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**The Bellarmine-Jefferson Legend and the
Declaration of Independence**

**By
David S. Schaff**

THE BELLARMINE-JEFFERSON LEGEND AND THE DECLARATION OF INDEPENDENCE

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THE Bellarmine-Jefferson legend dates from the article of Mr. Gaillard Hunt, entitled "Cardinal Bellarmine and the Virginia Bill of Rights," which appeared in the *Catholic Historical Review*, October, 1917, pp. 276-289. The article sets forth that Jefferson was indebted to Cardinal Bellarmine for the principles of democratic government embodied in the Declaration of Independence, and also embodied in the Virginia Bill of Rights. The alleged discovery seems now to be accepted in Roman Catholic periodicals as a fixed fact. Mr. Hunt's article, which was also issued in separate form, demands attention from the position which Mr. Hunt occupied as chief of the Division of Manuscripts in the Congressional Library at Washington and for his *Life of Madison* and other works. He was a convert to the Roman Church. He died in 1924. All subsequent treatments of the Bellarmine-Jefferson theory start with Mr. Hunt's assertions.¹

¹ Cardinal Bellarmine died 1621. His observations on civil government are contained in his great work combating Protestantism, *Disputationes de controversiis religionis christianæ fidei adversus hæreticos*. The cardinal was pronounced venerable in 1923.

The object of this paper is to show that the theory is a legend unsupported by a single testimony on the part of those originally concerned with the national documents and is based upon a sheer recent conjecture; that Cardinal Bellarmine's theory of government and the declaration of our liberties differ in essential particulars; and also that the natural origin of Mr. Jefferson's views is a theory as old as Aristotle, as the theory was modified and developed by Genevan, British and American writers, and influenced by the facts of American colonial history.

I. *The Legend Stated*.—As stated by Mr. Hunt, the legend runs thus: Jefferson had in his library a copy of Sir Robert Filmer's *Patriarcha or the Natural Power of Kings*, published in 1680,—an extravagant panegyric of monarchy as the divinely appointed form of government.¹ Filmer has two paragraphs in which he epitomized Bellarmine's theory of the state. It may be fairly presumed that Mr. Jefferson read Filmer's work, although he nowhere mentions the British author. Upon the premise that Jefferson actually read Filmer, Mr. Hunt proceeds to say, that

students of government like Mason and Jefferson could not have missed the cardinal. There was his name staring at them, not only in Filmer's epitome but in the open sentences of Sidney and Locke and scattered through the later pages of Sidney and Locke. Mason and Jefferson must have had the curiosity to look into the author whom their favorites [Sidney and Locke] so lustily and so continuously abused.

Still again, Mr. Hunt observes that Filmer's epitome of Bellarmine's doctrine "seems to have lodged in Mason's

¹ The copy of Filmer's *Patriarcha* in Mr. Jefferson's library is bound in one volume with Filmer's *Observations Concerning Various Forms of Government*, London, 1696. The observations are a collection of tracts which the author directed against Philip Hunton, Hobbes, Milton and Grotius and are several times the size of the *Patriarcha*. If Jefferson had read the *Patriarcha* it is fair to suppose he also read the *Observations*. Hunton, one of Cromwell's adherents, wrote a treatise on monarchy, 1643.

and Jefferson's memory to reappear in a new form in the declarations which they wrote." To follow further the author's treatment, it acknowledges that Jefferson nowhere in explicit statement gives a hint that he was indebted to Bellarmine or that he had looked into Bellarmine's treatise.

The position, thus taken, is strengthened by the supposed or real acquaintance which Mr. Madison had with the cardinal's work. As a student in Princeton, Mr. Hunt continues, this other founder of the Republic who was "also a student of politics and accustomed at this period of his life to read everything he could lay his hands on," must have read Bellarmine. A copy of the cardinal's work was at that time in the Princeton library. Moreover in the list of books on theology which, at Jefferson's request, Madison sent to Jefferson in 1824, Bellarmine's name was given.

The object which Mr. Hunt had in view in his article was, to use his own words, "to discover what was the immediate source of that part of the Virginia Bill of Rights and the Declaration of Independence which proclaimed the natural equality of man and that the right of governing is from the people." In closing his article Mr. Hunt says:

Did the Americans realize that they were staking their lives in support of a theory of government which has come down to them from a Catholic priest? We cannot answer. But it should be a satisfaction to Catholics to know that the fundamental pronouncements upon which was built the greatest of modern revolutions found their best support in the writings of a prince of the church.

In considering these statements the following things are first to be noted: I. The copy of Filmer in Jefferson's library in Washington bears no marks of having been reread or studiously read. A pencil mark now drawn at the side of one of its paragraphs is evidently fresh. It is not im-

probable that Mr. Hunt himself drew the line inasmuch as it is one of the two passages which he quotes in his article.

2. The copy of Bellarmine which, according to the catalogue of 1760, was in the Princeton library when Madison was a student in the college, was destroyed by fire in 1802 with other books of the college library.¹

3. Bellarmine's name is not, as alleged, scattered widely in the writings of Sidney and Locke. In Locke's treatises it is simply mentioned in the compass of three or four lines. Sidney, in his work of 500 pages, mentions the cardinal eight times and declares that he had not read his great treatise. It is true that on one occasion he says "we will stand with Buchanan, Calvin and Bellarmine." On the other hand, he acknowledges a special dependence upon Calvin in such passages as this: "We prefer to follow Calvin's opinion."—I:9.

4. In regard to a statement made by Mr. Hunt that "old Protestant ministers remember, when they studied divinity at the Episcopal High School near Alexandria, Va., that they heard Bellarmine quoted," it is to be remarked that William and Mary College, the oldest literary institution of Virginia, does not now and never did possess a copy of Bellarmine's work, that the University of Virginia has never been in possession of it and that the venerable Theological Seminary of Virginia at Alexandria, Virginia, likewise has never had a copy of the work. The same is true of the library of the Presbyterian Theological Seminary at Richmond, Virginia. It is a fair presumption that, if copies of Bellarmine had been in the libraries of early Virginia clergymen, some of the copies would certainly have found

¹ Among the works in the original Princeton collection were Aristotle, Buchanan, Milton, Puffendorf, Sidney and Locke, as well as Thomas Aquinas, Wyclif, Calvin, Augustine and Rutherford. The librarian of the University of Virginia, Dr. Patton, informs me that "there is in the library a manuscript list of books proposed to be purchased by the library dated 1825. It contains the entry *Bellarmini opera*, but the catalogue of 1828 does not contain the work."

their way into the libraries of these institutions. 5. In looking through Filmer it is to be noted that, while he gives an epitome of Bellarmine, he states that the democratic doctrine which he was opposing was also held in the Reformed Churches. His words are that the theory "was first hatched in the schools and has been fostered by all succeeding papists for good divinity and that the divines also of the Reformed Churches have entertained it." The common people, he adds, "tenderly everywhere embrace the view, for it properly distributes a portion of liberty to the meanest of the multitude who magnify liberty, never remembering that liberty was the first cause of the fall of Adam." Again, this author informs us that his own view of the proper seat of liberty is expressed in the sentence "the greatest liberty is for a people to live under a monarch."

It was not long till Mr. Hunt's alleged discovery was taken up by other Roman Catholic writers who have treated it as historical fact. The periodical *America*, May 19, 1923, said that in the cardinal

democracy has one of the clearest and most logical exponents and Americans have every reason to honor his writings as one of the sources from which Jefferson, who knew them from notices derived from others, drew some of the fundamental principles of the Declaration of Independence.

