INTRODUCTION

The problem of Church-State relations had been a lifelong concern of Cardinal Newman. He was definitely not a political theorist and as he once said «It has never been my line to take up political or social questions unless they come close to me as matters of personal duty»¹. His concern had always been the cause of religion and his political views, which were inseparable from his Christian faith, centered mainly on the question of Church-State relations.

As an Anglican, he spent twelve years at the helm of the Oxford Movement whose ultimate goal —the revitalization of the Anglican
Church— was inseparably linked to its freedom from Erastian control which demanded Church-State separation. After his conversion, his thoughts about Church-State relations developed and matured as he confronted the problem posed by religious pluralism in the emerging modern society. Thus, in his books, lectures, and correspondence, there lies a definite body of thought concerning Church-State relations which shed light on the key issues involved in the dialogue between the Church and State in the modern world.

There are relatively few Newman scholars who have actually written about Newman's political ideas. Moreover, even though the subject of Church-State relations inevitably comes up in these studies, it is usually treated from a political point of view. This work will examine Newman's thoughts on the subject from the ecclesiological standpoint and more concretely, in relation to the science of *Ius Publicum Ecclesiasticum*.

Newman certainly did not approach the question with a juridical perspective nor was he acquainted with the theories of the school of *Ius Publicum Ecclesiasticum* current during his time. He had always adopted a historical and empirical approach to the problem and this probably explains why he was able to supersede the classical formulations of the Church-State problematic whose terms had always been the ecclesiastical and the political authority.

Newman started off from a pragmatic acceptance of a sociological reality—that of religious pluralism in modern society. This combined with his ecumenical attitude towards other religious confessions and his deep respect for the individuality and dignity of the human person led him to the conviction that Church-State relations in the modern world would have to be based on the *religious neutrality of the State*.

The object of this work is to present a systematic account and analysis of Newman's thoughts on those issues which have acquired great relevance to modern-day Church-State relations especially as

2. Among this collection of studies about Newman's political thoughts, the most authoritative are: *The Political Thought of John Henry Newman* by Terence Kenny published in 1957 and an article written by Alvan Ryan in 1945 entitled *The Development of Newman's Political Thought*. The more recent studies done on the subject include *Factors in the Development of Newman's Political Attitudes* by J. Derek Holmes (1978) and *Newman's Social and Political Thinking* (1989) by Edward Norman.
understood after the Second Vatican Council. It will also show that Newman's doctrine on these issues anticipated the teachings of the said ecumenical council.

It starts with a brief account of the *status questionis* during Newman's time in order to set the historical and doctrinal coordinates of his Church-State doctrine. This would also show how much Newman was ahead of his time in his approach to the question. The exposition of Newman's doctrine will hinge on the following issues: dualism, toleration, religious pluralism, religious liberty, and confessionality.

I. **CHURCH-STATE RELATIONS IN THE NINETEENTH CENTURY**

1. **Rise of modern states**

   In 1801, the year Newman was born, the first modern concordat was signed between Napoleon and Pope Pius VII. Although it was practically never implemented and in fact left the Church ever more subject to the tight control of the State, it was nevertheless historically significant. On one hand, it signified the possibility of establishing a harmonious coexistence between the Church and a non-confessional, liberal State. In the Concordat, Bonaparte recognized Catholicism as the religion professed not by the State but by the majority of French citizens. Such recognition—which later would be technically known as *sociological confessionalism*—implies a practical and not merely theoretical distinction between the State and the people it governs and serves as a legal basis for establishing Church-State relations.

   Since then the Concordat has proven to be an effective instrument which has allowed the Church to establish formal relations not only with non-confessional States but also with atheist and non-Catholic confessional States. On the other hand, it was also a clear indicator of the general political trend heading towards the disappearance of the confessional State which called for a profound revision of the system of Church-State relations in the doctrinal as well as the practical aspects.

   The first half of the nineteenth century could be considered as the period of consolidation of the political revolution which would give rise to the modern states founded on liberal democratic principles. This poli-
tical revolution was propelled by the Enlightenment and culminated in the French Revolution of 1789 which proclaimed the enlightened principles of equality and freedom for all men. Before the end of the century, Europe will be transformed into a cluster of independent constitutional republics and political power transferred from the absolute monarchs to the people as a consequence of the general recognition of the fundamental human rights which included the right of suffrage.

The birth of the modern states inspired by the principles of liberalism meant the dismantling of the Christian framework of society which had hitherto supported the medieval structure of union between the throne and altar accepted throughout Christendom as the ideal and, as it were, the natural relationship between the Church and State. In fact, the system began to be undermined even a couple of centuries back. The rationalist ideas of the Enlightenment which gave birth to the tenets of liberalism quickly pervaded the intellectual and political circles in the nineteenth century creating a general climate of indifferentism towards religious matters.

As religion became less important in the life of society, the de facto tolerance of minority religions became the increasing practice and towards the middle of the nineteenth century, religious tolerance was the general policy upheld by the laws and institutions of many States even in cases where it remained officially Catholic or Protestant. Thus in England, religious toleration led to the Catholic Emancipation Act of 1829 and other subsequent political reforms aimed at removing the legal impediments which excluded the Catholics from participation in public life. In Spain, the Constitution of 1869 explicitly permitted the practice of other religions while professing to uphold its obligation to support the Catholic religion.


El ejercicio público o privado de cualquier otro culto queda garantizado a todos los extranjeros residentes en España, sin más limitación que las reglas universales de la moral y del derecho.

Si algunos españoles profesasen otra religión que la Católica, es aplicable a los mismos todo lo dispuesto en el párrafo anterior.»
The consequence of all these socio-political developments was a drastic reduction of the political power and influence which the Catholic Church had hitherto wielded. The lost of the temporal sovereignty of the Pope with the annexation to Italy of the Papal Estates in 1870 was but the logical conclusion of this progressive diminution of Papal temporal power.

The Catholic Church thus fell from a position of imposing authority in religious and social life, to that of a weak voice largely ignored in the public forums of science and politics. Church-State relations, along with religion in general, suffered a diminution of its hitherto enormous theoretic and practical importance becoming a relatively insignificant social issue especially in the eyes of intellectuals and politicians.4

In his well-known Biglietto Speech, delivered at the Vatican on the occasion of the official announcement of his elevation to the cardinalate, Newman expressed the same idea lamenting what he called the great apostasy of his age characterized by the progressive and widespread secularization of society as a consequence of relegating religion to the sphere of the private life of individuals. Before, he said, «it has been considered that religion alone, with its supernatural sanctions, was strong enough to secure submission of the masses of our population to law and order; now the Philosophers and Politicians are bent on satisfying this problem without the aid of Christianity» Then he deplored the fact that religion has come to be considered as nothing more than «a private luxury which a man may have if he will; but which of course he must pay for, and which he must not obtrude upon others, or indulge in to their annoyance»5.

2. Historical antecedents

The Declaration of the Rights of Man and of the Citizen approved by the French National Assembly in August 1789 provides a strikingly clear illustration of how the situation described above was reflected in

the institutions of the State. In the Preamble, there is a reference made to the Supreme Being in a typically deistic style which while recognizing the existence of God, at the same time smacks of an agnostic attitude towards religion. The tenth article of the said declaration which contains the clause guaranteeing religious freedom simply states that no one should be molested because of his opinions, including religious, as long as its manifestation does not alter the public order established by the law.

It is interesting to note the negative and minimalist tone of this article which is supposed to protect the exercise of religious freedom. In the first place, it does not explicitly nor implicitly mention the freedom to exercise one's religion with all its manifestations. It is rather limited to the protection of the freedom to express one's religious opinions as long as the public order determined by the law is not perturbed. As is well-known, the liberal principles on which this declaration was based would paradoxically though not inexplicably lead to a stricter and closer supervision of the Church by the State tantamount to a virtual restriction of the religious freedom of individual Catholics. It must be remembered that the French revolution was carried out against a Catholic absolute monarchy which explains the hostile tendencies of the post-revolutionary State towards the Church which was practically identified with the toppled monarchy.

