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October 8, 2013

# The Natural Relationship of Church and State within the Kingdom of Christ Based on the Encyclical Immortale Dei of Pope Leo XIII

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The Natural Relationship of Church and State within the Kingdom of Christ Based on the  
Encyclical *Immortale Dei* of Pope Leo XIII

By

Brian M. McCall<sup>1</sup>

Delivered at the Angelus Press 2011 Conference on Saturday October 8, 2011, Kansas City, KS

“It is because the reign of Our Lord is no longer the center of attention and of activity for those who are our *praepositi*, that they lose the sense of God and of the Catholic priesthood, and that we can no longer follow them.” Archbishop Lefebvre, *Spiritual Journey*

These words served as the basis of the conference of His Excellency Bishop Bernard Fellay last year at this same conference. They come from the final testament of His Excellency Archbishop Marcel Lefebvre in which he succinctly and keenly diagnosis the crisis in the Church through which we continue to perilously navigate. Although written in the context of the crisis in the Church, I believe these words can equally be applied to the crisis in civil society, to the crisis in civil government. That there is a crisis seems most obvious. Civil society, and government in particular, are spiraling out of control. Everywhere we meet dissatisfaction. Reading the general news and the last several national elections will reveal much cynicism and dissatisfaction with the state of our government, economy and culture. All throughout the world, be it in Libya, Pakistan, Egypt, Iraq, Greece or Palestine, we see massive unrest. What is the ultimate cause? “[T]he reign of Our Lord is no longer the center of attention and of activity.” The explicit or implicit denial of Christ’s Kingdom is the cause.

The most important implication of Christ’s Kingdom is the obligation to profess the true religion and render Divine worship to Christ, an obligation muted by *Digitatis Humanae*, but this will be the topic of Father Themann’s conference. My lecture will look merely at the political/legal organization of civil society in its natural sphere of operation. For Christ is King not only over the ecclesiastical but also the civil society. His Holiness Pope Leo XIII called for the Christian constitution of nations in his encyclical *Immortale Dei*. This requires even more than professing the true religion; it requires the entire constitution of a country to be directed by the principles of Christ’s Kingdom.

I. The Problem with Modern Liberal Government

As he surveyed the state of civil society around him, Leo XIII saw a society in ruins due to what he called a “hackneyed approach of old.”<sup>1</sup> The devil really has nothing new to offer. It is the same false bargain – elevate Man to the place of Christ the King. Leo explains this hackneyed approach further:

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Many, indeed, are they who have tried to work out a plan of civil society based on doctrines other than those approved by the Catholic Church. Nay, in these latter days a novel conception of law has begun here and there to gain increase and influence, the outcome, as it is maintained, of an age arrived at full stature, and the result of progressive liberty.

The source of the problem is the rejection of the Church's traditional doctrine on the constitution of civil society. Contrary to the error of Liberalism, the Church as the repository of the Truth concerning Man, his nature and his end does possess definitive knowledge about the implications of these truths for the organization of civil societies.

The rejection of this truth results in government claiming to be its own source of power, sometimes expressed as power deriving from the people governed which in practice means the same thing. The so called divine right of kings falsely asserted in the seventeenth century and America's manifest destiny to "make the world safe for democracy" both in different ways derive from the rejection of the proper understanding of the nature of the world. Both errors in different ways distort the correct notion of authority descending from God to legitimate rulers of communities. Whether we acknowledge it or not, all authority comes from God, but any particular use of that authority may not come from God depending upon how well it corresponds to the Divine plan for the universe.<sup>2</sup>

The tyrannical power of an ever growing State apparatus that we meet in bureaucratic offices, voluminous and penal tax codes, airport security lines, and politically correct "hate crimes" is a result of the un-natural separation of the government of civil society from the Church. We live today with the ruins created by Thomas Jefferson's "wall of separation" which is only a way to escape the Kingship of Christ by walling it off behind this iron curtain.

Just as the true conception of civil society is based on truths about Creation, the false conception of modern Liberal society is based on its own false "creation" myths, the mythical state of nature and the fabricated social contract. This last is the most unusual contract in the history of law. Nobody actually consented to it. There is no record of its contents. There is no way to terminate or abrogate or amend it. Unbelievably in contrast Liberals call the truth of Creation a myth! Since Liberal Society was created in a mythical state of nature by a mythical contract, it has no real foundation and hence no constraints. Since it is simply willed into existence by the rebellion of Man against the Divine plan for the universe, it logically results in legal positivism, or in the words of the English poet Alexander Pope, "whatever is, is Right." Man is a law unto himself.