A writer in the *Catholic Historical Review*, accepting outright Jefferson's indebtedness to Bellarmine as proved, states: "that the cardinal's contribution to democracy is attested by the principles enunciated by him which were incorporated in the Declaration of Independence."

Dr. John C. Rager in the *Catholic Historical Review*, January, 1925, pp. 504-515, under the heading "The Blessed Cardinal Bellarmine's Defense of Popular Government in the 16th Century" went, if possible, further and declared that the cardinal set forth

the very principles which the modern world prizes so highly as the foundation of popular and democratic government and which have procured for millions the pursuit of life, liberty and happiness. This Catholic priest, 300 years ago, in unfaltering terms defined the origin and obligation of kings and laid down the principles of civil and individual liberty.

The writer suggests that as a champion defending popular liberty, the cardinal stepped forth into the arena of his time like another John the Baptist or Ambrose. Further, as for the immediate bearing of the cardinal's discussion upon the Declaration of Independence, Dr. Rager said: "It is interesting to note how often his political ideas coincide with the Constitution and principle of our own American government, based on federal and state rights." As we shall see, Bellarmine has not the remotest reference anywhere to federal and state rights. In concluding, Dr. Rager writes that

the general conclusion is that the all-pervading idea in Cardinal Bellarmine's philosophy was one of popular government. He defended the world against the encroachments of absolute monarchy, and the principles which a few centuries later were embodied in all modern refined and well organized democratic governments. . . . It seems very plausible that Jefferson if he read between the first pages of Filmer's *Patriarcha*, derived from Bellarmine the wording and thoughts of a number of clauses embodied in the Declaration of Independence.

In the course of his article the writer quotes Professor Alfred O'Rahilly's statement in *Studies*, March, 1918, that "the Declaration is an accurate transcript of the Catholic mind."

Mr. Jefferson's indebtedness to Cardinal Bellarmine is reasserted in the important text-book, *The Church and the State*, issued by Professor Ryan and Millar. In no less than four different places is it dwelt upon.—pp. 114-120, 134-137, 160-165, 172-177. It is hard, the authors affirm,

to avoid the conclusion that with a copy of Filmer in his possession, Jefferson must have included Filmer's summary of Bellarmine among the materials used in the preparation of the Bill of Rights and the Declaration of Independence. If so, the denial of the omnipotence of parliament is no more than a reassertion of Bellarmine's and Suarez's denial of the divine right of kings.

In passing, it is to be noted that Bellarmine says nothing whatever about parliaments and as will be seen asserts a principle of government which has no place for the parliamentary idea. In regard to Sidney and Locke, the text-book takes the position that "neither of them were real thinkers," and moreover that the English writers lost sight of the past as it was embodied in mediæval tradition. It was "mainly on the basis of scholastic philosophy," it adds, that the Whig theory of government was formulated. "The Declaration of Independence was not the assertion of new principles or new arguments. It contains the true mediæval and Christian norm of all just governments."—P. 174. Dr. Ryan is professor of moral theology in the Catholic University in Washington.

Ryan and Millar allege that Hamilton, Wilson and Madison were "in strange agreement in fundamental points with Bellarmine and that all were great readers," and say further that all three "seemed to be entirely free of antagonism to the Catholic religion." In another place they add: "that there is every reason to believe that at least Madison and Wilson were acquainted with Bellarmine and Suarez" and they explain the absence of all explicit reference to these writers by the signers of the Virginia document and the signers of the Declaration of Independence, on the ground that in the circumstances of their day it would scarcely have been prudent for them to express obligation to a Roman Catholic authority. Professor Ryan, p. 177, asserts that "the paragraphs of the preamble

of the Bill of Rights, now ascribed to Jefferson, bear a no less striking resemblance to the passage of Filmer epitomizing Cardinal Bellarmine than does the theoretic portion of the Declaration of Independence." Again, the professor of church history in Washington Catholic University, Professor Guilday, in his *Life of John Carroll*, p. 243, confidently carries back the "theory of government enshrined in the Bill of Rights as well as in its subsequent imitation, the Declaration of Independence, to Cardinal Robert Bellarmine."

II. *Bellarmino's Theory of Government.*—What was Bellarmine's theory of government? The cardinal's discussion is carried on in three places,—in his treatments of the Roman Pontiff, *de pont. rom.*, I: g-6, the Clergy, *de clericis*, I-VII, and the Laity, *de laicis*, VI. It is to be noted that the cardinal opens his discussion of civil government by quoting Aristotle. In his treatise on the Roman pontiff, he was concerned to show that the pontiff gets his office and authority immediately from God through St. Peter, and that, by reason of this, in the Church he is supreme, that in matters of faith and morals he is infallible, and also that he exercises, though indirectly, temporal authority,—*papam habere temporalem potestatem indirecte*. In contrast to the immediate appointment of the ecclesiastical office and order by God, the particular form which secular government assumes depends upon the people. Citing Plato and Aristotle for the three forms of government,—monarchy, aristocracy and democracy,—Bellarmino repeatedly expresses his preference for pure monarchy as the best and most excellent form, the form prescribed for the Church with the pope at its head,—*optimum ac præstantissimum regimen*. Although simple and absolute monarchy excels,—*simpliciter et absolute*,—nevertheless in view of the corruption of human nature and in the present time—*hoc tempore*—a mixed form of government is the more useful—

utilius—or, as we might say, the more expedient. The cardinal combats Calvin whom he represented as having “favored states governed by senates and the people, as was Geneva.” The argument for monarchy is based upon the following grounds: no single ruler can be everywhere and cover all states in person; monarchy is the most constant and the least given to promote division; it is most adapted to make the commonwealth strong—*fortiorem*. Moreover, it is easier to find one good man to rule than many good men to carry on the government and easier for the people to obey one man than many. Contrasting the stability of monarchy with other forms of civil government, the cardinal reminds us that the Roman government was a republic for 480 years while for the longer time from Julius Cæsar to the fall of Constantinople in 1453 it was a monarchy, that is, 1495 years.

In the mixed government which, in view of the present corruption of nature, Bellarmine recommends, the chief element is monarchy and the least part democracy. At the head of this mixed government stands a supreme ruler or king who rules all and is subject to none—*qui omnibus imperat et nulli subjiciatur*. Under him are rulers of states and provinces who implicitly obey the rule of the supreme ruler and at the same time govern their provinces as if they were their own—*ut propriam suam*. This supreme ruler shall be in power not by right of heredity but by the will of the whole people. Secular government is in the hands of the people unless it is transferred by the people to a ruler,—*in populo nisi a populo transferatur in principem*.

In his treatment in the book on the Clergy, it is again the cardinal’s main purpose to impart the principle that ecclesiastical government is not in the assembly of the faithful but in the supreme pontiff—*non est in ipso cætu fidelium sed in summo pontifice*. On the other hand, in the civil republic all men are born free and on this account the

people itself is the source of political power—*et proinde potestatem politicam immediate ipse populus habet*. However, this right inherent in the people, the cardinal again repeats, lasts only until the people have transferred power to a particular king—*donec eam in regem aliquem non trans-tulerit*. And, once more, the view is reaffirmed when he says that it is only when there is no ruler that the people have a right to elect a ruler—*populus tum solum potest regem eligere cum rege caret*. Disparaging democracy, the opinion is laid down by the writer that in every state the major part is bad rather than good and the larger number foolish rather than wise. Of all forms of government the democratic form is the worst,—*deterrimum*.¹

In the book on the Laity the argument is that government or order is of God's appointment. It is a law of nature, and does not exist by the consent of men—*ex consensu hominum*. The particular form or species which human government takes is of the whole people. So far as the subject goes, the law is according to the law of nations—*de jure gentium*; so far as the ruler goes, it follows the divine appointment. In apparent contradiction of himself and referring to the case of Pagan Rome, Bellarmine says that, when a legitimate cause is presented, the multitude may change the kingdom into an aristocracy or a democracy as the Roman people did. In the beginning, rulers and kings got their position by usurpation but, in course of time, they or their successors came to be—*fiunt*—legitimate rulers, by the consent of the people—*ex consensu omnium*.