In a critical essay written in 1837, Newman fully sympathized with De La Mennais's denunciation of the various encroachments of the government upon the freedom of the Catholic Church in France. Comparing the situations of the Catholic Church in France and the Anglican Church in England, he even expressed his consolation because «the poor Gallican Church is in a captivity, not only doctrinal, which we all know, but ecclesiastical, far greater than ours». Newman and the English in general had always felt a deep aversion for the French Revolution and its ideals. For Newman, as will be shown later, it was not so much the

6. «Nul ne doit être inquieté pour ses opinions, même religieuses, pourvu que leur manifestation ne trouble pas l'ordre public établi par la Loi.» The text is taken from J. Hervada-J. M. Zumaquero, Textos Internacionales de Derechos Humanos, Pamplona 1978, p. 51.

democratic ideals of liberty and equality which he disliked but the spirit of antireligious liberalism which was associated with it.

But perhaps a far more important revolution in the light of the development of Church-State relations was the American revolution of 1776 which produced the first genuine constitutional democracy. The famous Virginia Declaration of Rights proclaimed in its article 16 «that religion or the duty which we owe to our Creator, and the manner of discharging it can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural and inalienable right to the free exercise of religion according to the dictates of conscience, and that it is the mutual duty of all to practise Christian forbearance, love, and charity toward each other».

Despite their common ideological roots, there is an obvious contrast in the treatment of religious freedom between the American and the French Declaration of Rights. As can be observed, the former explicitly protects the free exercise of religion and because of its underlying Christian ideals even goes so far as to proclaim the duty of all men to practise Christian virtues. Firmly and explicitly founded on Christian principles and holding religion in highest honor, this recognition of religious freedom led to what is called Christian pluralism and eventually to religious pluralism. Later in his life, Newman would use the same expression found in this article in defense of religious liberty saying that «religion must be defended by reason not by violence».

The United States was also the first to establish the separation of Church and State enforced by the first amendment to the U.S. Constitution which reads: «Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof...». This rather succinct statement contains the essence of the doctrine of separation between Church and State destined to shape the development of Church-State relations in the modern world.

Newman neither praised nor criticized this form of liberal separatism between Church and State in his writings. At most he made a reference to this separatist doctrine revealing a somewhat skeptical attitude about its practical application. He pointed out how even among the «miscellaneous and liberty-loving sects of the American Union», the problem of State interference in ecclesiastical affairs could still arise.

«There an Independent or Baptist communion, we believe, cannot expel one of its members without showing cause to the State that the proceeding is equitable. Why? Because the religious body being chartered for the legal possession of property, excommunication is a civil injury to the ejected party, unless he has violated the fundamental rules of corporation. Profession of certain doctrines may, of course, be made one of the conditions of membership, and when the case turns upon points of doctrine, the State does not interfere, but the previous question, whether or not it is a point of doctrine that is in dispute, falls, as we understand, under the cognizance of the civil courts»

From the above remarks made by Newman a few years before his conversion, one could perceive his basic attitude regarding the separation of Church and State. He was not criticizing the doctrine of separation which he would begin to support as early as 1844; he was rather indicating some flaws in the system which could make its practical application difficult.

3. Catholic doctrine

In contrast to the sweeping political, social, and intellectual revolutions taking place around her, the Church's official doctrine on Church-State relations remained unchanged. The doctrine based on the medieval hieratic principle which puts the Pope at the apex of both spiritual and civil power was essentially maintained although as pointed out earlier, in

practice, the Church's authority in political and temporal affairs was virtually unrecognized if not totally hindered by the political system.  

The Church cannot be accused, however, of lethargy in responding to the demands of the times. In fact, the Church reacted vigorously with her outright condemnation of those liberal propositions based on the *a priori* denial of any dogmatic principle and indifference to religious matters. The liberal ideal of the separation between Church and State was regarded by the Church as a direct consequence of these doctrinal errors and opposed it as such. In so doing, she had no alternative but to doggedly defend the medieval system of alliance between throne and altar which meant formal union between Church and State. 

The first significant step towards the evolution of Church-State doctrine adapting it to the exigencies of modern times was finally made by Pope Leo XIII four years before Newman's death. His encyclical *Immortale Dei* (September 1, 1885) contained the first clear and abstract statement of the mutual independence and autonomy of the Church and State. The hieratic principle was definitely abandoned with this recognition not only of the absolute autonomy but also of the sovereignty of the State in all temporal affairs.

Expressing this doctrine in words which brings to mind the first official formulation of the principle of dualism made by Pope Gelasius in the year 494, the encyclical declared: «The Almighty, therefore, has given the charge of the human race to two powers, the ecclesiastical and

14. In the doctrinal aspect, the greatest progress was reached in the early seventeenth century with the theory advanced by two Jesuit theologians, Francis Suarez and Robert Bellarmine. Based on St. Thomas' doctrine, which asserts that the king's power comes from God through the people immediately, they denied that the Pope has direct power in temporal affairs. St. Thomas held that the king is supreme in temporal affairs and the Church in spiritual but he emphasised that since all things must be ordered according to their final end, the Church is superior to the State and has the power to direct the State in matters pertaining to man's supernatural goal. The Popes thus enjoyed what amounted to almost universal power over kings and that power was so real that the Pope can dethrone kings and dissolve his subjects of oaths of loyalty. (Cfr. Comment. super libros sent., II, dist XLIV, q.2, art. 3) Bellarmine, on the other hand, laid more stress on the king's supremacy in temporal affairs. He admitted that the Church could and should direct temporal affairs to their supernatural end but pointed out that any specifically temporal measures required by the Church to accomplish her end were strictly accidental to her nature and could only be justified when they were really necessary for the exercise of her spiritual duties. By upholding the inviolability of the king's authority, Bellarmine's doctrine indirectly censures any political pretensions of the Pope. (Cfr. P. AGUSTIN, *Religious Freedom*..., cit., pp. 169-170.)
the civil, the one being set over divine, and the other over human, things. Each in its kind is supreme, each has fixed limits within which it is contained, limits which are defined by the nature and special object of the province of each so that there is, we may say, an orbit traced out within which the action of each is brought into play by its own native right.\(^{15}\)

Conditions were simply not yet ripe, however, in order to completely put aside the traditional doctrine of Church-State union. Thus, without proposing it as a doctrine \textit{de fide}, Leo XIII maintained the necessity of this union as well as the duty of the State to profess the true religion and to support it. Faithful to the teachings of his predecessors, he insisted:

«Since, then, no one is allowed to be remiss in the service due to God, and since the chief duty of all men is to cling to religion in both its teaching and practice—not such religion as they may have a preference for, but the religion which God enjoins, and which certain and most dear marks show to be the only one true religion—it is a public crime to act as though there were no God. So, too, it is a sin for the State not to have care for religion, as a something beyond its scope, or as of no practical benefit; or out of many forms of religion to adopt that one which chimes in with the fancy; for we are bound absolutely to worship God in that way which He has shown to be His will. All who rule, therefore, should hold in honor the holy name of God, and one of their chief duties must be to favor religion, to protect it, to shield it under the credit and sanction of the laws, and neither to organize nor enact any measure that may compromise its safety.»\(^{16}\)

In his concern to restrain the forces of liberalism intent on eliminating religion from the social life of the Christian nations of Europe, Pope Leo XIII had no choice but to reassert this traditional teaching with its ideal of formal union between Church and State. Some authors have pointed out that, considering the historical circumstances and the context of the entire Leonine corpus dealing with the Church-State problem, it may be held that the Pope called not so much for a formal union as for

\(^{15}\) ASS 18 (1885) p. 166.