The false and oppressive government that reigns today has been begotten by false political ideas begotten by a false philosophy (especially a false ontology and metaphysics) which itself was begotten by a false religion. As Leo XIII explains:

But that harmful and deplorable passion for innovation which was aroused in the sixteenth century threw first of all into confusion the Christian religion, and

next, by natural sequence, invaded the precincts of philosophy, whence it spread amongst all classes of society. From this source, as from a fountain-head, burst forth all those later tenets of unbridled license which, in the midst of the terrible upheavals of the last century, were wildly conceived and boldly proclaimed as the principles and foundation of that new conception of law which was not merely previously unknown, but was at variance on many points with not only the Christian, but even the natural law.

As St. Augustine observes in *The City of God* (Book 19 chapter 25), a city cannot possess true virtue without the true religion. Protestantism turned religion into an individual affair. The autonomous believer had a direct, individual relationship with Christ – acceptance of Christ as personal Lord and Savior. In the ecclesiastical realm this reduced *the* Church to an invisible collection of all these personal churches (each individual and Christ). This philosophy had repercussions in the political sphere. Society was transformed from an association of Men united in agreement about what constitutes justice<sup>3</sup> into a mere collection of autonomous free-thinking individuals and an all powerful State. Just as the personal relationship with Christ needed to be liberated from the authority of the Church so the individual could dominate the relationship, so too the State had to be freed from the authority of the Church so it could dominate the individual. This wall of separation between spiritual and temporal considerations runs right down the middle of our country and right down the middle of Man's nature. His spiritual and temporal aspects are divided by the same wall dividing Church and State. This is exactly the result desired by the philosophy preached by Luther:

Assuredly a prince can be a Christian, but it is not as a Christian that he should govern. As a ruler he is not called a Christian, but a prince. The man is Christian but his function does not concern his religion.<sup>4</sup>

The first "Catholic" president of the United States, John F. Kennedy, showed that he learned his Protestant "catechism" well when he merely paraphrased these words in his famous speech in Huston in 1960:

I believe in an America where the separation of church and state is absolute, where no Catholic prelate would tell the president (should he be Catholic) how to act . . . where no church or church school is granted any public funds or political preference. . . . Whatever issue may come before me as president — on birth control, divorce, censorship, gambling or any other subject — I will make my decision in accordance with these views, in accordance with what my conscience tells me to be the national interest, and without regard to outside religious pressures or dictates.<sup>5</sup>

The result of this bad religion and bad philosophy, says Leo XIII, is that “the safety of which [civil society] is exceedingly imperiled by evil teachings and bad passions.” These evil teachings have only spread their errors more since Kennedy’s unholy vow was uttered.

## II. The Solution: Catholic Truth

As with the crisis in the Church, the solution to this grave disorder in civil society is the acceptance, once again, of Catholic Truth about the nature of the universe, Man and civil society. The problem is a crisis of ideas at the highest level. False theories of Church and State are based on false theories about Man and Creation, the state of nature and the social contract. We thus must go back to the most basic principles of how the world is organized. Christ’s Kingdom encompasses all of Creation. Like any earthly kingdom, His is a Kingdom ordered by laws written into the very fabric of creation. We will look briefly at how these laws, Eternal, Natural, Divine and Human relate to one another and the implications for temporal rulers of civil society.

We know that God is a perfectly ordered Being. He is not the product of random mutation as the evolutionists falsely claim. Since creation is a reflection of God, it too is ordered and hierarchical. God established creation as an ordered kingdom based on a hierarchy of laws. At the summit of this hierarchy is the Eternal Law which is nothing other than the Divine plan for the universe which establishes the idea or type of every created being.<sup>6</sup> The Eternal Law fixes the nature of every created being and establishes its particular end or purpose of being. The end of each creature reveals its nature. Man’s end comprises two parts. His natural end is that great concept discovered by the use of reason by the ancient philosophers, natural happiness or human flourishing (*Eudaimonia*). Yet, the Eternal Law also endows Man with a supernatural end, Beatitude or the state of knowing God as He is. These two ends are not of equal value. The supernatural, by definition being on a higher level, is superior to the natural end of human happiness. Thus, the ends of Man fixed by the Eternal Law make Man what he is. Only in attaining his true ends can Man be what the Eternal Law requires him to be.

As Leo XIII explains the fact of this end has implications for the purpose and nature of civil society:

For one and all are we destined by our birth and adoption to enjoy, when this frail and fleeting life is ended, a supreme and final good in heaven, and to the attainment of this every endeavour should be directed. Since, then, upon this depends the full and perfect happiness of mankind, the securing of this end should be of all imaginable interests the most urgent. Hence, civil society, established for the common welfare, should not only safeguard the well-being of the community, but have also at heart the interests of its individual members, in such mode as not in any way to hinder, but in every manner to render as easy as may be, the possession of that highest and unchangeable good for which all should seek.

Yet, this metaphysical truth must be translated into more particular rules of action. It is one thing to know one’s end or goal but another to know the actions necessary to attain it. I might

know that I must travel to Kansas City to address this conference but this knowledge is useless unless I have a means - a map, a car, a plane ticket - that can actually get me here.