In brief, the theory expounded by Cardinal Bellarmine

¹ Bellarmine's full statement runs that "it is not credible that Christ, the most wise king, instituted in his church that form of government which of all is the worst and the worst is the democratic form, *deterrimum regimen democraticam*." He represents Calvin as wanting to make out that monarchy is the worst of all governments, *deterrimum omnium vult esse monarchiam*. The cardinal states that he presented the views held by the Genevan Reformer in his earlier period and passed by the views he held after 1559.

is that under present evil conditions, a mixed form of secular government has the preference, a government in which the monarchical element predominates. The head of the government has power by virtue of the original consent of the people or, if he be a usurper, by the acceptance of the people. Once power is accorded to a ruler, the people ceases to have power in itself.

III. *The Natural Origin of Jefferson's Views.* In opposition to the Bellarmine-Jefferson legend, are the facts that there is not a single external testimony for it in the discussions over American Independence, and that it violates the progress of governmental thought which had been going on in England and with which the founders of the Republic were familiar. Further it ignores the atmosphere of American free thought which these founders breathed from their childhood.

I. If we turn to the writings of Jefferson, Madison, Hamilton and Franklin, there is not a single quotation given from Bellarmine. Nor is there a single reference to him as an authority. A bare citation of the cardinal's name is contained in the writings of Madison and that only once. This citation occurs in a list of books for the University of Virginia which Madison sent to Jefferson, September 10, 1824. In August, Mr. Jefferson had requested Madison to make out a list of volumes suitable for the university, "especially writers of celebrity in religious metaphysics, such as Duns Scotus *et alii*." Not receiving an answer, Jefferson wrote again September 3rd, asking Mr. Madison "to expedite" the transmission of the list "as much as possible." In the list, which Madison sent a week later, he remarked that he had been leisurely at work complying with Jefferson's first request and had made out a catalogue of the writers of the first five Christian centuries and that then he was sending "an addition on the same paper of such works as a hasty glance at a few catalogues and my

recollection suggest." Madison's first list showed careful preparation. It contained in catalogue form fifty-six writers from Clement of Rome to Leo the Great, together with dates of printed editions and included at the side of the Christian writers Philo, Josephus and the Life of Apollonius of Tyana. The additional list, hastily made up, contained sixty-six writers. It starts with the word "Miscellaneous" and the names are given one after the other without break. The first names given are the Koran, Thomas Aquinas, Duns Scotus, Erasmus, Cave's Lives of the Fathers, d'Ailli, Socinus and Bellarmine. In it are included the French writers, Bossuet, Bourdaloue, Massillon and the Protestant Saurin, but chiefly English writers since the Reformation, such as Chillingworth, Richard Hooker, Whitby, Isaac Newton, on Religious Subjects, King on the Origin of Evil, John Taylor Against Original Sin, Edwards on the Will and Virtue, Wesley on Sin, Butler, Paley and Locke.¹ From this list Ryan and Millar draw the conclusion that Madison having had, as they say, a "deep interest in theological subjects," must have read Bellarmine. Why not on the same principle assert that Madison also read Thomas Aquinas, Duns Scotus, Philo and all the rest of the authors contained in the list? At this point it is to be noted that Mr. Hunt in his *Life of Madison* published 1902 made no mention of Bellarmine as a part of Madison's training nor did he give a hint that the cardinal influenced the author of the Declaration of Independence.

2. The collegiate education of Jefferson and Madison indicates definitely a different source of political influence from that of Cardinal Bellarmine and those who sympathized with him in matters of religion and civil government. As a student at William and Mary, Jefferson was a warm admirer of his teacher, the Scotchman, Professor William

¹ The correspondence and the list are given by Rives: *Life of Madison*, I: 641-645.

Small, and the professor's intimate companion. To this teacher he gave the testimony in his autobiography as "a man most profound in most of the useful branches of science who made me his daily companion. From his conversation I got my first views of the expansion of science and of the system of things in which we are placed." If these conversations included civil government as with reasonable certainty they did, it should not be forgotten that Small spoke with Knox, the Scotch covenants and Buchanan behind him. Milton, Sidney and Locke had all likewise preceded him. As a Scotchman and with all these writers and Scotch history behind him, it is not likely William Small went to Cardinal Bellarmine for his ideas of government.¹

As for Mr. Madison and his college training, he was influenced by Dr. Witherspoon, President of Princeton and one of the signers of the Declaration of Independence. In his biography of Madison, Mr. Hunt barely mentioned Dr. Witherspoon and failed to bring the two into close association. On the other hand, Rives dilates upon the students of the college as "animated with a high spirit of public liberty and jealous love for constitutional freedom," and asserts that "such sentiments were breathed into them by their great preceptor." Madison and Dr. Witherspoon had come to Princeton the same year. The president early espoused the growing sentiments of liberty and colonial union of his adopted country. He spoke of the

arbitrary and unconstitutional proceedings of Great Britain, the control of the people in matters of government and the

¹ Dr. Swem, the librarian of William and Mary, writes to the author that "William Small must have been an Episcopalian. At least he signed in the faculty book the statement to the effect that he believed in the XXXIX Articles. Every professor before the Revolution had to sign such a statement." In regard to a statement made by Mr. Hunt that in the pre-Revolution period, "religious controversy raged" in William and Mary, Dr. Swem remarks that "he feels sure that to say religious controversy raged is not correct."

necessity of the colonies proceeding from independence to a confederacy and the separation between Great Britain and America as being in accord with the intention of Providence.

He affirmed that usurped power by king and parliament meant absolute slavery for Americans. He referred to the examples of the free states, Holland and Switzerland. When the plan was sent out from New York that the colonies yield to Great Britain he resisted it. As a member of Congress, he stood beside Adams, Franklin and others for liberty and colonial separation. In Witherspoon's writings the name of Bellarmine seems not to be mentioned. Government and colonial rights, it is fair to suppose, formed a subject of conversation between the eminent president and the enquiring student at Princeton. If this was not the case, the leading subject engaging the minds and discussions of the colonies was left out. The suggestion that young Madison read the copy of Bellarmine on the college shelves of Princeton is a pure surmisal. Madison's intimacy with Dr. Witherspoon is a fact.

3. Jefferson and Madison had behind them a whole galaxy of English writers on government from whom they would naturally get their views, not to speak of Aristotle. Mr. Jefferson's library contained an elaborate list of books on government, including Plato and Aristotle, Machiavelli, Calvin, Richard Hooker, Buchanan, Grotius, Puffendorf, Vattel, Montesquieu, the *Utopia*, Coke—seven volumes—Harrington's *Oceana*, Milton's *Prose Works*, Sidney, Locke and other writers. In it were volumes of *Tracts on English Politics*, *Parliamentary History*, *Debates on Administration*, *English Liberties*,—issued at Providence, 1774—the *Farmer's Letters*, pamphlets written by Franklin and others bearing immediately on American affairs. All these volumes are of editions issued before 1775 and presumably were among Jefferson's books before that date. Plato's *Republic*

and Machiavelli were represented by translations as well as copies in the original.¹ Copies of Milton, Sidney and Locke were also, as we might expect, in the libraries of Hamilton and Franklin.