\(^{16}\) \textit{Ibid.}, pp. 163-164.
active cooperation on the part of the State to promote the exercise of religion. He still judged, however, that this cooperation can only be carried out effectively through the union of Church and State.\footnote{Cfr. J. COURTNEY MURRAY, *Leo XIII: Separation of Church and State*, in «Theological Studies» 14 (1953) pp. 145-214.}

If one considers the antireligious bent of the separatist doctrine of the modern European liberals, it is easier to understand the caution with which Leo XIII had to handle the issue of separation between Church and State. He makes an explicit reference to this tendency in his encyclical *Libertas Praestantissimum* (June 20, 1888) which complements the previous encyclical *Immortale Dei*. Rejecting the liberalist notion of Church-State separation, he censured the inconsistency of those so-called moderate liberals «who affirm that the morality of individuals is to be guided by the divine law, but not the morality of the State, so that in public affairs the commands of God may be passed over, and may be entirely disregarded in the framing of laws. Hence, follows the fatal theory of the need of separation between Church and State»\footnote{ASS 20 (1887) p. 611. Cfr. G. REDONDO, *La Iglesia en el Mundo Contemporáneo*, II, Pamplona 1979, pp. 33-49.}.

It is worth noting that some years later, the same Pope would refer to the Church-State separation in the United States in his encyclical *Longinqua Oceani* (January 18, 1901) expressing his positive overall evaluation of the system. But even though the laws and the faithfulness of the people earned his sincere praise, he nevertheless warned that no one should conclude that the system would be universally good or lawful. This warning only manifested that he was not totally convinced that separation between Church and State could be compatible with love and respect for religion. Thus, for him it remained to be a choice between formal union and the unacceptable liberalist solution.

With respect to religious pluralism in society, Pope Leo XIII firmly maintained the traditional doctrine about religious tolerance based on the moral principle denying error the right to exist and to be propagated. However, he manifested greater flexibility and understanding towards factual situations accepting the phenomenon of pluralism in modern society and showing a certain willingness to adapt the doctrinal princi-
plies to the conditions imposed by the reality. This is evident in the following words of the encyclical *Libertas Praestantissimum*:

«Yet with the discernment of a true mother, the Church weighs the great burden of human weakness, and well knows the course down which the minds and actions of men are in this our age being borne... For this reason, while not conceding any right to anything save what is right and honest, she does not forbid public authority to tolerate what is at variance with truth and justice, for the sake of avoiding some greater evil, or of obtaining or preserving some greater good»19.

In effect, without renouncing the binomial principle of confessionalism and tolerance, the doctrine of Pope Leo XIII had a tone of flexibility which did not leave it closed to the possibility of further development in the process of adapting Church-State doctrine to the social and ideological realities of the modern world.

Whether there was any direct influence or not, practically all of Newman's basic thoughts on Church-State relations have found its way into the Church-State doctrine of the Pope who raised him to the cardinalate in recognition of his achievements. But the discussion in this chapter will show that Newman was prepared to go and indeed went farther than the Pope in proposing an alternative solution to the ever vexatious problem of Church-State relations in the modern world.

It should be pointed out that his keen discernment of socio-political trends sharpened by the reality of his experience under the Erastian Anglican Church and later as a member of a minority religion in a confessional State have placed him in a better position to judge that the new age was demanding a deeper overhaul of the Church-State machinery which can only be achieved by adopting a different approach to the problem. Newman did tackle the problem in a different way and in doing so, he came up with a solution which clearly anticipated the teachings of the Second Vatican Council.

The fact was that Pope Leo XIII was definitely acquainted with Newman's ideas and the accusations against him for being too liberal. There is a revealing anecdote in connection with Newman's elevation to

the cardinalate in 1879 showing the Pontiff's favorable reception of his doctrine:

«Leo XIII received the petition of the English Catholics all the more favourably as it appears that of his own accord he had had the same desire from the very beginning. Being asked by Monsieur de Rossi soon after his election, What would be his policy as Pope? he had answered, Wait till you see my first Cardinal; that will show you what will be typical of my reign. It was believed that in these words he was referring to Newman...»

II. NEWMAN'S DUALISM

1. The principle of dualism

The principle of dualism is a uniquely Christian concept which Christianity introduced into the world. Its origin can be traced to the terse reply Jesus gave to the pharisees asking Him whether it was lawful to pay the tribute to Caesar: «Give to Caesar the things that are Caesar's and to God the things that are God's» (Mt. 22:21, Mk. 12:17, Lk. 20:25) It has since supported the Church's claim that the government of human society had been entrusted to a dyarchy: the hierarchy of the Church entrusted with religious or spiritual matters and the civil authority whose task is to promote the temporal good of society.

The first official statement of this principle is found in a letter written in 494 by Pope Gelasius to Atanasius I, emperor of the Roman empire in the orient. Protesting against the abuses resulting from the latter's intervention in ecclesiastical affairs, the Roman Pontiff reminded the emperor that «There are two principles, August Emperor, by which the world is primarily ruled: the sacred authority of the Pontiffs and the royal power». The principle of dualism, though it may be satisfied in


many ways, demands one single thing which is truly essential and that is
the independence of the Church which can be translated as the recogni-
tion on the part of the State of its incompetence in religious matters.

This apparently simple principle has raised untold problems which
scarcely existed before the advent of Christianity. It was certainly
unknown in the pagan and even in the Jewish societies where the State
or civil authority also had the care of religion. Indeed, it can be said that
the complex history of Church-State relations is the history of the
adjustment of the respective claims of the Church and State in order to
observe this divine principle. Erastianism or Caesarism and hierocratism
are the two opposite extremes which result when the State and the
Church respectively choose to ignore this principle and overstep the
limits of their respective competences.

2. Distinction between Church and State

The first problem inherent to this principle is the proof of its vali-
dity. As Newman affirmed: «Erastianism is the doctrine of common
sense, and must be very clearly negatived in scripture if it is to be
discarded». The State has no need to prove its claim for sovereignty and
autonomy with respect to the Church because being prior to ecclesias-
tical authority in history, it is in possession. «He was in possession in the
age when Christ came; he is in possession now in the minds of men, and
in the prima facie view of human society. He is in possession, because
the benefits he confers on mankind are tangible, and obvious to the world
at large».

The limitation of the principle of dualism as an argument to claim
the Church's sovereignty and independence is immediately evident if we
consider the case of a pluralist society governed by laicist or agnostic
State for the proof of this principle requires an act of faith. Nevertheless,
the principle of dualism —the conviction that the Church has rights
which the State could not touch— is and will always be the internal
basis of the Church's claim for her freedom and independence with
respect to the political community.

22. Certain Difficulties Felt by Anglicans in Catholic Teaching, I, Westminster MD 1969,
p. 199. (Hereafter, this work will be designated by the abbreviation Diff.)
As could be expected, Newman's argument in favor of this principle starts from empirical facts rather than revealed truths. In the first place, he points out that in fact, the Church and the State are two different societies sovereign within its own realm and whose missions are also distinct. The weight of his argument to claim the mutual independence of Church and State rests on the absurdity of having two societies set up for the same purpose. Thus, he criticized Whately for stressing the distinction of the Church from the State because of its supernatural character and divine attributes but without giving it a specific mission to accomplish to justify the necessity of its existence as a distinct society.

For Newman, the distinction between Church and State is more radical. The natures of the two societies pertain to two different orders such that they are mutually incapable of carrying out the mission of the other. If this were not the case, the logical thing would be to subordinate to the State its functions just like the Jewish society and other pagan societies before Christianity was introduced into the world. «An institution was formed upon a new idea, and to it was transferred a portion of that authority which hitherto had centered in the State, and independence bestowed on it; but surely only because it was able to do something which ancient philosophy and statesmanship had not dreamed of. Unless the duties of the Church had been different, or if they had been but partially different from the duties of the State, it is obvious to ask, for what conceivable reason should two societies be set up to do the work of one?»