God has provided the means for every creature to attain its created end. Since the end of different creatures differs, the means differ. God moves all creatures to their end by means appropriate to their nature. For irrational creatures such as animals their end is attained by instinct, a faculty appropriate to their created nature. But Man is a rational creature. God moves Man to his end by the use of reason. This means of movement is called the Natural Law – rational norms of moral action which Man is capable of knowing and using to direct all his actions. St. Thomas calls the Natural Law nothing other than the participation of Man in the Eternal Law, by which he means that Man participates in the Eternal Law by using his reason to choose the good and avoid the evil and thus attain the end established for Man by the Eternal Law<sup>7</sup>. Lucidus in his submission to the teaching of the Second Council of Arles in 473 calls the natural law “the first grace of God” (*per primam Dei gratiam*) and affirmed along with Romans 2:15 that the Natural law is “written on every human heart.” The Natural Law is a gift of God, the first grace, to provide Man the means to attain his end fixed by the Eternal Law.

The Natural Law operates in Man by making known to the intellect basic principles of good action: do good avoid evil, human life should be preserved, human beings should pro-create and educate children, knowledge should be cultivated and Man should live in society (*in societate vivere*).<sup>8</sup> From these principles Man can make determinations of good actions in the varying contingent situations in which he finds himself. The principles of the Natural Law can be deduced from considering the essence of Man. The principles are part of what makes Man what he is. Knowledge of them is therefore within the capabilities of all Men; they are written on his heart.

Right reason can then determine proper action in light of these deduced principles. By knowingly choosing actions that correspond to the principles of Natural Law, Man participates in the Eternal Law and can attain his end.

But the rational nature of Man does not guaranty a successful participation. In fact, failure occurs. The source of failure is the Fall which affected our ability to use Natural Law to reach both our natural and supernatural ends. In addition to original sin, individual sin creates patterns of bad behavior which further weaken our ability to reason rightly. In addition to the natural inclinations of Natural Law written on the heart, Man also must contend with urges and appetites and acquired inclinations which are not ordered to his end. The natural inclinations can be confused with these other feelings or desires. In addition to natural inclination, Man also has instincts (in the sense of the sole faculty operative in other animals) and inclinations acquired by habit.<sup>9</sup> Irrational animals cannot be confused about the instincts they have; rational Man can.

In the *Summa Theologica*, Aquinas argues that it is impossible for people to attain even their natural end by means of the Natural Law as a result of this wounding of nature after the Fall.<sup>10</sup> St. Thomas teaches that all the powers of the soul have been rendered “destitute of their proper order . . . which destitution is called a wounding of nature.”<sup>11</sup> In one of his last works, he goes so far as to claim that the Natural Law has been destroyed (*destructa erat*) in us by the Fall.<sup>12</sup> The

wounding manifests itself in different ways. The degree of difficulty or ease in actually arriving at a correct knowledge of the precepts of the Natural Law depends on the level of principles at issue. The more general and basic the proposition, the more accessible it is to the human intellect after the Fall. The more remote and particular, the more opportunity exists for errors.<sup>13</sup> St. Thomas explains “the more we descend into detail” the more uncertainty exists as to conclusions.<sup>14</sup> Thus, the general principles of Natural Law are universally valid for all men and theoretically knowable by all Men, but depending on the level of detail not universally known by all men.<sup>15</sup> St. Thomas uses the example of the Gaul’s whom Caesar reported knew it was wrong to steal but thought it was not wrong to steal from foreigners.

The effects of original sin, exacerbated by individual sin, result in our attempting to reason using Natural Law under a handicap. Since reason is impaired and passions are disordered, we can buttress the use of deductive reason by forming good habits in light of the advice and opinion of the wise. Yet, even the wise labor under the same impediments to reason. Thus, the advice of the wise is only as good as the extent to which they have overcome these impediments. Recognizing our plight after the destruction of the Natural Law in us, Aquinas argues that God saw the need for a legal solution, a different law to counterbalance the law of sin (*fomes peccati*). Immediately after making his startling statement that the law of nature has been destroyed in us, Aquinas continues: “It was necessary for man to be redirected to the works of virtue and turned away from vice, that the law of the Scriptures was necessary.”<sup>16</sup> The law of the scriptures (*lex scripturae*) is the first part of a two part division of the Divine Law. Aquinas emphasizes that the Divine Law is obligatory and necessary for knowing what is good, what the Natural Law obligates us to do. He uses the word “*oportebat*” to indicate that it was necessary for the law of the scriptures to be promulgated for men to attain virtue. Divine Law is not optional or gratuitous, but necessary for the rational participation in the Eternal Law, or the Natural Law. Aquinas drives this point home when he argues that

[I]t is obvious that all people are not able to persevere in knowledge and therefore a brief summary of the law was given by Christ so that it might be able to be known by all and nobody would be able to be excused of the observation of it [the law] through ignorance.<sup>17</sup>

Aquinas’ emphasis of the necessity of the Divine Law, briefly given by Christ for all people is striking. He is emphasizing that we cannot persevere<sup>18</sup> in knowing what is right without this additional law. Later, he repeats that human action cannot be “good or right” unless it is harmonized with delight in the Divine rules.<sup>19</sup> He repeats that the Divine “Law ought to be a rule of all human actions.”<sup>20</sup> Both of these passages invoke the very definition of law itself as a rule of human action. This reference to the definition of law indicates that he is speaking of Divine Law as a real law, not just metaphorically.