Americans were familiar with such authors as Milton, Sidney and Locke. Professor Hart, giving paragraphs from Calvin on Government, remarks that "they were much quoted by the New England ministers and statesmen." The authorities used to inculcate the ideas of civil liberty were enumerated by Dr. Mayhew in his famous sermon preached in Boston, 1756. He said that he had been initiated in youth in the doctrines of civil liberty as they were taught among the ancients and such persons as Milton, Sidney, Locke and Horsley among the moderns. Locke was quoted in the Election sermons delivered in Boston. The charge was made by an English dean that the Protestants of North America preferred to inculcate the principles of Locke over the Gospel in regard to civil government. A contemporary New England print intended to represent the resistance to the imagined attempt to land a bishop in America pictured a ship held off from the shore of Boston over which were hung different banners with such names and phrases as "Locke" "Sidney on government," "Calvin's Works," "Barclay's Apology," "Liberty and Freedom of Conscience." An edition of Locke on Government was printed in Boston, 1773.² Mr. Jefferson's testimony to the value of Locke's treatises was explicit. Writing May 30,

¹ Aristotle was represented in Jefferson's library by a Greek and Latin edition of 1597 in 8 volumes, as well as a separate copy of the *Ethics*. A splendid volume giving Ellis' translation bears the date 1778. Jefferson had two copies of Buchanan and two copies of Calvin in French as well as a Latin compilation from Calvin. Among other works were Bodin's *Republic*, *Eikon Basilike* and Witherspoon's writings.

² "An Essay concerning the True Original Extent and End of Civil Government by the Late Learned John Locke, Esq." A copy is in the New York Library. The Boston Committee of Correspondence appointed 1772, quoted freely from Locke.

1790, to a young man, Thomas Mann Randolph, who was contemplating the study of law, he referred him to "Locke's little book on government as perfect as far as it goes." Again, twenty years later, June 11th, 1807, giving a list of books on government, he recommended five, Locke and Sidney being given the first place. It is rightly said by Beck, writing of the Constitution, that "behind its framers were the mighty shades of Coke, Hampden, Milton and Locke." So far as Bellarmine's works are concerned, it must be remembered that they were in Latin and a Princeton undergraduate, like Madison, must have been an advanced Latin scholar to have attempted to read an ecclesiastical treatise such as is the cardinal's work on the controversies of the Christian religion.

4. The atmosphere in which Jefferson, Madison and Mason were born and which they willingly breathed in their early years was quick with the spirit of political and individual liberty. New England was aflame with ideas of national independence, as these men must well have known. To the town-meeting of the northern colonies has been ascribed a positive influence in the training of New England men for republican self-government. Jefferson himself declared that he was indebted to the meetings of the church in his neighborhood for some of his best political ideas. Long before the Revolution, Otis had asserted the right of the colonies to legislate through assemblies of their own. It is true that, when Adams charged that the essence of the Declaration was to be found in Otis' speeches and that it contained no new ideas, Jefferson replied that he had never seen them. It was not necessary that he should have read them.¹ The idea of the sovereignty of popular assemblies was in the air. Had not Patrick Henry in Virginia treated government as a conditional compact and

¹ See Jefferson's Works, vii, 305. For Hooker, see collection of the Connecticut Historical Society for 1860, vol. i.

asserting American rights exclaimed, "Give me liberty or give me death"? The pulpits of the northern colonies had with no uncertain sound asserted the rights of the people to resist encroachments from abroad on their liberties—liberties assured to them in the Colonial charters and in their inheritance as Englishmen or the descendants of Englishmen. In a sermon delivered in 1638, the Rev. Thomas Hooker, the founder of Hartford, pronounced the "foundation of authority to be laid firstly in the full consent of the people" and that the people which elects magistrates has the right "to set bounds and limitations of the power and place to which it calls them." In accord with such earlier expressions of political philosophy, the Rev. John Wise, 1652–1725,—referred to recently by Mr. Coolidge as having laid down clearly the principle of human rights,—declared in his notable treatise that "the first human subject and original of civil power is the people" and that "all are naturally free and equal, going about voluntarily to erect themselves into a new commonwealth." A half century later, when the causes which provoked the Revolution grew to be more irritating, the pastors called upon to preach the annual Election sermons in Boston took radical ground. They emphasized compacts and covenants as marking the relations of governors and the governed. The leaders of government in New England were accustomed to the idea of popular authority through the "Church Covenants" of New England. Dr. Cook in 1770 spoke of the reciprocal obligations of the two parties, declared the Massachusetts charter was not an act of grace but a compact and that Sir Edmund Andros had trampled on all the laws and rights of the colony. In his Election sermon of May, 1776, Dr. West called upon the people to offer prayer that God might strengthen the harmony of the United American Colonies and quoted Mr. Locke to the effect that "all men are naturally in a state of perfect freedom to order their

actions without asking leave of any man." As for magistrates, he said that "they are to consider themselves servants of the people" and "when the people feel themselves cruelly oppressed by the mother country, they may throw off the yoke." The year before, Dr. Langdon, president of Harvard College, exclaimed that "it was the great cause of liberty in which the colonies were united" and spoke of the British scheme of taxation as "threatening a final separation of the colonies." He pronounced the right of self-government to be of God and that the divine right of kings was exploded.

The Virginia Bill of Rights laid down the principle that office-holding is a trusteeship when it pronounced "all power to be vested in and derived from the people and that magistrates are their trustees and servants and at all times amenable to them."¹

If the clergymen of the Established Church in Virginia have left no volume of patriotic sentiments such as issued from the pulpit of Massachusetts, the Baptist and Presbyterian preachers of the southern colony helped materially to promote the spirit of colonial liberty and independence by their clerical activity in defiance of the Virginia laws forbidding all dissent from the Anglican church. Jefferson, recognizing the unfairness of placing dissenters under disabilities, became the author of the law giving full freedom to all Christian bodies and disestablishing the Church of England.

No evidence exists that any of the writers or preachers or officials in New England and Virginia was indebted to Cardinal Bellarmine for his views. Behind Mr. Jefferson and the other signers of the Declaration of Independence

¹ Prof. McLaughlin in his *Steps in the Development of American Democracy*, p. 15, calls attention to the political opinions of Sir Edwin Sandys, one of the leading figures in the early history of Virginia. It was said of him that he declared that "if our God from heaven did constitute and direct a form of government it was that of Geneva."

was a long series of events in American history which led naturally along the path of resistance to arbitrary legislation. It began with the Mayflower compact when the Pilgrims covenanted and combined themselves together into a "civill body politick." The idea of independence on American soil was encouraged by the New England Union of 1643, which provided for assemblies to which four of the colonies were to send representatives. Regicides who had been party to the execution of Charles I were protected on New England soil. The policy, whereby the American colonies joined together in a common cause, found expression from seven out of the thirteen colonies through their representatives at the Albany convention of 1754. This assembly, of which Franklin was the leading genius, proposed to hold conventions every three years and laid down the principle that, subject to the king's veto, the colonies had the right to tax themselves for their protection and other rights. The facts of colonial history during the twenty years before the Declaration was written were a wide-open vestibule to the assertions laid down in that instrument. Such legislation as the Stamp Act and Navigation Acts called forth the native instincts of personal and civil sovereignty throughout the land. If in Massachusetts, when the legislature was dissolved by a royal writ, a new legislature was immediately convened, so also in Virginia an independent legislature sat and acted immediately after the royal dissolution of the House of Burgesses. It is a remarkable fact that the colonies of Massachusetts and Virginia were one in the resistance of foreign encroachment and the assertion of independent rights.¹ The Continental Congress in 1774