But Newman also knew that the problem posed by Church-State dyarchy would not be settled by simply distinguishing the missions and the spheres of competence of each society. The principle of dualism does hold the key to a harmonious relationship between Church and State but its practical application has too often proven to be far from a simple mathematical procedure. It is not enough to define the domain of each society and say that one should not interfere in the activities of the other. In practice, it is not always easy to draw the line dividing the matters which fall under the jurisdiction of either society and the

difficulty is aggravated when it comes to matters which pertain to the competence of both societies\textsuperscript{24}.

Newman expresses this difficulty pointing out the source of the problem: «The very same persons and the very same things belong to two supreme jurisdictions at once, so that the Church cannot issue any order but it affects the persons and the things of the State; nor can the State issue any order, without its affecting the persons and things of the Church» Moreover, he adds «the very matters which in one aspect are supernatural, in another are secular»\textsuperscript{25}.

Newman did not propose any kind of theory asserting the potestas indirecta of the Church in temporal matters as a solution to possible collisions of jurisdiction between Church and State. There is no question in his mind that the superiority of the supernatural order also means the superiority of the Church over the State in the sense affirmed by St. Thomas Aquinas.

Although he does so in a hypothetical manner, Newman also affirms that if the Church is independent of the State and the latter recognizes her as a divine institution, then logically it must submit to her. The State which makes a profession of faith must accept the sovereignty of the Church as demanded by her divine nature and submit itself to her teachings. «If the Church is independent of the State, so far as she is a messenger from God, therefore, should the State, with its high officials and its subject masses come into communion, it is plain that they must at once change hostility into submission»\textsuperscript{26}. This does not mean, however, that the Church should wield some form of temporal authority over the State. The superiority of the Church should be maintained without detriment to the legitimate autonomy of the temporal order.

Newman's opposition towards the ultramontanists clearly shows his position with respect to this issue. The Church does not have a natural title or right to exercise political authority. If she did so in the past, it was not because she was exercising her right but simply because it was a

\begin{enumerate}
\item \textit{Diff.}, I, p. 173.
\item \textit{Ibid.}, p. 201.
\end{enumerate}
right or a privilege attributed to her by the people or by the civil authority. Newman's opinion, moreover, was that the temporal power given to the Church is more harmful that beneficial to her mission. He even considered it as an encumbrance rather than a guarantee of papal independence and so he was actually in favor of the lost of temporal authority of the Pope.

Newman, who always looked at facts and based his thoughts on them points out that «the civil power has the power of the sword, and the Church has no arms but such as are spiritual». The Church's sovereign jurisdiction must therefore be recognized and accepted freely by the State or she simply has no way of imposing it on the civil authority. But if this had proven to be a source of great conflicts even in the Christendom of the middle ages, then it can hardly be expected to be a pacific issue in modern society. The Church has to live with the fact that nature and propensity of the State is to have an abhorrence for double jurisdiction and what it calls a divided allegiance. «Aut Caesar aut nullus is its motto, nor does it willingly accept of any compromise».

Moreover, the Church and the State follow a different code of principles in their operation. In seeking the maximum temporal benefits for its citizens, the State often opts for short term goals and at times has little regard for the moral consequences of its actions. «The world's measure of good and scope of action», Newman contends, «are so different from those of the Church... The Church, though she embraces all conceivable virtues in her teaching, and every kind of good, temporal as well as spiritual, in her exertions, does not survey them from the same point of view, or classify them in the same order as the world. She makes secondary what the world considers indispensable: she places

27. Cfr. Sermons Preached on Various Occasions (1850-1873), Westminster MD 1968, pp. 281-316. In the sermon entitled «The Pope and the Revolution», which Newman preached on the day of prayer ordered for Pius IX in 1866, he pointed out that the temporal possessions of the Pope were given by men and not by God, and implied that the temporal power of the Pope was not necessarily a good thing. Although he described those who seized the papal states as sacrilegious robbers, he argued that no one could force a sovereign on a people who deliberately rejected him. He also carefully avoided giving the impression that the temporal power was necessary for the papacy and even suggested that its end might be imminent. During the First Vatican Council, and in opposition to the ultramontanes, Newman refused to extend the exercise of papal infallibility to the field of politics and in particular to the declarations of the Syllabus.


29. Ibid., p. 175.
first what the world does not even recognize, or undervalues, or dislikes, or thinks impossible...»30.

A quick glance at the uncrupulous legislations of many countries in matters involving moral principles will readily confirm this observation of Newman. Many of these laws disregard the natural moral order which legislatures in general tend to ignore or are quite willing to sacrifice on the pretext of gaining greater temporal benefits for society. This attitude clearly manifests the wide discrepancy between the Church and the State in their understanding of man, his dignity, and his destiny. As Newman said in one of his sermons: «The Church and the world cannot meet without either the world rising or the Church falling; and the world forsooth pleads necessity, and says it cannot rise to the Church, and deems the Church unreasonable when she will not descend instead»31.

There is no doubt that the Church not only has the right but also the duty to interfere in matters concerning the moral order since it directly affects man's spiritual welfare. The Church, however, should only employ such means that are in keeping with her nature and her aim32.

Drawing some lessons from history, particularly in the conflict between St. Ambrose and the emperor Valentinian, Newman saw how the teaching authority of the Church could be made to prevail over the civil authority without she herself getting involved in political conflicts. «There is a state of society, in which the limitation of despotism is by the voice of the people so unequivocally committed to an external authority... such is the recognition of the authority of Religion, as existing in its substantive institutions, external to the strictly political framework, which even in pagan countries has been at times successfully used to curb the extravagances of absolute power»33.

In other words, Newman was suggesting here that the Christian laity should take upon themselves the duty and responsibility of defending and promoting the objective moral order in society by exercising their rights as citizens in the service of the Church. In fact, Newman

30. Ibid., p. 263.
understood clearly that the mission and responsibility of the laity in the Church would acquire a special importance as a result of the separation between Church and State. 

3. Cooperation

Still, the State would do well to recognize the Church as her ally instead of a political rival. For, as Newman asserts, «the greatest principles of the State are those of the Church, and, if the State would but keep within its own province, it would find the Church its truest ally and best benefactor.» In these words is summed up a whole program of fruitful cooperation between the Church and State.

There cannot be any real opposition between the spiritual goods sought by the Church and the temporal goods sought by the State. The natural moral order cannot be violated with impunity and when the world turns its back against its Creator, sooner or later it ends up destroying itself and fails to attain even its natural end. Thus, the Church could perform a great service to the State because being the guardian of the natural law and its rightful interpreter, she is the infallible guide that can lead human society to its true and proper end.

The Church is the best ally of the State because she not only recognizes and accepts the sovereignty of the State but teaches it as part of her doctrine. Always true and unchanging in her teachings, she also instills in her people many virtues and values which are beneficial to the well-being of the State among them obedience to civil authority and the faithful fulfillment of social obligations. Moreover, she can be relied upon to perform various tasks, particularly in education and in humanitarian efforts, in cooperation with the State or on her own initiative. Thus «she fulfills a number of secondary ends, and is the means of numberless temporal blessings to any country which receives her.»

36. Ibid., p. 233.
The cooperation between Church and State could be carried out even if the State were laicist. Church-State union is not necessary for this cooperation and Newman was even inclined to think that Church-State union in this case could even constitute a threat to the independence of the Church. Newman's experience of the negative consequences of having an Established Church made him extremely wary of the State's tendency to instrumentalize the Church in the pursuit of political ends.

He expressed this distrust of the State's capacity to cooperate sincerely with the Church in saying that «Kings and statesmen may be, and have been, saints; but, in being such, they have acted against the interests of kingcraft and statesmanship. The very moment the State enters into the Church, it shows its nature and its propensities, and takes up a position which it has never changed and never will» 37.