Aquinas maintains that the precepts of Divine Law encompass all that the Natural Law obligates us to do, the whole law. “He who observes the Divine command and law, fulfils the whole law.”<sup>21</sup> The phrase, “the whole law,” (*totem legem*) appears to be a reference to the Eternal Law. Since the Eternal Law is the entire rule and measure of the universe, it contains the whole of the law, including Natural Law, which is nothing but a participation in it. Yet, the “Divine Law

participates in the eternal law more perfectly” than the Natural Law since the Divine Law is not mediated through weakened human reason.<sup>22</sup>

The Divine Law contains rules of action to assist Man in finding his way not only to his supernatural end but even his natural end. Some precepts of Divine Law relate to the worship and knowledge of God. Others clarify for the now darkened mind of Man the principles of Natural Law which before the Fall would have provided a clear guide of action. The Ten Commandments and the other moral precepts of Revelation are examples of these. Since the Fall, Man cannot reach even his natural goal and build a good and just society on earth without the assistance of the Divine Law

One of the major criticisms of those of us who advocate the necessity to conform our society to the Natural Law (with regard to the regulation of marriage for example) is that great injustices have been perpetrated throughout history: slavery, genocide, war, oppression. Thus, they argue, there is no Natural Law written on the hearts of Men. The reply to this criticism is that the Natural Law is written there but our minds weakened by the effects of the Fall cannot clearly read and apply it without recourse to the aid of Divine Law. Thus, any project which attempts to argue for use of the Natural Law without recourse to the Divine Law (as even the “Catholic” new Natural Law school does) is doomed to failure.

I will share a personal example. In law school I engaged one of my atheist professors in a debate about abortion. This professor considered himself as using Natural Law reasoning. He falsely deduced that abortion was morally licit as a conclusion flowing from the premise of the principle of the natural liberty of all men, a principle acknowledged by Catholic Natural Law scholars such as Gratian. Yet, within Gratian’s hierarchy of principles, this rule is subject to being harmonized with the preservation of innocent human life. I can think of no better example of failed human reason making false deductions from Natural Law precepts when the guidance of the Divine Law is ignored. The only corrective to this common failure is recourse to the Divine Law preserved by the Church. The Church is the guardian of the Divine Law which is necessary to correct our failures in making false deductions of Natural Law principles. Refusal to seek such recourse leads to dire consequences. As Leo XIII explains:

To exclude the Church, founded by God Himself, from life, from laws, from the education of youth, from domestic society is a grave and fatal error. A State from which religion is banished can never be well regulated; and already perhaps more than is desirable is known of the nature and tendency of the so-called civil philosophy of life and morals. The Church of Christ is the true and sole teacher of virtue and guardian of morals. She it is who preserves in their purity the principles from which duties flow, and, by setting forth most urgent reasons for virtuous life, bids us not only to turn away from wicked deeds, but even to curb all movements of the mind that are opposed to reason, even though they be not carried out in action.

Now that we have delved into the understanding of Man’s struggles to live up to his nature, we can come to address the final layer of Christ’s Kingdom but the first in our



order of knowledge, human laws and the necessary relationship between them and the Church.

Man does not accomplish this participation in Eternal Law alone. One of the precepts of the Natural Law is that Man is meant to live in society or as St. Thomas, following Aristotle, asserts that “man is naturally a civic and social animal.”<sup>23</sup> Thus, to understand human law we must examine it in context. To do this we must understand the nature of a community.

Aristotle defined a community as a “human association . . . instituted for the sake of obtaining some good.”<sup>24</sup> Communities are different from “a mere multitude of men” in that a political community is “bound together by a particular agreement, looking toward a particular end, and existing under a particular head.”<sup>25</sup> From this definition two elements emerge: (1) an agreed common end or purpose and (2) an authority structure to make particular decisions relevant to attaining that end. Political communities can be either perfect<sup>26</sup> or imperfect.<sup>27</sup> A perfect community possesses both the perfect or most complete end as well as the necessary means of attaining such an end.<sup>28</sup> In a word, the perfect community is completely self-sufficient.<sup>29</sup> A community which aims at a complete good and thus incorporates the goods of all lesser communities is this perfect community.<sup>30</sup> Two perfect communities exist since there are two complete ends of Man, natural and supernatural. The nation<sup>31</sup> is a perfect community because its end is human natural happiness.<sup>32</sup> The Church is the second perfect society because its end is the supernatural end of man. In contrast, imperfect communities pursue either an incomplete end or are not self-sufficient to attain their end. Examples of imperfect communities would be families, businesses, parishes, community associations.