¹ Channing in his history states the matter succinctly when he says of the influences which were at work: "American statesmen, Otis, Henry, Gadsden, the Adamses, Dickinson, Jefferson, George Mason and the rest, combined the ideas of Locke with the practical knowledge which they had gained in their careers and enunciated a theory which was incompatible with the ideas of empire then held."

agreed to aid Massachusetts in the hostilities already begun and on June 7th, 1776, Richard Henry Lee offered his resolution that "these United Colonies are and of right ought to be free and independent states." Was Lee also acquainted with Bellarmine's views and dependent upon him? At the same time, news was coming over from England of the insistence upon the constitutional rights of British subjects led by Burke. In the north and in the south the expressions, "no taxation without the consent of the people, voluntary compact, constitutional rights, privileges and liberties" were household words. Such expressions are not to be found in the pages of Cardinal Bellarmine. The impulse to set forth the ideas contained in the Declaration of Independence and the ideas themselves have a sufficient explanation in the events of colonial history.

5. The facts of British history. Behind Mr. Jefferson also were the facts of British history from Magna Charta and Stephen Langton, who incurred the papal disfavor, to 1689. The progress of British practice was in the direction of the rights of the people. Jefferson's generation knew well about the mighty struggle carried on with the Stuarts and the execution of Stafford, Laud and finally the king himself, Charles I, in 1649. The discussions of the Long Parliament which ordered these measures and the Petition of Rights in the Cromwellian period protested against the arbitrary sovereignty of kings and asserted the rights of the people through their representatives. The Bill of Rights adopted after the flight of James II and the elevation of William and Mary was in important respects a forerunner of the American declarations. The events issuing in the enthronement of the Prince of Orange were known as the glorious Revolution.¹ In demanding their liberties,

¹ In its resolution of 1688, parliament declared that James II had "endeavored to subvert the constitution, laws and liberties of the kingdom by

the American colonists knew that they were in line with the aspirations of their forefathers and felt that they were acting as children of England and heirs of its constitutional struggle. There existed no pretext for the signers of the Declaration to go back to Cardinal Bellarmine to learn about popular rights which had been discussed in notable English parliaments and treatises and sealed with English blood. Had they gone to him, they would have failed to find the sentiments with which they burned. Rives is right when he says in his *Life of Madison*, i: 137: "the Virginia Declaration of Rights of 1776 is the extracted essence of the Magna Charta, the Petition of Rights, the acts of the Long Parliament and the doctrines of the Revolution of 1688 as expounded by Locke." When Richard Henry Lee went so far as to make the charge that the Declaration of Independence was copied from Locke's *Treatise on Government*, Jefferson, then advanced in age, replied: "that all the authority of the Declaration rests on the harmonizing sentiments of the day whether expressed in conversation, in letters, printed essays, or in the elementary books of public right as Aristotle, Cicero, Locke, Sidney, etc." What a splendid opportunity these patriots had to mention Bellarmine, had they been indebted to him! In a letter to Madison, Mr. Jefferson further declared that in preparing the Declaration he "turned to neither book nor pamphlet, while writing it, and that he did not consider it as any part of his charge to invent new ideas altogether and to offer no sentiment which had never been expressed before." *Works*, vii, 305, 406, 407.

IV. *Cardinal Bellarmine's Theory of Government Compared with the Declaration of Independence*.—If we compare the positions laid down by the cardinal and the American prin-

assuming power to suspend laws without the consent of parliament," and insisted on "the undoubted rights and liberties" of the people.

ciples of government, it will be found that they are in essential matters disparate.

1. The general position taken by Bellarmine that in the first instance it is for the people to choose their form of government was not original with the cardinal. The principle had been stated at length by Aristotle 2000 years before him and also by a class of writers beginning with Marsiglius of Padua about 1350 and reaching to Calvin and the writers in France and England living in the 16th century, who were disciples of Calvin. With Cardinal Bellarmine monarchy is the ideal government. With these other writers, the ideal is a mixed government in which the democratic element has a superior place.

2. The cardinal took the position that the power which rests originally in the people remains in the people only until the people have chosen or accepted a ruler. Once the ruler is established, the power of the people stops. The ruler is absolute, and is not amenable to the people. By the American theory, kings and rulers are the trustees and servants of the people. In his *Apologia*,¹ Bellarmine repeated the statement of his great work that the people after the transfer of power to a ruler have no power to act against the ruler. No one may without serious crime rebel against a ruler or stir up sedition against him. On the other hand, it is declared in the Virginia Bill of Rights that, when any government shall have been inadequate, "a majority of the community hath an indubitable, inalienable and indefeasible right to reform, alter and abolish it in such manner as shall be judged most conducive to the public weal." As put in the Declaration of Independence, it is "the right of the people to alter and abolish a form of government when it has become destructive of its ends and institute a new form of government."

3. In the Bellarmine scheme there is no word about

¹ As quoted from Ryan and Millar, p. 116.

representatives of the people and parliaments. On the contrary, the Genevan form is condemned for the very reason that it included parliaments or councils. The cardinal could not have commended the assembly at Runnymede reprobated by Innocent III in three bulls. How much, on the other hand, did Hampden, Milton, Sidney and Locke, lay stress upon assemblies representing the people!

4. In Bellarmine religious toleration is outlawed in the strongest terms. In long sections the cardinal argued that there can be no conciliation or agreement between Catholics and heretical dissenters, that the books of heretics should be burned and finally that, like adulterers, heretics should be compelled to retract or be put to death. How utterly at variance with the mediæval view is the position laid down in the Virginia Bill of Rights! Mason's draft of that document demanded that "all men should enjoy the fullest toleration in the exercise of religion." This draft, as modified by the Convention—an act due to Madison—was changed so as to remove the idea of toleration and pronounce for the full equality of every man before the law to follow in his religious belief the dictates of conscience. By his theory of the absolute authority of the papacy in matters of religion, the cardinal was estopped from carrying the ideal of equality into the religious domain. His acceptance of the mediæval theory of the papacy and the church left him no option.

5. The theory of the separation of church and state fully stated in our Constitution—that is, the sovereignty of each estate—is not hinted at by Cardinal Bellarmine. As a proof that some American Catholics seem to hold with the cardinal, it may be proper to cite Father McMahon who said in the *Independent*, November 27th, 1920, "The Puritan doctrine of the separation of church and state is a logical preparation for Bolshevism. Our effort is to undo the effect of the Puritan idea which has permeated this country."

What a contrast this statement presents to the positive views of Jefferson, the author of the Virginia statute of religious liberty!

6. Unjustified is the claim that very clauses and expressions found in the two American documents are taken from Cardinal Bellarmine's treatment. Several cases are given by Dr. Rager revealing alleged identity or similarity in their statements. Thus the writer quotes Bellarmine as "declaring that all men are born *free and equal*, de cler. VII." The supposed corresponding passages in the American documents are then quoted. The fact is that Bellarmine says no such thing. What he says is that all men are born free—*omnes nascuntur liberi*. That is all. He stops there. The Declaration of Independence says all men are created equal and the Virginia Bill of Rights that "all men are born equally free and independent and have certain inherent rights of which they cannot by any compact deprive their posterity."