Because of this tendency of the State to use religion or the Church as a political instrument, Newman arrived at the conclusion that only the Catholic Church is endowed with that organizational structure capable of resisting domination by the State. Catholicity, therefore, is the only guarantee against that tendency of the State and «a church cannot cast off Catholic intercommunion without falling under the power of the State» 38.

A branch church will always eventually end up being nationalized by the State. And a national church, whose mission is absorbed and becomes identified with that of the State, ends up being an ideology instead of a religion. Under this enslavement, dogma and liturgy are easily sacrificed for the sake of political expedience. «Dogma would be sacrificed to expedience, sacraments would be rationalized, perfection would be ridiculed if she was made the slave of the State» 39. Like the branch that is cut off from the vine, the Church withers and dies.

The exercise of Erastian control by the British Parliament over the Anglican Church in order to interfere in dogmatic and liturgical questions opened Newman's eyes to the undesirability of an Established Church. In an Established Church, where the distinction between the

37. Ibid., pp. 385-386.
38. Ibid., pp. 186-187.
39. Ibid., p. 102.
Church and the State is obscured and the two are practically identified, the Church inevitably falls under the power of the State and her mission is absorbed in that of the State.

Newman was aware that the Catholic Church was suffering under the same circumstances and so he was able to say after his conversion comparing the situation of the Catholic Church in confessional States to that in England «I have a decided view that Catholicism is safer and more free under a constitutional regime, such as our own than under any other»

From the preceding discussion, it can be said that the principle of dualism, for Newman, has one essential objective and that is to guarantee the independence of the Church. This independence is the result of the proper distinction between the Church and the State based on their natures and their missions. In order to carry out her mission, the Church does not require anything from the State other than this freedom to carry out her mission. The only thing the Church demands from civil authority is freedom to fulfill her mission. «All she asks is an open field, and freedom to act. She asks no patronage from the civil power: in former times and places she has asked it...because in certain ages it has been the acknowledged mode of acting...but her history shows that she needed it not»

There is a very striking similarity between these words and those uttered by Pope Paul VI more than a century later in his discourse to statesmen after the Second Vatican Council «And what is it that the Church asks of you, after almost two thousand years of all manner of vicissitudes in her relations with you, the powers of earth —what is it that she asks of you today? In one of the major texts of the Council she has told you what it is. She asks you nothing but freedom— freedom to believe and to preach her faith, freedom to love God and to serve Him, freedom to live and to bring to men her message of life»

42. AAS, 58 (1966) pp. 10-11 In connection with this subject, the Conciliar Declaration *Dignitatis Humanae*, no. 13 states: Among those things which pertain to the good of the Church and indeed to the good of society here on earth which must everywhere and at all times be safeguarded and defended from all harm, the most outstanding surely is that the Church enjoy that freedom of action which her responsibility for the salvation of man requires. This is a sacred
III. CHURCH-STATE SEPARATION

Some authors believe that there was a substantial change in Newman's thinking on Church-State relations but a more careful reading of his works would easily demonstrate that this change was rather a development of his early convictions. In his *Essay on the Development of Christian Doctrine*, Newman gave an account of the process of development which aptly describes the development of Church-State doctrine which took place in his own thoughts and in the Church's magisterium.

«But whenever the risk of corruption from intercourse with the world around, such a risk must be encountered if a great idea is to be duly understood, and much more if it is to be fully exhibited. It is elicited and expounded by trial, and battles into perfection and supremacy... Its vital element needs disengaging from what is foreign and temporary, and is employed in efforts after freedom which become more vigorous and hopeful as its years increase. Its beginnings are no measure of its capabilities nor of its scope... From time to time it makes essays which fail, and are in consequence abandoned. It seems in suspense which way to go; it waivers, and at length strikes out in one definite direction. In time it enters upon strange territory, points of controversy alter their bearings; parties rise and fall around it; dangers and hopes appear in new relations and old principles reappear under new forms. It changes with them in order to remain the same. In a higher world it is otherwise, but here below to live is to change, and to be perfect is to have changed often.»

Newman has been branded by some authors as conservative and some have accused him of being too liberal. Both classifications reflect a limited knowledge of Newman and his works. The key to understand

liberty with which the only-begotten Son of God endowed the Church he purchased with His blood. Indeed it belongs so intimately to the Church that to attack it is to oppose the will of God. The freedom of the Church is the fundamental principle governing relations between the Church and public authorities and the whole civil order.

the paradox of Newman's conservatism and liberalism lies in his theory of the process of development of ideas. This theory supports conservatism by its reverence for tradition but in distinguishing what is essential from what is accidental, what is permanent from what is temporal, remains open to change. Newman's basic position is the ready acceptance of development without break of continuity as manifested in living organisms.

Several years before the start of the Oxford Movement in 1833, Newman had already acquired the firm conviction that the independence of the Church is a doctrine de fide. There is a fragment from his Autobiographical Writings wherein he acknowledges having learned this doctrine from Dr. Whately which goes «On looking back (1822-1826), he found that one momentous truth of Revelation, he had learned from Dr. Whately, and that was the idea of the Christian Church, as a divine appointment, and as a substantive visible body, independent of the State, and endowed with rights, prerogatives, and powers of its own»46. This conviction would be further strengthened as he discovers its confirmation in the writings of the Fathers of the Church, particularly the doctrine of the Apostolic Succession.

At the same time, true to his conservative temperament, he was a natural upholder of the status quo and therefore a supporter of the Anglican Church as an Establishment. Reinforced by the influence of Keble and Froude, he made a close association between political conservatism and religious purity in the sense that the maintenance of external political forms would guarantee the integrity of religious traditions. Newman felt that the best way to hold back the rising forces of liberalism which was threatening to violate this integrity was the firm establishment of political and religious dogma mutually supporting each other.

In a letter written to his mother dated March 13, 1829, Newman put forward the reasons why he feared the thought of disestablishment: «I do believe it (Anglican Church) will ultimately be separated from the State and at this prospect I look with apprehension, 1) because all revolutions are awful things and the effect of this revolution is unknown; 2) because

upper classes will be left almost religionless; 3) because there will not be that security for sound doctrine without change which is given by an Act of Parliament; 4) because the Clergy will be thrown on their Congregations for voluntary contributions*. It is interesting to note that even at that time his support for the Establishment was motivated only by practical reasons and not based on any doctrinal principle.

The convictions he expressed in the above letter began to be shaken with the rise of the Whigs to power in Parliament. It gradually dawned on him that the Establishment Church was becoming Erastian and that Parliament — through its liberal sacrilegious reforms — was becoming a threat rather than a support to the Church. Consequently, his opinion about the Establishment also began to change. In the next few years, his position, along with that of Keble will change abruptly in response to the shifting political currents and the blustery enthusiasm of Hurrell Froude, to whom the separation from the apostatizing State came to seem the essential prerequisite for the spiritual regeneration of the Church.

By 1833, Keble would boldly declare: «I look upon them (Church and State) as virtually dissolved, and as soon as they are avowedly the better: as far as my poor wit can discern, anything almost is better for true Religion than going on in union with a Whig State»*. That same year, Newman would write in the *Lyra Apostolica* the following verses which Froude would later quote at the end of Tract No. 59 which he entitled *State Interference in Matters Spiritual*:

«How long, O Lord of grace
Must languish thy true race
In a forced friendship linked
with Belial here».

It was also around this time that it had first occurred to Newman that the Church is essentially a popular institution, and the past English union of it with the State has been a happy anomaly*. It would take some time, however, for these ideas to mature and so as late as 1836 he

47. *Letters and Diaries*, II, p. 130.
could still speak of the duty of Christian government to uphold the Church.\textsuperscript{50}

It is also well known that Newman acted as a brake to restrain the radical tendencies of Hurrell Froude. Newman desired the separation of Church and State but he did not want the Oxford Movement to be directly responsible for it. He would rather wait for the Bishops to do it or wait till the State itself dissociated from the Church.