The second element of the definition, a community under a common authority, explains the role of government within the perfect community. Its role is to make human laws or particular determinations which assist Man, in his fallen state, in living rightly (in harmony with Eternal, Natural and Divine Law) and thus attaining his natural and supernatural ends. Human laws then are meant to be particular determinations of the Natural Law to make it easier for Men to order their actions rightly to promote justice and peace, or put another way virtuous life in community. Justice is “the right relations of the members of the society” and peace indicates “the ‘tranquility of order,’ the proper ordering of society to God as its last end.”<sup>33</sup> Human laws are thus not a law unto themselves but rather the final stage in making concrete and particular the laws of Christ’s Kingdom, the Eternal, Natural *and* Divine Laws. I will give a modern example to illustrate this limited role of human law making. The Natural Law requires that Men act in society so as not to unnecessarily and unreasonably endanger the lives of others. To drive on random sides of the road would endanger the safety of others. Thus, the Natural Law requires that all drive in an orderly way on the same side to reduce the risk of collision. Whether that should be the right or the left side is not determined by Natural Law. There is no inherently moral side of the road. The choice is the responsibility of human authorities over the community to determine which, the right or the left, should be used. Once this determination is made, however, the Natural Law obliges us to comply with the human law since it is a rational determination of the Natural Law. St. Thomas uses another example.<sup>34</sup> The Natural Law requires that evil doers who harm the justice and peace of a community should be punished. Yet, the Natural Law does not specify in which way particular crimes should be punished. Human lawmakers are charged with the

obligation to participate in Christ's rule by determining the particular punishments for particular crimes. They are not free, however, to determine that crimes should be rewarded rather than punished or to punish morally good actions. Such examples emphasize the limited but yet important role of human law making in contrast to the delusions of grandeur of modern Liberal Positivism.

Thus, civil society must be governed subject to this hierarchy of laws. Human laws rewarding (funding) abortion or bestowing benefits of marriage on two people incapable of contracting it or purporting to dissolve valid marriages are not determinations of Natural Law consistent with the principles of Divine Law. Such "illegal laws"<sup>35</sup> are beyond the authority of the human lawmakers delegated with the obligation to determine "legal laws" by the ultimate governor of the universe, Christ the King. Put another way, human laws are binding on Men only to the extent that they are derived from the Eternal Law (through the mediation of the Natural and Divine Laws). As St. Thomas says: "Laws framed by man are either just or unjust. If they be just, they have the power of binding in conscience, from the eternal law whence they are derived."<sup>36</sup> The authority of human government thus rests upon its participation in the Eternal Law, or put another way, the participation in the Kingdom of Christ of which the Eternal Law is the Constitution. Only by governing civil society in harmony with these higher laws can Man attain even his natural end, happiness in community, to say nothing of his supernatural end. Pope Leo XIII explains that in a society constituted on these Christian truths: "divine and human things are equitably shared; the rights of citizens assured to them, and fenced round by divine, by natural, and by human law; the duties incumbent on each one being wisely marked out, and their fulfillment fittingly insured." Here lies the true safeguard against human tyranny – not in fictitious social contracts made by mere Men but in the refuge of the ordered Kingdom of Christ and His laws.

Human history has shown that not all human societies have been so well constituted. We have already seen that individual Men can and do err in deducing and applying principles of Natural Law when they refuse the aid God has provided to compensate for the wounds of sin. Rulers of civil society make law under the same difficulties. Just as individual Men need to use the Divine Law to assist in forming their judgments, so do rulers of civil society. St. Thomas specifically contemplates that human rulers can formulate human laws that contravene the Natural Law. In such a case the purported laws are not really laws at all. He says: "Consequently every human law has just so much of the nature of law, as it is derived from the law of nature. But if in any point it deflects from the law of nature, it is no longer a law but a perversion of law."<sup>37</sup> Further, human laws which require Men to violate the Divine Law, such as worshiping idols, must be disobeyed.<sup>38</sup>

The Church is the custodian and guardian of the Natural Law and the Divine Law. Thus, the Church's perennial teaching on the content and interpretations of these higher laws are indispensable in the work of making human law to govern civil society. The Church is primarily concerned with the supernatural end of Man and governs her perfect society primarily in light of this end. She leaves to civil rulers the detailed determinations of human laws relating to the perfect society concerned with the natural end of Man (such as our traffic regulation). However,

in light of her role of teacher and guide with respect to Natural and Divine Law, the civil authorities are obligated to have recourse to her to assure that particular human laws are really derived from, and not in contravention of, these higher laws.