7. In Bellarmine, not only is the very idea of a governmental compact or covenant wanting, the cardinal does not discuss or mention the division of governmental function—executive, judicial and legislative,—noted long before by Aristotle and made with exact precision in our American government.

The comparison shows, on one hand, the absence in Cardinal Bellarmine's theory of distinctive elements found in the American plan and, on the other, his condemnation of principles it includes. The underlying rights of the people in the first instance to choose their government which Bellarmine dilates, was fully stated by Aristotle in such words as these, that the administration of a household is monarchical while in civil affairs power belongs to all, that nature has made all men equal but all cannot govern at the same time, that the basis of a democratic state is liberty and that the only stable principle of government is

equality according to relative proportion and for every man to enjoy his own. A citizen is one who shares in the governing and being governed. When the ancient writer defined man as by nature a political animal, he meant that it is intended that men live together in orderly communities. So far as Cardinal Bellarmine discusses this fundamental principle he goes, to say the most, no further than the Greek philosopher. Sidney said properly that Filmer had "imparted to the School divines that which was taken up by them as a common motive written in the heart of every man."

V. *The Theory of Popular Authority and its Origin.*—The development of the modern idea of rights inherent in the people was entirely apart from Cardinal Bellarmine and his writings. The cardinal did not follow Aristotle and his discussion of the ephors and their place in Sparta and other Greek cities. On the other hand, Calvin did, making great account of them in his earlier theory which was that aristocracy is the best form of government. In the last years of his life, and, in view of treatises written and published in Geneva, the Protestant Reformer modified his views of civil government. He declared that, though the rights of the people asserted in those treatises were asserted with some harshness, nevertheless the theory was true and that "if any abrogate to himself more than is just, the many may act as censors and masters to resist the ruler's authority." The school of writers, developed under Calvin's eye, took the position that a ruler is amenable to the law of Scripture and that in matters of conscience toward God the individual is supreme, and thus far Calvin had gone. The pupils went further and taught that rulers are bound by a compact entered into between the people and themselves, either by oath or tacit consent. Rulers and people are bound by reciprocal rights and duties. If either breaks the contract, he may be punished. This view had pungent state-

ment in the marginal notes of the Genevan version of the New Testament, prepared in 1557. James I took such umbrage at these notes that he was well ready to institute the work which issued in the Authorized Version of the Scriptures.¹

One of the chief representatives of this school was the Englishman John Ponet, Bishop of Winchester, who, with other refugees from England, lived for some time in Geneva. He was no less a strict Calvinist in doctrine than, according to the standards of the time, an advanced democrat. Of Ponet's work entitled, *A Treatise on Politike Power*, published in 1556, John Adams said "it contained all the essential principles of government which were afterwards dilated by Sidney and Locke."² Ponet's position is shown in the following excerpts:

When the multitude sees that governors are abusing power they may alter the state. The ephors are to see to it that kings do not oppress the people. . . . Pope, emperor or king may do

¹ In an account of the development of the modern theory of government, the name of Marsiglius of Padua deserves an honorable place. He protested against the management of the church exclusively by the priesthood and, 200 years before Calvin, demanded for the laity the right to sit in councils and otherwise join in the direction of church affairs. He was called by Döllinger a Calvinist before Calvin. Marsiglius' theory was adapted to bear fruit in the realm of civil government just as the national conference of the churches of England established by Theodore of Tarsus was the norm for the political union of England and as the church covenants of New England were a basis for civil contracts. The church the Italian defined as a community of Christian people or, as Wyclif and Huss defined it, the body of the elect. He used the expression "consent of the people."

² Adams' *Works*, vi, 4. A perfect copy of Ponet's book is in the Congressional Library. Ponet's opening words are that "the laws of nature, first planted in the mind of man and then set forth in the decalogue, were reduced by Christ to the two words: thou shalt love thy Lord thy God above all things and thy neighbor as thyself." Figgis in *Study in Political Thought from Gerson to Grotius*, p. 148, says that "From Buchanan to Rousseau in some form or other the anti-monarchical writers all base their claims to check and, if necessary, to resist the monarch on the notion of the original contract."

nothing to hurt the people without their consent. . . . Kings and princes cannot make laws without the consent of the people. . . . The country and commonwealth is a degree above the king and men ought to have more respect for their country than to their prince, for the commonwealth than to any one person. . . . Commonwealths may flourish where there are no kings. . . . God will not have princes obeyed in all things but they should at times be resisted by one thousand deaths. . . . Civil governors who make and break promises, besweareth and foresweareth, are tyrants and should be deposed and, if necessary, put to death.

Strong sentences like these savor of English freedom projected into the times of the American demand for civil liberty.

The influence of the compact or covenant theory developed in Geneva went out in three directions, to the Huguenots of France, to Holland and to Great Britain, and came in direct line through the Huguenots to the Carolinas and as far north as Boston, through the Dutch to New York and through the English and Scotch and Scotch-Irish to Virginia, Pennsylvania, Massachusetts and the other colonies. In France, where the Huguenots and Jesuits came into deadly conflict, the Jesuits also asserted the right of setting aside princes hostile to the Catholic church. Mariana, 1536-1623, in his book on Kings, commended assassination. Henry III and Henry IV of France, and William the Silent were put to death by persons who were themselves Jesuits or under the influence of the order, as were the Dominicans at that time. For this theory and their plottings, the Jesuits were expelled from Spain, France and other Catholic countries of Europe. Mariana's book was burnt in Paris. The pope himself, Pius V, assented to the proposal of murder in the case of Elizabeth. Gregory XIII, not satisfied with contributing to the Armada, and receiving English agents, engaged in developing the enterprise and with deposing the British queen. Lord Acton,

the Roman Catholic historian, says that "Pius commissioned an assassin to take Elizabeth's life." Recently Dr. Guilday in his work on the Recusants, justifies Pius' measures on the ground "that Elizabeth was not an ordinary usurper but a tyrant of the worst type, without pity, the willing tool of those who hated the Church for gain's sake."¹

The Huguenot contribution to the theory of civil liberty was that a people has the right to sit in judgment upon a ruler through its magistrates, not as individuals but only as they confer together and act in their official capacity. To the individual this right does not belong. With great clearness and force this view was set forth by Mornay, 1518-1581, in his treatise entitled *Vindiciæ*, a book which John Adams spoke of as making a distinct step in the theory of civil affairs.² Mornay's argument is based squarely on the principle that government is by compact, an agreement between people and ruler. He defended the position that "the ruler is the minister of the people and the people the absolute law. As a body their authority is greater than the authority of a ruler." On the principle laid down by the French publicist, William the Silent and the states of Holland, abrogated the rule of Philip II and in 1581 issued the Dutch Declaration of Independence, the first declaration of the kind to be issued. In agreement with Mornay are the opening words of the Virginia Bill of Rights, as "made by

¹ Mariana's famous work *De rege et regis institutione*, issued first in Toledo, 1599, appeared in many editions. In his learned discussion, Reusch denies that its doctrine was authoritatively condemned by the Jesuit general Aquaviva. The latest discussion is by the ex-Jesuit, Graf von Hoensbroech, in his posthumous *Der Jesuiten-Orden, Eine Encyclopaedie*, Leipzig, 1926, under Fürstenmord.

² A fine edition of Mornay has recently been issued by Prof. Laski with preface. John Adams, *Works*, vi, 4, presents three stages in the development of the principles of popular government among the English people, represented first by John Ponet, then by Harrington, Mornay and Milton, and finally by Sidney, Locke and Hoadley.

the representatives of the people of Virginia assembled in full and free convention."