In a letter written in the early days of the Oxford Movement to Frederic Rogers, Newman would attest to this:

«I, of course, think that the most natural and becoming state of things is for the aristocratical power to be the upholder of the Church; yet I cannot deny the plain fact that in most ages the latter has been based on a popular power. It was so in its rise, in the days of Ambrose and in the days of Becket, and it will be so again I am preparing myself for such a state of things, and for this simple reason, because the State has deserted us and we cannot help ourselves. You must not think however, that I mean to hasten the downfall of the Monarchy by word or deed. I trust the Whigs and Radicals will reap their proper glory, and we but enjoy their fruit without committing ourselves.\textsuperscript{51}

This hesitation to assume responsibility for the disestablishment of the Anglican Church could be explained by Newman's attachment to English traditions and his resolve to keep the Oxford Movement out of politics. Newman was essentially in agreement with Froude in working for the disestablishment but they differed in their idea of how to accomplish it. Froude wanted to aim directly at disestablishment in order to leave the Church entirely in the hands of ecclesiastical authority while Newman hoped that by strengthening the ecclesiastical authority through a deeper consciousness of its Apostolic descent, Erastianism would die a natural death. In short, Froude anticipated ecclesiastical disestablishment while Newman looked for doctrinal development.\textsuperscript{52}

\textsuperscript{50} Cfr. \textit{Letters and Diaries}, V, p. 301. «... of course I hold it to be the duty of a Christian government to uphold the Church».

\textsuperscript{51} \textit{Letters and Diaries}, IV, 35.

\textsuperscript{52} Cfr. P. BRENDON, \textit{Hurrell Froude...}, cit., p. 145.
Newman's idea ultimately prevailed among the Tractarians and so the *Tracts for the Times* concentrated on doctrinal issues particularly those that could reinforce the doctrine of the Apostolic Succession. But as Newman would later assert, the Tractarian Movement and the Establishment was in simple antagonism from the first. It aimed to reform the Anglican Church by injecting a new spirit into it and purifying it of its Protestant contamination. But this new spirit is nothing else but the old Catholic and Apostolic tradition. Thus every attempt to infuse a Catholic spirit into the Anglican Church was a direct attack against the Establishment. From its beginnings, the Oxford Movement sought to achieve the disestablishment of the Anglican Church as the only means to destroy Erastianism.

The very first tract written by Newman contains a subtle but nonetheless clear allusion to this aspiration when it says «... the day may come, even in this generation, when the Representatives of Christ are spoiled of their sacred possessions and degraded from their civil dignities... with no larger dwelling, no finer clothing, no other fare, with nothing different beyond these gifts... then you will look at us, not as gentlemen, as now, not as your superiors in worldly station, but still, nay, more strikingly so than now, still as messengers».

Aside from criticizing the privileged status enjoyed by the clergy under the Established Church, this passage also insinuates that the loss of this status as a consequence of disestablishment will be a positive gain for the spiritual life of the Anglican Church. As Dr. Jose Morales has pointed out, the Oxford Movement was, as its name aptly indicates, a dynamic enterprise moving towards the attainment of a specific goal and an inseparable aspect of that goal is the separation of Church and State.

In 1841, Newman wrote *Tract 90* proposing an interpretation of the *Thirty-Nine Articles of the Anglican Creed* consistent with a Catholic concept of the Church. Commenting on the thirty-seventh article, Newman wrote that the alliance between Church and State was... «altogether

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an ecclesiastical arrangement; not a point de fide, but of expedience, custom or piety, which cannot be claimed as if the Pope ought to have it, any more than, on the other hand, the King could claim it of Divine Right.\footnote{Cited in J. Griffin, \textit{The Oxford Movement...}, cit., p. 27.}

It elicited such a clamour of protests from the Anglican clergy together with accusations hurled at its author for being a crypto-Catholic. Newman did not expect such strong reaction especially from the clergy but he became convinced that the Anglican Church was hopelessly Erastian and its ethos Protestant. As he himself acknowledged later, this episode hastened the process of his conversion to Catholicism. He first resigned his vicarage at St. Mary's in Oxford and then retired to Littlemore where four years after he would be received into the Catholic Church.

The above-mentioned commentary on the thirty-seventh article indicates that Newman's views on Church-State separation were beginning to mature and to acquire the consistency of a doctrinal principle. By affirming that Church-State union is not a doctrine de fide, Newman was laying an important doctrinal foundation for a further development of his doctrine on Church-State relations. For if the union of Church and State is dictated by expedience, then it is possible that historical circumstances may make it impossible and even undesirable. As his correspondence with Gladstone shows, by 1844 he had explicitly rejected his earlier belief in the duty of the State to uphold the Church.\footnote{Cfr. J. D. Holmes, \textit{Factors...}, cit., p. 63; D. C. Lathbury, \textit{Correspondence on Church and Religion of William Ewart Gladstone}, I, London 1910, pp. 69-70.}

In Newman's correspondence with Thomas Allies in the year 1860, he began to question the advantages and benefits that could be gained through the union of Church and State as institutionalized during the middle ages. His thesis was the following: assuming that the revealed object of the institution of the Church is to save souls, he thinks that there is no probability in facts (i.e. no evidence) that one organization of society saves more souls than another. He was willing to concede that in its abstract idea, a Christian monarchy is an immense gain towards the saving of souls but he emphatically denies it in fact and in the concrete.
«I grant that State protection, patronage, sanction, is such (an immense gain towards the saving of souls), i.e. in its abstract idea, but is State patronage always so in fact, and in concrete? I say, no, because in fact patronage always has been, always will be, something besides patronage, in mundo maligno; it will be interference. When the State gives, it will always take. The Quid pro quo in Christian legislation is Imperial Prerogative. Constantine built churches, and delivered his opinion about orthodoxy and heresy. He honored bishops, but he introduced himself, and preached to them, in their Ecumenical Assembly, and called himself a bishop for external matters. We must consider, then, what State patronage in the concrete connotes; viz. State influence in holy things. It is a beneficial thing for bishops to be princes, as we learn from the history of the Middle Ages. I am not speaking against ecclesiastical establishments; I am but asking whether there is proof that the Church saves more souls when established, than when persecuted, or than when tolerated»

St. John's dictum Mundus totus in maligno positus est left a deep impression on Newman's weltanschauung. He saw it as an enduring fact—a permanent affliction of human society—which the Church will have to grapple with during its earthly pilgrimage. Since the world or human society in maligno positus est, all political organizations no matter how good they may be in theory or in the abstract «are so intimately bound up ab initio with their own corruptions, that they are likely not to be good in fact, and that they need not work well in the concrete»

Thus, Newman concludes that no system of political organization is essentially beneficial to the Church's mission of saving souls but that one system may be accidentally better suited than another depending on the social and historical circumstances. Therefore, he contends «that the medieval political system, whatever good provisions it might enforce, still, as being only accidentally better fitted than another system for

saving souls, is not, in the Divine Purpose, included in that object»⁶⁰. In other words, Christianity is not tied up with any particular form of political organization and Newman was of the opinion that a system of Church-State separation in certain states of society, may turn out to be more beneficial to the Church's mission than their union. «May not I prefer, at this day, for the saving of souls, a Gallio for my ruler to a Philip II, a Gamaliel to a St. Louis?»⁶¹.

IV. CONFESSIONALISM

1. Religious toleration

After his conversion, the problem of the reformation and independence of the Anglican Church naturally ceased to be among his concerns. As a member of a minority religion Newman's attention will be drawn towards other aspects of Church-State relations which will enable him to develop his thoughts on the question of tolerance, religious pluralism, religious liberty, and confessionalism.

Even as an Anglican, Newman had already understood the necessity of the spirit of tolerance being widely extended in practice in modern society. He acted according to this conviction when he signed the petition in favor of the emancipation of Catholics even though he would later campaign against Peel's reelection precisely for supporting the emancipation bill in Parliament. Perhaps this inconsistency could be explained by his change of perspective regarding the issue. He was in favor of emancipation because he supported the spirit of tolerance but he rejected the passage of the bill because he thought it was passed as a political measure designed to pacify the Irish catholics and that it manifested the religious indifference of the Parliament which is supposed to support the Establishment Church.