For example, the civil government may be considering enacting legislation regulating the effects of marriage. They must consult the precepts of Natural and Divine Law to know what is the nature and end of marriage, the lifelong union of one man and one woman for the purpose of begetting and rearing children and for the mutual support of the spouses. Detailed rules about the nature and transfer of marital property, *etc.* must be written in conformity with this higher law. If the civil authority were to enact a law contrary to these, such as New York did this Summer, by conferring the legal benefits of marriage on two men or two women, then the Church may intervene to correct the civil authorities by pointing to the higher law.

Further, since the supernatural and natural ends of Man are distinct but not unrelated, the Church may intervene in civil government when the human laws have the effect of frustrating the supernatural end of Man even if purporting to further an aspect of the natural end of Man. Thus, a human law attempting to provide for the more efficient provision of material goods for the community might require factories to operate seven days a week. Even though this law purports to deal with the natural end of Man,<sup>39</sup> it interferes with Man's ability to fulfill his supernatural duties to honor the Lord's Day. The Church may again intervene to protect the supernatural interests of Man.

Put another way, the jurisdictions of civil government and the Church are distinct, just as the natural and supernatural ends of Man are distinct. Yet, they are not independent; they overlap. Both the government of the Church and civil society take place under the Natural and Divine Laws and both are participations in the Eternal Law within their sphere. Pope Leo XIII explains that:

In matters, however, of mixed jurisdiction, it is in the highest degree consonant to nature, as also to the designs of God, that so far from one of the powers separating itself from the other, or still less coming into conflict with it, complete harmony, such as is suited to the end for which each power exists, should be preserved between them.

The Church and the civil authorities are meant to work together in such mixed areas, the Church providing the certainty of knowledge with respect to the principles of Natural and Divine Law; the civil government applying them through particular human law. The Church also monitors human law making as a guardian of the supernatural perfect society, ensuring that the natural end of Man is pursued in a way that furthers, rather than hinders, the supernatural end of Man.

The eminent English jurist, John of Salisbury, developed the image of the body politic to describe this relationship between the civil and ecclesiastical societies. The Church is the soul of the body politic and civil society is the body. Just as the soul directs the specific actions of the body, so to the Church is meant to guide the direction of the body under its head, the governors.

Leo XIII invokes this image of John of Salisbury when he describes the harmonious relation of Church and State:

The Almighty, therefore, has given the charge of the human race to 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. . . . 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. . . . 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.

To separate Church and State as did the philosophical heirs of Luther, such as President Kennedy, is to separate the soul from the body. This, as we know, is the very definition of death. The wall of separation between the Church and the State is an attempt to free human law from the Natural and Divine Laws and ultimately to break free of the Eternal Law. Its effect is to kill the body politic. The crisis and calamities we witness in our society are the observable proofs of this death, just as stench and decomposition are signs of physical death. Such a dire result is why Blessed Pius IX condemned so vigorously the error that “the Church ought to be separated from the State and the State from the Church.”<sup>40</sup> Sadly, the idealized integral humanism embraced by the Second Vatican Council and most Churchmen since has jettisoned this condemnation and instead called across the wall of separation to Luther, Jefferson and Kennedy to proclaim that they could build a virtuous, just and peaceful society from behind their wall using the dead corpse of a de-souled body, their own human laws. They no longer needed the Church to guide Men to even their natural end. Ignoring the effects of the Fall, Men could build a just and peaceful society cut off from the soul, the guardian and interpreter of the higher laws. As to their supernatural end, the Church could look to that behind its own wall of separation all by itself enjoying the new “religious freedom” from within its gilded cage.

### III. Conclusion

In contrast to Luther, Jefferson and John F. Kennedy’s vision of a human ruler of nations, hiding behind his wall of separation, St. Thomas Aquinas describes a truly Christian, therefore truly human ruler:

Therefore, since the beatitude of heaven is the end of that virtuous life which we live at present, it pertains to the king’s office to promote the good life of the multitude in such a way as to make it suitable for the attainment of heavenly happiness, that is to say, he should command those things which lead to the happiness of Heaven and, as far as possible, forbid the contrary. What conduces

to true beatitude and what hinders it are learned from the law of God, the teaching of which belongs to the office of the priest. . . .<sup>41</sup>

Reaffirming St. Thomas's teaching of the Christian ruler needing to be instructed by the Church so as to make right judgments in ruling the nation, Leo XIII summarizes his argument thus:

Such, then, as We have briefly pointed out, is the Christian organization of civil society; not rashly or fancifully shaped out, but educed from the highest and truest principles, confirmed by natural reason itself.

Only by returning to these principles can the ills of our out of control government be solved. John Dickenson in his introduction to the classic Catholic treatment of political philosophy, *The Statesman's Book of John of Salisbury* describes the former Catholic worldview thus:

It has become a historical commonplace that mediaeval thought was dominated by the conception of a body of law existing independently of the authority of any government and to which all positive law must conform and to which government no less than individuals owed obedience. Rulers were thought of as bound by a higher law . . . which accordingly made it possible to apply to their acts another criterion of legality or illegality. In the words of the *Policraticus* "between a tyrant and the true prince there is this single or chief difference that latter obeys the law and rules the people by its dictates. A tyrant is one who oppresses the people by rulership based upon force while he who rules in accordance with the laws is a prince. " "There are certain precepts of the law which have a perpetual necessity having the force of law among all nations. . . . And not only do I withdraw from the hands of rulers the power of dispensing with the law, but in my opinion those laws which carry a perpetual injunction are not subject at all to their pleasure."