Mornay's position was the position of the Puritans in England. Drastic expression had been given to it by John Knox who was at Geneva at the same time as Ponet. In one of his interviews with Queen Mary, the Scotch Reformer laid down the principle that princes, dealing unrighteously with their subjects, may be set aside. "Do you think," said Mary, "that subjects having the power may resist their princes with violence?" "Yea, Madame," was the reply, "no doubt they may when princes exceed their bounds."

In England, the theory of civil government includes in its history the name of Richard Hooker, who was quoted a number of times by Locke and was also quoted by Mr. Jefferson. Locke says: "Equality of men by nature the judicious Hooker looks upon as self-evident in itself" and that Hooker states

that the lawful power of making laws to command societies of men belongeth properly with the entire societies and it is not in the power of the king to exercise authority himself except by express commission received immediately from God or else by authority derived first from their consent upon whose persons they impose laws.

It will be remembered that among Jefferson's books was a copy of the *Ecclesiastical Polity*. The period of the Long Parliament, Cromwell and Milton, which was likewise the period of the Westminster Assembly, was unexcelled for its contribution to English constitutional liberties. The statement of the Westminster divines that "God alone is lord of the conscience" has never been surpassed as a statement of human liberty, although it was not adequately understood and applied by its authors. Milton whom Jefferson could have read among his own books exclaimed: "Who

swears to a king unless the king on his side is sworn to keep God's laws and the laws of his country!" And further, "Rulers cannot enslave us. There is no royal power but in the courts of the kingdom."

If, at the end of the seventeenth century, new elements were not added by Sidney and John Locke to the Genevan theory of government by consent, it is the merit of these writers to have elaborated the principle of popular sovereignty and to have furnished treatises on government which influenced later political thinkers. "A copy of Sidney's work," to quote Mr. Hunt, "was in every large library in 1776. Every reading man had read it." Sidney went to the block for his opinions. The beautiful copy of Sidney's *Discourses Concerning Government*, consisting of over four hundred pages, still shown in Jefferson's library, is of the edition of 1762. Locke's second treatise the author defined as "an essay concerning the true original extent and end of civil government."

The works of these two writers both by their discussion and the expressions used in them furnished materials for our American statesmen, orators and preachers. Sidney, who in his first sentence refers to Filmer's work and then gives Filmer's epitome of Bellarmine, frequently used such words and clauses as "compact, the good of the governed, the consent of the people, the consent of all such as are concerned." Again and again, he repeated sentences like the following:

The liberties of nations are from God and from nature and not from kings. All just magisterial power is from the people. If there ever was a just government among men it was constituted by the people. . . . Nations have a right to make their own laws and constitute their own magistrates. . . . Liberty is an exemption from all human laws, to which men have not given their consent. . . . Kings cannot be the interpreters of the oaths they take. . . . Government is not constituted for the good of governors but for the good of the governed. . . . No one

can have any power over a free people but themselves or those to whom they have given it.

A few of John Locke's trenchant clauses are: "The consent of the majority, . . . consenting with others, . . . the consent of the society, . . . the original compact, . . . tacit consent, . . . the law of nature, . . . the state of liberty." He affirmed that

all men are naturally free. . . . No one has power to make laws but by consent of the community and by authority received from the community. . . . Governments are instituted to secure the inalienable rights of life, liberty and the pursuit of happiness and derive their just power from the consent of the governed. If the multitude do institute a government the multitude may abrogate.

John Adams stated the truth when he said that "the same causes which produced Sidney's writings produced the Revolution."

Locke's essays on government open with the words "That men are by nature in a state of perfect freedom and a state also of equality." They close with the sentence "the people have a right to act as supreme and continue the legislative in themselves or elect a new form of government or under the old forms to place it in new hands as they think good." The motto the English philosopher chose for his essays is "that the welfare of the people is the supreme law —*salus populi suprema lex*," and he says that "it is so certainly just and fundamental a rule that he who successfully follows it can not dangerously err." In discussing whether rebellion is ever allowable, he decided that it is, when directed against persons but not when directed against authority.

A cursory examination will show how widely Cardinal Bellarmine's spirit and the spirit of the English writers differ, and the extent to which the cardinal's treatment

lacks principles which they lay down. On the other hand, a cursory reading of the Virginia Bill of Rights and the Declaration of Independence shows the degree of accord existing between these documents and the sentiments of Locke and Sidney and their use of the very words employed by these writers. In his *History of the United States*, Mr. Channing quotes certain passages from Locke to show how much the Declaration of Independence owed him for its phraseology.

VI. *The Mediæval Theory of Government.*—A widespread custom in vogue to-day of exalting the theology of the Middle Ages is also applied to the alleged mediæval governmental theory and practice. The manual of Ryan and Millar has a distinct chapter headed "Our Mediæval Inheritance of Liberty." Combining together Wyclif, Huss, Luther and Calvin, the authors speak of the "antinomian and anti-social tenets" which they ascribe to them as being explicitly counteracted by Bellarmine in his work on the Laity. The fact is that in the Middle Ages the papacy was the supreme authority. As developed by Gregory VII and his successors down to Boniface VIII, the theory assigned this authority to secular matters as well as ecclesiastical. The comparison of the papacy to the sun and to the soul and the empire to the moon and to the human body was meaningless unless it meant that the civil estate is under the control of the spiritual power. According to Gregory, the Roman pontiff is lord of the kings of the earth. No less than eight times did he quote Jeremiah I:9 to assert his authority over rulers. The passage runs: "I will set thee over the nations, and over the kingdoms to root out and to pull down, and to destroy and to throw down, to build and to plant." The passage was quoted again in these comparatively modern times by Pius V when he deposed Queen Elizabeth. The papal conception of authority was represented in the scene at the Peace of Venice

when Alexander III placed his foot on the shoulder of the prostrate form of Frederick Barbarossa and in the humiliation of John of England who was forced to yield his kingdom to the Roman see as a fief, promising to pay an annual tribute of one thousand marks in perpetuity. In one of the famous bulls of Innocent III the declaration was made that to Peter was committed "not only the whole church but also secular government." *Petro non solum universam ecclesiam sed reliquit sæculam gubernationem.* One of Innocent's immediate successors, Innocent IV, claimed for the papal see pontifical and royal monarchy—*pontificalem et regalem monarchatum.*

Boniface went no further than his predecessors, when in 1302 he announced that both swords are subject to the authority of the pope, namely, the spiritual sword or the power of ecclesiastical discipline which is in his hands, and the temporal sword which at his nod princes must unsheath. Writers of the time of Boniface gave the Roman pontiff power over the pagan world as well as the Christian world. In view of this claim and the Donation of Constantine, Alexander VI, in 1493, divided the lands in the West between Portugal and Spain,—a gift which he made of perpetual validity. That a proper statement of the mediæval theory of government has here been given is attested by the disfavor into which Cardinal Bellarmine fell for limiting the pope's authority in temporal matters to an "indirect" authority. The two theories of government, mediæval and modern, papal and American, would seem to be as far apart as the East from the West.