In the development of Newman's doctrine regarding toleration and confessionalism, there is an important change of perspective which we should not fail to appreciate. For instance, speaking of tolerance after his

⁶⁰. M. ALLIES, Thomas..., cit., p. 120.
⁶¹. Ibid., p. 123.
conversion, he stated «I do not undervalue at all the advantage of institutions which, though not Catholic, keep out evils worse than themselves... It is a plain duty, then, not to be forward in destroying religious institutions, even though not Catholic, if we cannot replace them with what is better; but from fear of injuring them, to shrink from saving the souls of individuals who live under them, would be worldly wisdom, treachery to Christ, and uncharitableness to His redeemed»62. Here Newman was simply following the Church's magisterium which has consistently taught that other religions could be tolerated in order to avoid greater evils. However, in a spirit of sound ecumenism, he also points out the practical benefits of such toleration63.

Little is known about Newman's more concrete views regarding the issue of toleration during his anglican years. But a few months before his reception into the Catholic Church, there is an interesting correspondence between him and Gladstone, who was then the Prime Minister, which brings to light the state of his mind with respect to this question.

Gladstone was an evangelical by conviction, training, and habit who once held that the State has a conscience. It is capable of distinguishing between truth and error in religion and as a consequence it is bound to give official and financial support to the true religion and to none other.

Newman challenged this doctrine in a letter he wrote to Gladstone saying: «Mr. Gladstone has said the State ought to have a conscience—but it has not a conscience. Can he give it a conscience? Is he to impose his own conscience on the State? He would be very glad to do so, if it thereby would become the State's conscience. But that is absurd. He must deal with facts. It has a thousand consciences, as being, in its legislative and executive capacities, the aggregate of a hundred minds—that is, it has no conscience»64. Gladstone had apparently arrived at the same conclusion even before receiving Newman's letter and in his reply to Newman he admitted that he can no longer say that the State has

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64. D.C. Lathbury, Correspondence ..., cit., pp. 69-70.
a conscience. This brief correspondence reveals an incipient but highly significant idea in Newman's mind which he would develop later into his concept of the religiously neutral State.

2. Religious freedom

Newman's high regard for individual freedom would soon make him view the problem from a different perspective. In the series of lectures he delivered at the Birmingham Oratory responding to the public outcry against the restoration of the Catholic hierarchy in England in 1850, he spoke of tolerance as a right which is common to all men «... they wish us to be grateful for a privilege which is our birthright as much as it is theirs... we are on a social equality with ourselves, and that what is allowable in them is allowable in us...that we should have an opinion, that we should take a line of our own, that we should dare to convince people, that we should be offensive...».

Newman does not employ the term religious liberty but this statement is a clear vindication of this fundamental human right. If the problem of religious pluralism is viewed from the standpoint of Truth, the logical solution is tolerance; viewed from the standpoint of human rights, the question of truth or error becomes irrelevant and the solution—the recognition of the right to religious liberty based on the dignity of the human person—is a political measure which does not imply any compromise with indifferentism towards religious truths.

Until Newman's time and in fact until the Second Vatican Council, the Church had always looked at the problem of pluralism from the

65. Gladstone's reply includes an interesting assessment of the Church-State relations in England at that time. He said «The State cannot be said now to have a conscience, at least not by me, inasmuch as I think it acts, and acts wilfully, and intends to go on acting, in such a way as no conscience—that is, no personal conscience (which is the only real form of one)— can endure. But the State still continues to act in many ways as if it had a conscience. The Christian figure of our institutions still remains, though marred by the most incongruous associations. There are, therefore, actual relations of the State to Religion—I mean to determinate religion—which still subsist and retain much vitality, and offer opportunities of good in proportion to it, however they may be surrounded with violent moral contradictions. For the sake of these opportunities I think that public life is tolerable, and in my case, as it at present stands, obligatory. But it is like serving for Leah afterwards to win Rachel». Cfr. D.C. LAITHBURY, Correspondence..., cit., pp. 71-74.

former viewpoint but Newman also considered it from the other perspective and in changing the focal point of the issue from Truth to human rights he was able to offer an alternative solution which would prove to be more suited to modern times.

The idea of religious liberty as a fundamental human right which is what Newman was referring to in the statement quoted above was not yet current during Newman's time. The Liberals were certainly not referring to this when they proclaimed the liberty of conscience, which being based on religious indifferentism, is irreconcilable with the Christian faith and have therefore rightfully merited the outright and consistent condemnation of the Church. The terms employed by Newman — birthright and social equality — clearly evoke the idea of a civil right with respect to other men. It is what the Conciliar Declaration Dignitatis Humanae also recognized as a fundamental right of all men. In modern terminology, it is what is known as the liberty of consciences.

It may serve to drive home this point by quoting what Newman considers as the erroneous idea of conscience which had become widespread in his age:

«Conscience has rights because it has duties; but in this age, with a large portion of the public, it is the very right and freedom of conscience to dispense with conscience, to ignore a Lawgiver and Judge, to be independent of unseen obligations. It becomes a license to take up any or no religion, to take up this or that and let it go again, to go to Church, to go to chapel, to boast of being above all religions and to be an impartial critic of each of them. Conscience is a stern monitor, but in this century it has been superseded by a counterfeit, which the eighteen centuries prior to it never heard of, and could not have mistaken for it, if they had. It is the right of self-will» 67.

A detailed discussion of the subject of religious liberty as a fundamental human right cannot be found in Newman's published works and it is almost certain that he did not write directly about this topic. Perhaps one reason could be in order to avoid being misinterpreted and

confused with the liberals who were also claiming religious liberty but in the wrong sense just enunciated. In any case, the idea of religious freedom is an implicit assumption in his thoughts about another subject which have already been alluded to in the course of this work: the State without a conscience or the religiously neutral State which in modern parlance is the equivalent of the laicist State.

3. Religious neutrality of the State

We have seen how Newman finally became convinced that in his time (and a fortiori in the future), the union of Church and State or what is now known as confessionalism was not the suitable type of relationship between the two institutions for the simple reason that it goes against the fact of social and ideological pluralism. «During the last seventy years», Newman observed, «first one class of community, then another, has awakened up to thought and opinion. Their multifarious views on sacred subjects necessarily affected and found expression in the governing order... the State ought to have a conscience; but what if it happened to have half-a-dozen, or a score, or a hundred, in religious matters, each different from each?... No government could be formed, if religious unanimity was a sine qua non».

Although Newman had maintained the position that the medieval system of Church-State union would not necessarily save more souls than another system of political organization, he admitted that it was a tested system and had been beneficial to the Church's mission inspite of its accompanying corruption. Perhaps this explains his seeming reluctance to give up the system and his yearning for religious unity which at the same time he knew was a chimerical wish. He expressed this wish in a letter saying «I should call myself an anti-liberal, because, in harmony with the Pope's Syllabus, I should say that the best thing of all is to have a unity of religion in a country and that so real that its ascendancy is but the expression of the universal mind».

On the other hand, the consequences of the religious neutrality of the State were unknown even though he was quite certain that it was

69. Letters and Diaries, XXIV, pp. 191-192.
what the times demanded. Again, his empirical attitude to Church-State issues was what would lead him to the acceptance of the system of Church-State separation resigning himself to the fact that the State can no longer be identified with the religious profession of the people since there is no religious unity.

As he told Gladstone «When I was young the State had a conscience, and the Chief Justice of the day pronounced, not as a point of obsolete law, but as an energetic, living truth, that Christianity was the law of the land... Though I profess to be an admirer of the principles now superseded in themselves, mixed up as they were with the imperfections and evils incident to everything human, nevertheless I say frankly I do not see how they could possibly be maintained in the ascendant».