What he describes is the Kingdom of Christ.

We must not be discouraged by the signs of morbid decay of our country. Like, Lazarus it may only rest in the tomb and can be resurrected once again to be a flourishing body politic by tearing down the wall of separation and allowing the soul to re-enter the body. It has happened once; Leo XIII believed it could happen again:

Christian Europe has subdued barbarous nations, and changed them from a savage to a civilized condition, from superstition to true worship. It victoriously rolled back the tide of Mohammedan conquest; retained the headship of civilization; stood forth in the front rank as the leader and teacher of all, in every branch of national culture; bestowed on the world the gift of true and many-sided liberty; and most wisely founded very numerous institutions for the solace of human suffering. And if we inquire how it was able to bring about so altered a condition of things, the answer is-beyond all

question, in large measure, through religion, under whose auspices so many great undertakings were set on foot, through whose aid they were brought to completion.<sup>42</sup>

The death of this flourishing body politic lies at the feet of both Church and State. The State built the wall of separation; the post-Councilor Church willingly accepts the imprisonment of the soul and even celebrates it rather than calling as President Reagan did across the Berlin Wall “take down that wall!” How does our country regain such a thriving body politic? The answer is the same as that Archbishop Lefebvre gave to restore the Church. “The reign of Our Lord” must again become “the center of attention and of activity” of both our civil and ecclesiastical rulers. In place of the wall of separation, His Kingdom with its hierarchy of laws must stand in the center of the relationship between Church and State.

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<sup>1</sup> Unless otherwise noted, all quotations from Leo XIII are from *Immortale Dei*.

<sup>2</sup> See Denis Fahey, *The Mystical Body of Christ in the Modern World*, 14 (Third Edition Christian Book Club of America 1994).

<sup>3</sup> Cicero, *De Republica* I. 39 (“A commonwealth is a constitution of the entire people.—The people, however, is not every association of men, however congregated, but the association of the entire number, bound together by the compact of justice, and the communication of utility.”).

<sup>4</sup> Quoted in Fahey, *The Mystical Body of Christ in the Modern World*, 15.

<sup>5</sup> John F. Kennedy, Address to the Greater Houston Ministerial Association delivered 12 September 1960 at the Rice Hotel in Houston, TX, recording and transcription available at <http://www.americanrhetoric.com/speeches/jfkhoustonministers.html>.

<sup>6</sup> *Summa Theologica*, I-II, Q. 93, Art. 1.

<sup>7</sup> *Summa Theologica*, I-II, Q. 91, Art. 2.

<sup>8</sup> *Summa Theologica*, I-II, Q. 94 Art. 2.

<sup>9</sup> See J. Budziszewski, *The Line through the Heart* 61-77 (ISI Books 2009) (discussing how unnatural inclinations can be acquired and become co-natural).

<sup>10</sup> *Summa Theologica* I-II, Q. 109, Art. 2 (“But in the state of corrupt nature, man falls short of what he could do by his nature, so that he is unable to fulfill it by his own natural powers.”).

<sup>11</sup> *Summa Theologica* I-II, Q. 85, Art. 3.

<sup>12</sup> Prologue to *The Two Precepts of Charity*, in *Opera Omnia* 26 (Roberto Busa, S.J. ed., 1980).

<sup>13</sup> *Summa Theologica* I-II, Q. 94, Art. 4.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Prologue to *The Two Precepts of Charity* (author’s translation of “*oportebat quod homo reduceretur ad opera virtutis, et retraheretur a vitiis: ad quae necessaria erat lex Scripturae*”).

<sup>17</sup> *Id.* (author’s translation of “*Sed manifestum est quod non omnes possunt scientiae insudare; et propterea a Christo data est lex brevis, ut ab omnibus posset sciri, et nullus propter ignorantiam possit ab eius observantia excusari.*”).

<sup>18</sup> *Id.* The use of the verb *insudare* to express this notion demonstrates the arduous nature of persevering in knowledge of what is right. The verb means to sweat or perspire in doing something.

<sup>19</sup> *Id.* (author’s translation of “*Ad hoc autem quod actus humani boni reddantur, oportet quod regulae divinae dilectionis concordat.*”).

<sup>20</sup> *Id.* (author’s translation of “*Sed sciendum, quod haec lex debet esse regula omnium actuum humanorum.*”).

<sup>21</sup> *Id.* (author’s translation of “*Sed considerandum, quod qui mandatum et legem divinae dilectionis servat, totam legem implet.*”).