Has the mediæval theory been abandoned? Utterances of recent popes seem to indicate that it still holds. At any rate, the mediæval theory has not yet been explicitly disavowed. In an allocution of January 9th, 1862, as quoted by Straub,¹ Pius IX called upon the Roman bishops

¹ In his elaborate work on the Church, ii, 547.

to preach that civil sovereignty was conferred upon the Holy See and that under no pretext may he renounce it. His Syllabus of 1864 specifically, though in negative form condemns certain modern ideas of government as known among us, such as the separation of church and state. In 1883 Pius wrote to William I that in some way all baptised persons are subject to the authority of the Roman See. Leo XIII's *immortale dei*, translated by Ryan and Millar, is taken by them as presenting the model form of constitutional government, but to other readers a different interpretation seems the more natural. In fact, in this encyclical Leo seems to reject the theory of the separation of church and state. Recently Pius XI has declared that "Christ's empire is not only over Catholic peoples and over those who, reborn in the font of baptism, belong by right to the church (even though error has driven them far away) for it embraces even those who do not enjoy the Christian faith so that all mankind is under the authority of Jesus Christ." The conclusion at any rate is possible that the same empire which belongs to Christ belongs also to his vicar on earth—the very claim made six hundred years ago by Alexander Triumphus and other writers.¹

Recent interpretations, of which the Bellarmine-Jefferson legend is only one, are intended to ascribe to Roman Catholic sources and mediæval theories an immediate influence in deciding the popular institutions of this country at its foundation. If they are true, the hitherto accepted statements of history must be abandoned. The following examples may be added to the discussion of the Bellarmine-Jefferson legend. In 1922 Cardinal Bonzano, conversant

¹ Prof. Koch in his *Katholizismus und Jesuitismus* says that "It is a principle of Ultramontaniam that the kingdom of God is of this world and that the pope's power includes worldly jurisdiction over states and rulers." Suarez, an authority scarcely below Bellarmine, explicitly taught that the pope may order a nation to set aside its ruler.

through his office as apostolic legate to the Roman Church in the United States with American affairs and recently the papal representative at the Chicago eucharistic congress, in speaking to the students of the American College at Rome, observed: "The United States is based on principles which for centuries have been taught, fearlessly taught, and defended by the Church of Rome."¹ Even by an American of such high eminence as Cardinal Gibbons, the attempt is seriously indulged in to show that the American government and its parts are patterned after the constitution of the Roman Church. The truth is that the Roman government is a hierarchy, self-perpetuating by the appointment of its members. The American government is based on the elective franchise exercised by the people. In the former case, the pope combines in himself executive, legislative and judicial functions and his power is absolute. In the American government, the three functions are clearly distinguished and lodged in different hands. The cardinal goes even so far as to find for the doctrine of papal infallibility a parallel in the announcements of our supreme court. The fact is that the court's decisions are made mandatory by human laws. No American regards them as inerrant. In fact, its decisions announced at one time have in essence been set aside by decisions made at other times.

It was an unfortunate historical mistake that Cardinal Mundelein made at the eucharistic congress of 1926 when he brought Abraham Lincoln into intimate association with a well known Catholic priest, Father St. Cyr, confusing the future president with his cousin.² In 1921, when more

¹ See *America*, Feb. 24, 1923.

² The complete refutation of the cardinal's statement was made by Dr. Barton in the *Outlook*, July 14, 1926. The cardinal spoke of "the great French priest having been one of Lincoln's close personal friends" and as having used a set of chairs made for him by the future president. Dr. Barton had in his possession the very bill "of \$4 for one set of chairs for the Catholic church" rendered in 1838 by Mordecai Lincoln, the President's cousin.

than sixty advertisements appeared in as many issues of the Pittsburgh daily press intended to set forth the doctrines and services of the Roman Catholic Church, one of the advertisements, printed in large type, contained the statement: "The Founder of the Red Cross, St. Camillus of Lellis, was a Catholic." No statement more misleading could well be made. Camillus, who died four hundred years ago instituted a Society of St. John the Baptist to care for persons at the point of death, especially victims of the plague. The good man would have been a prophet indeed if he knew anything of the Red Cross Society which was formed in 1860 and has had for its chief representative Clara Barton. The members of the Order of Camillus may have worn a red cross, but so did members of one of the great orders of the Crusaders five hundred years before. It is almost unpardonable to publish a statement like this intended to confuse the mind of the common man with the notion that the society formed by a Roman priest living four hundred years ago and the society formed in Geneva in 1860 are one and the same.

Another instance of an innovation which it is sought to introduce into our conceptions of American history has appeared in a recent article in the *Catholic Historical Review*, October, 1926, entitled "America a Land of Destiny." The writer, L. J. Kenny, asserts that

our flag should be associated in its origin with Rome. In using the colors, red, white and blue the makers of America made a bold profession of the Christian belief in the Trinity. St. John of Matha and his Order of the Holy Trinity for the Redemption of Christian Captives used the banner of red, white and blue.

It is also remarked by the author that

as for our Constitution, the American colonies in breaking away from the political system of Great Britain pushed back into the

theory of government of the great Catholic schools of philosophy of the past. Equality before the law, and government by the consent of the governed are good old Catholic treasures.

Such genial observations are a good illustration of the mediæval method of allegory applied at one time in the interpretation of the Song of Solomon and still apparently of value in narrating the facts of history. Conclusions such as these may easily become widespread popular convictions when published by the ably edited *Catholic Historical Review* and other Catholic periodicals.

The charge has even been made that an accurate history of the United States has yet to be written and if such claims as are made by the Bellarmine-Jefferson theory are well founded, no historian has accurately given a history of the origin of American popular rights. At a meeting of the Board of Directors of the Knights of Columbus held in Chicago, January 13th, 1924, Mr. Gaillard Hunt said: "That the object of the order was to exalt the Catholic Church in the sight of the country and diminish prejudice against it. A real history of the United States should be undertaken." He continued by observing that no one was so qualified to undertake the task as the Knights of Columbus and then proposed a plan for such a work. In considering this charge it must certainly seem strange that all our historians, in dealing hitherto with the foundations of our government, should have been so utterly unfamiliar with the origin of the theories upon which it is based as to have omitted all reference even to the very name of Cardinal Bellarmine. If the Bellarmine-Jefferson legend were fact, then the treatment which all our American historians have given of the Declaration of Independence, as has been said, must in part be discarded. In proof of this statement the judgment of Professor Muzzey, made in his *Life of Jefferson*, may be adduced. "The natural rights of man is a doctrine

as old as the Roman law, and government by consent of the governed was a principle for which the republicans of the 17th century had fought their battles against the Stuart kings. It is doubtful whether Jefferson had read in 1776 a word of Rousseau's *Contrat Social*. For a decade he had been a profound student of Coke and Milton, Harrington and Locke." To this statement the contradictory clause would have to be added that "Nevertheless, Mr. Jefferson was immediately indebted to the Jesuit writer of the 17th century, Cardinal Bellarmine, for the principles set forth in the Declaration." Such a clause would blot out with one stroke one of the most noteworthy chapters in modern history, the struggle for popular liberties and representative government carried on by adherents of the Reformation in Geneva, by the Huguenots, in Holland and especially in Great Britain and the American Colonies,—a struggle carried on between assemblies and kings and by an array of statesmen and political and ecclesiastical writers.

NOTE The following statements by one who occupies a position of highest eminence in the Roman Catholic Church of the United States shows how far the Jefferson-Bellarmino legend is accepted. According to the *Catholic News*, October 22, 1927, Cardinal Hayes of New York in an address to the National Council of Catholic Men, Detroit, October 18, 1927, "pointed out that the Virginia Bill of Rights was taken almost verbatim from the writings of the Venerable Robert Bellarmine, the trusted adviser of four popes," and said further: "it is with great pride as Catholics that we can recall that the principles, almost the very language of our Declaration of Independence, were written by the Venerable Bellarmine,—now on his way to canonization,—with the approbation of the Holy Father more than a century before the Declaration announced a new reign of liberty to the world."