbelievers, nor adopt their insane principles. Some well-minded, but ill-informed men, may suppose that the Church steps out of her sphere, and usurps authority which really does not belong to her, when she decides upon systems of education, and imposes her *fat* upon one, and her *veto* upon another. The adversaries of the Church cry aloud against her pretensions on this head. They ask what connexion there is between *faith* and *mathematics*, *faith* and *physic*, *faith* and *logic*, *medicine*, &c.—they ask where is the danger for youth in receiving profane knowledge from the lips even of the unbeliever, whilst they receive, or may receive, religious instruction from the Minister of their respective religions?

Questions of this sort betray, or suppose, great ignorance of the multitudinous facts, which prove not only the existence of danger, but that myriads *have perished in it*—not only that there is a close alliance between religion and science, but that the one is the complement of the other—that the one perfects the other—and that, in reality, few branches of science can be fully taught and developed without touching even the fundamental points of Faith, and consequently without bringing to their aid the elucidation of *believing* professor, or without making them totter to their centre by the hostility of an *unbelieving* one: here a shrug, a smile, even silence has killed! The *learned* man who sees and fears no danger to religion from the unbelief of professors of science, is either a *latitude* himself or very indifferent and ignorant in matters of Faith. While religion and science had marched hand in hand, humanity, true civilisation, the fraternity of people, had progressed. The cry of *separation* began in the last century; it was raised by the enemies of Christ, whose warwhoop resounded throughout Europe, and whose watchword was, "*Ecrasons l'infame*!" ("Let us crush the infamous Christian religion!")—Voltaire.) It was so loud, and long, and violent, that it annihilated the most learned body of men in the world, the most pious and intelligent instructors of youth—the Jesuits. As if science came from the dark abyss, it was worked against God, and, like the Titans of old, it sought to tear the Master of the Universe from his throne. Geology, mathematics, metaphysics, history, physics, and the rest, were pressed into the service of impiety; dethroned religion, and, like the cup of Circe, changed a nation of Christians into such fell monsters as the world had never seen before.

Such were the deadly fruits of science when wrested from the wise control of religion, and perverted by the genius of unbelievers. It was, however, reserved for Condorcet to put the finishing hand to this separation of religion and science. He was the first that ever proposed truly "Godless Colleges," for his plan of national education, drawn up at the desire of the "*Legislative Assembly*," proscribed all religious ideas, even Deism, from the schools; unmitigated, practical Atheism was to characterise French instruction. The policy of the *philosophers* of the last age is not lost upon those of the present. There is scarcely a leveller or a Rationalist in Europe that is not the enemy of Ecclesiastical authority and religious education. The reason is evident; men are what they are made to be, and it is education that makes the man. Remove the barrier that religion raises up against the turbulent passions of the human heart, by bringing up a single generation, or even the upper classes of a single generation, without sound religious instruction—without faith, I do not hesitate in asserting, that there is not a nation in Europe, so prepared, that would not upon a given occasion renew the scenes of horror and impiety by which France frightened the world less than sixty years ago. Men resemble each other all over the world, and act similarly in similar circumstances. Hence the universal scramble, the desperate struggle that exists at present all over the Continent, for the direction and formation of the youthful mind. All parties would fashion this plastic matter to their own image. All parties feel that the destiny of the world, the success or defeat of their doctrines, must depend upon the ideas imbibed by the rising generations.—The rationalists of every school, the levellers and Socialists of every shade, are to a man for the separation of religion and science, and for *mixed education given by laymen*. They do not yet dare to unfold their ulterior projects on this head; they are content for the moment with a transition, that winks at religious instruction; but excludes it from the mass of knowledge imparted to it by the other professors. Experience proves that this system reduces religious instruction to almost a negative quantity. I shall, in future communications, adduce numerous facts to corroborate this assertion. No sincere, enlightened Christian on the Continent doubts it.

The Church, too, is on the alert, and actively employed in trying to stem the torrent. She seeks to retain, or to recover, her right to force the souls of men to virtue, and very naturally and justly insists that all human knowledge should have for its principal end and object to make solid and enlightened Christians of all those that receive it. Such is her undoubted mission, nor has she ever failed to accomplish it. Civilisation, learning, and arts, owe their existence in Europe. In every age, wherever and whenever she found herself untrammelled by State persecution, or State violence, she established, encouraged, and sanctioned Schools, Colleges, and Universities, which she imbued with her spirit, governed by her laws, and presided over by men who had her confidence. She never on any occasion approved or authorised the separation of religion and science.