<sup>22</sup> See John Rziha, *Perfecting Human Actions: St. Thomas Aquinas On Human Participation In Eternal Law* 271 (2009) (citing Aquinas, *Summa Theologica* I-II Q. 99, Art. 2, Reply to Obj. 2).

<sup>23</sup> *Summa Theologica* I-II, Q. 72, Art. 4.

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<sup>24</sup> Aristotle, *Politics*, I. 1. , 1. (quoted in St. Thomas Aquinas, *Commentary on Aristotle's Politics*, 4 (trans. Richard J. Regan, Hacket Publishing 2007)).

<sup>25</sup> Francisco Suárez, *De Legibus, Ac Deo Legislatore* in *Selections from Three Works of Francisco Suárez, S.J.* Vol. II, 86 (trans. Gwladys L. Williams, Ammi Brown and John Waldron, Clarendon Press 1944).

<sup>26</sup> In this article, “perfect” is used to a precise sense to mean compete or fulfilled and not necessarily good or virtuous. See Wladyslaw Tatarkiewicz, *Paradoxes of Perfection*, 7 DIALECTICS AND HUMANISM 78 (1980) (contrasting the Aristotelian notion of perfection as “complete,” “finished” or “flawless” with a paradoxical view of perfection as “ceaseless improvement”).

<sup>27</sup> Suárez, *De Legibus, Ac Deo Legislatore*, at 86.

<sup>28</sup> See, *Id.* at 86-87; St. Thomas Aquinas, *De Regno*, bk. I, ch. 2, in *Aquinas: Selected Political Writings* (A. P. d'Entrèves ed., J. G. Dawson trans., 1948); Nicholas Aroney, *Subsidiarity, Federalism, and the Best Constitution: Aquinas on City Province and Empire*, 26 LAW AND PHILOSOPHY 161, 174-177 (2007).

<sup>29</sup> Suárez, *De Legibus, Ac Deo Legislatore*, at 86.

<sup>30</sup> Aristotle, *Politics*, at I, I., 2. (“And the association which is supreme and includes all other associations is the absolutely supreme good.”).

<sup>31</sup> The name of this perfect community varies from age to age and author to author. Aristotle referred to the *polis* or “city-state”. See, Aroney, at 161, 170. Aquinas varyingly refers to the perfect community as the *civitas* (city), *regnum* (kingdom), and *provincia* (province). See *Id.*, at n. 34. Suarez uses the term *civitas* when referring to Aristotle's perfect community. See e.g., Suárez, *De Legibus, Ac Deo Legislatore*, at Vol. I, 37. The translators use the word state for *civitas* in this passage. See *Id.* at Vol. II, 86. In the modern context, I have chosen the word nation as most approximating the concept of the *polis* in Aristotle's time because it lacks the negative modern connotations of the word state.

<sup>32</sup> Aristotle, *Politics*, at I. 1, 17 (“And the perfect association . . . is the political community, now complete having a self sufficient end. . . . Therefore the political community was instituted for the sake of protecting life and exists to promote the good life.”); Aquinas, *Commentary on Aristotle Politics*, at comment 2. (“he [Aristotle] shows that the good to which the political community is directed is the supreme human good.”); Aquinas, *De Regno*, at bk. I ch. 2 (“[I]t follows that a society will be the more perfect the more it is sufficient until itself to procure the necessities of life.”).

<sup>33</sup> Christopher Blum, *What is the Common Good?*, THE DOWNSIDE REVIEW 120 (2002): 79-90 at 86.

<sup>34</sup> *Summa Theologica*, I-II, Q. 95, Art. 2.

<sup>35</sup> See *Summa Theologica*, I-II, Q. 96, Art. 4 (in which Aquinas uses the term “legal laws”).

<sup>36</sup> See *Summa Theologica*, I-II, Q. 96, Art. 4.

<sup>37</sup> *Summa Theologica*, I-II, Q. 95, Art. 2.

<sup>38</sup> *Summa Theologica*, I-II, Q. 96, Art. 4.

<sup>39</sup> In reality, such a law does not further but in fact harms Man's natural end. The tyrannical government of the French Revolution attempted to abolish the seven day week and instituted a rest day every ten days instead. The natural effects on Man and beast alike were disastrous.

<sup>40</sup> *Syllabus of Errors*, No. 55.

<sup>41</sup> Aquinas, *De Regno*, bk. 1 ch. 16.

<sup>42</sup> Father Dennis Fahey echoed this same assessment a half a century after Leo XIII: “The truth was recognized that all men were members of Christ, actual or potential, and that society as such was bound to favour membership of Christ. . . . Social life, in which Politics and Economics would be put into watertight compartments and sectioned off from the life of members of Christ was completely alien to the minds of that day. Western Europe as a whole then recognized the authority of the Vicar of Christ the King and his right to say what was moral or immoral in Politics and Economics.” *Money Manipulation and Social Order*, at 77.