Men of faith and piety should not fight the battle of their enemies; yet many of them are doing so unconsciously. There is, for an observing eye, an evident tendency in almost every State in Europe to

oust the Church out of schools, or at least, to diminish and neutralise her action on the minds of youth. The Rationalists and Eclectics of Germany and France, who have prepared and administered intellectual food to the present generation of writers, law-givers, and statesmen, are hurrying the governors and governed down this declivity. Statesmen have gladly adopted the idea, because they would centralise and hold all power in their own hands. They would confine the Church to her temples, there to abide their behests, to pray and to preach to vulgar souls that want a guide. The Church resists this tyranny. She cannot and will not accept such a position. She claims her rights in the name of God, and man, and freedom. She has friends, noble, generous, far-sighted friends, true patriots, that demand her rights, and show they are identified with civilisation, with true liberty, and the stability of all social institutions. The two armies are in presence of each other, drawn up in hostile array. On the banner of the one is inscribed—"Rationalism and Independence." On the time-honored flag of the other—"Faith and Divine Authority."

Under which of these hostile banners shall Ireland be found in half a century hence? This will depend on the education of her young men—on the humble submission to the voice of Him, who has been placed by God himself on the summit of the watch tower to espy the danger from afar, and guard the nation against it.

In my next letter I shall reply to the great argument employed by Sir R. Kane—viz., the conduct of the Pope with regard to the French law of Public Instruction.

THE POPE IN 1808, AND THE ENGLISH IN 1850.

The following article has gone the round of the continental papers; it appeared first in the *Univers*—

"Every one knows that Pius VII. suffered a long and cruel persecution, but few are conversant with the cause. Bonaparte had declared war against the English; besides the continental blockades, he had organised a powerful league against this nation, in which all the powers of Europe entered. One only sovereign refused to take part in it—the common Father of the Faithful; he did not think it permitted for him to make war against any portion of his children, even though they had torn his heart by plunging into heresy. The earnest solicitations of Bonaparte were futile. Pius VII. resisted alike his promises and his threats. Napoleon was determined to vanquish this resistance; he pretended to see nothing but bravado in what was the accomplishment of a sacred duty. Pius VII. declining to enter the league, was to the new Haman a new Mordecai refusing to bend the knee: he saw in it a protestation against the war with England, and resolved to revenge it by despoiling the Holy Father of his States. The decree, dated the 2d of April, 1808, which commenced this spoliation by usurping the four provinces of Urbino, Ancona, Macera, and Camerino, left no doubt as to the motive that led to this iniquity. 'Considering,' says the decree, 'that the actual Sovereign of Rome has constantly refused to make war upon the English, and to coalesce with the kings of Italy, we decree that the donation of Charlemagne, our illustrious predecessor, of the countries composing the States of the Church, be applied to the profit of Christianity, and not for the advantage of the enemies of our holy religion.' Bonaparte did not fail to point out to the Holy Father that the English had rendered themselves unworthy his protection by abdicating their title as children of the Church, and rushing into heresy. Nothing could triumph over the enlightened conscience of Pius VII. He replied that 'his sacred character as minister of Peace and common Father of all the faithful, and the laws of justice of which he must be the guardian, being the representative of that God who is the source of all justice, did not permit him to enter into a system of warfare, much less to declare war against the English Government, from whom he had received no injury. He conjured his majesty to consider that, not having any enemies, being the Vicar of Jesus Christ, who came not to foment but to allay enmities, he could not engage himself and his successors to make war for the interest of others.' (Official letter of Cardinal Gabrielli, 19th May, 1808.) Pius VII. was under no illusion as to the storm that was gathering over his head; he knew the character of Bonaparte, and the excess to which his wounded pride would carry him, but the Pontiff listened to his conscience and not to his interests. Resigned to the Divine Will, he prepared for persecution, which was not long in coming. Surrounded by the French soldiers in the pontifical palace, seized by the satellites of Miollis, carried out of one of the windows, separated from his Cardinals, reduced to live on alms, dragged from prison to prison, and at length conducted to Fontainebleau, loaded with outrages and humiliations, he expiated his refusal to enter into the European league against the English, who have found no other way of repaying this debt of gratitude but by the insults and injuries of which the month of November, 1850, has been the witness!"

BENNETT AND THE BISHOP AGAIN.

(From the *Weekly News*.)

So after all, it seems, Mr. Bennett does not resign; his new position, as we take it from the letter addressed by his parishioners to Bishop Blomfield, appears to be this:—"My offer of resignation was conditional upon your (the Bishop's) continued opinion, that I am, and have been, unfaithful to the Church of England. You accepted my offer of resignation without explicitly informing me whether such was your opinion or not,—an offer so made and so accepted does not bind me. I decline to execute the