In keeping with his theory of the development of doctrine, he adds «there may be found out some way of uniting what is free in the new structure of society with what is authoritative in the old, without any base compromise with Progress and Liberalism». The fruit of this search will be the idea of the religious neutrality of the State advanced by Newman a century before the Church would sanction it in the Conciliar Declaration Dignitatis Humanae.

The concept of the religious neutrality of the State is another of Newman's seminal ideas which he did not develop fully. Thus, it can hardly be considered a theory. Nevertheless, at this point, enough has been explained about Newman's thoughts relevant to the subject in order to be able to come up with a fair account of what this concept meant in Newman's mind.

In the first place, the religiously neutral State means a State without a conscience in the sense understood from Newman's correspondence with Gladstone cited earlier. Not to have a conscience means that the State is incapable of making any judgment regarding truth and error in religious matters. In short, the State is incompetent in religious matters which is the current definition of a laicist State.

72. Ibid., pp. 264-268.
The immediate consequence of this incompetence in religious matters is that the State cannot profess any religion in particular — it cannot be a confessional State. Therefore, neither can it be obliged to officially support a particular religion in the sense of being the official secular arm of that religion enforcing religious obligations among the people. In principle, Newman had never been in favor of using force to impose a particular religion on the people because «The age is such, that we must go by reason, not by force... There is so much corruption, so much deadness, so much hypocrisy, so much infidelity, when a dogmatic faith is imposed on a nation by law, that I like freedom better...» 73. In any case, any cooperation the State might offer to the Church must not be based on its being recognized as the true religion.

With respect to the citizens, the State should regard the religious phenomenon as one more aspect of social life — a manifestation of the religious liberty which every citizen enjoys as a fundamental right. Religious pluralism would have to be treated according to the principles of social equality among citizens. Therefore, there should be no discrimination of any sort — social, professional, educational, etc. — on account of one's religious creed.

Newman was an avowed enemy of liberalism and as he said he wanted a solution «without any base compromise with Progress and Liberalism.» Thus his idea of religious neutrality cannot be based on religious indifferentism of the State which he firmly detested. A State without a conscience does not necessarily imply — certainly not in Newman's thoughts at least — indifference or a negative attitude towards religion. Let it be recalled here some of Newman's ideas about the nature of the State and its functions discussed earlier.

Newman does not have any divine interpretations of the State. It is for him a purely natural phenomenon. Even though its existence is a divine ordinance, it is still a creation of man, brought to existence through the consent of the individuals who form it. Now the function of the State is to serve the interests of the citizens and this can be best fulfilled by protecting and promoting the exercise of individual rights with the minimum of State intervention. «The more a ruler meddles, the

73. *Letters and Diaries, XX, p. 477.*
FRAncisco H. Aniban

less he succeeds; the less he initiates, the more he accomplishes; his duty is that of overseeing, facilitating, encouraging, guiding, interposing on emergencies. The religiously neutral State, therefore, should apply these same principles with respect to the exercise of religious liberty.

Newman's individualism is also an important feature of his Church-State doctrine. The human person, not the civil authority is the protagonist of the society. The whole social process has the individual as its foundation, bearer and end. Thus the main task of civil authority is to promote the dignity of the human person by guaranteeing the protection and promotion of his fundamental rights. Among these fundamental rights is of course the right to profess and practise one's own religion or what is presently known as religious liberty.

In changing the terms of the issue to religious liberty of the individual before the State, Newman was able to achieve an important development in the problem of Church-State relations in the modern world combining fidelity to tradition — what is authoritative in the old — and flexibility to adapt the exigencies of the modern conditions — without any base compromise with Liberalism or Progress.

He avoids confusion between the spiritual and the temporal order since in guaranteeing religious liberty the State is not called to make any judgment concerning religious truths. The State must rather deal with the problem in secular terms such as justice and the common good, his main task being not to hinder the exercise of religious liberty. There is no doubt that if the religiously neutral State acted in this way, the freedom and independence of the Church will also be enhanced. As the Conciliar Declaration Dignitatis Humanae affirmed «When the principle of religious freedom is not just proclaimed in words or incorporated in law but is implemented sincerely in practice, only then does the Church enjoy in law and in fact those stable conditions which give her the independence necessary for fulfilling her divine mission... A harmony exists therefore between the freedom of the Church and that religious

freedom which must be recognized as the right of all men and all communities and must be sanctioned by constitutional law»76.

Newman does not completely discard the possibility that a State would choose to establish Catholicism. But he makes clear that the more important thing is not the formal establishment of Catholicism but the reception of Catholic ideals and principles in its institutions. «Catholicism does not depend on its establishment for its existence, nor does its tradition live upon its establishment; it can do without establishment, and often dispenses with it to an advantage. A Catholic nation, as a matter of course, establishes Catholicism because it is a Catholic nation; but in such a case, Catholicism and its tradition come first, and establishment comes second...It is but the accident of a particular state of things, the result of the fervour of the people; it is the will of the masses; but, I repeat, it is not necessary for Catholicism»77.

Newman's attitude towards the Parliamentary debate over the Affirmation Bill in 1883 could illustrate the firmness which he has acquired in this conviction. When Malcolm Maccoll, an advocate of the Bill wrote him to ask his opinion about the issue, he replied:

«You will think my want of interest to be strange; but I think it implies that in the main I agree with you. At least two years ago, when the question of protesting against abolishing the Parliamentary recognition of Almighty God came before me, I felt that since Christianity had ceased to be the religion of Parliament for many years, the God of the Christians was no longer the God of Parliament, and I did not see what was gained by acknowledging any God but Him who in Scripture and the Creed is defined to be the Maker of heaven and earth and Father of our Lord Jesus Christ. I had other reasons for being indisposed to protest but this I believe was the main one»78.

76. Dignitatis Humanae, no. 13. (This and other texts from conciliar documents are taken from their english translation in: A. FLANNERY (ed.), Documents of Vatican II, Michigan 1984.)
78. Letters and Diaries, XXX, p. 205. The old Parliamentary oath used to be: On the true faith of a Christian, so help me God. On the true faith of a Christian was struck out of the oath for the express purpose of admitting into Parliament men who were not Christians. So that the oath became merely a vague profession of a theism, of which all that can be said was that it was not Christian. The Government was proposing, in the Affirmation Bill, to give fresh members the option of not taking the oath. The Conservatives proposed simply to negative the Bill.
Thus, Newman had advanced a theory of Church-State relations which can be considered *liberal* but at the same time faithful to the essential elements of tradition. It is liberal in the sense that it is compatible with the liberal notion of a pluralist society in a religiously neutral state. But it is faithful to traditional doctrine precisely because it evades the doctrinal question by keeping the problem within the realm of politics while at the same time assures the Church of the freedom to carry out her mission.

V. **LIBERALISM**

The study of Newman's thoughts on Church and State will not be complete without an examination of his fundamental attitude towards *Liberalism*. In his well-known *Biglietto* speech, Newman solemnly renewed his protest against the spirit of liberalism in religion which he claimed to have been his lifelong enemy. It is true that as an Anglican he spent twelve years at the head of the Oxford Movement fighting against Erastianism - the doctrine which denies the Church of self-government and its rightful jurisdiction over its members attributing both functions to the State. The Church is thus reduced to just another department of the State's operations completely subservient to the latter's interests.

Now the connection between Erastianism and liberalism can easily be shown. Under the Erastian system of Church-State relations it is inevitable that when the government happens to espouse liberal convictions, the principles of liberalism would affect the Church. Erastianism and liberalism, therefore, constitute a lethal combination guaranteed to destroy the very life of the Church. And this was precisely what Newman saw taking place before his eyes when the Whigs —the very incarnation of liberalism— rose to power in the English Parliament. The Tractarian Movement was his attempt to provide a solution to the problem of how to keep the Church from being liberalized.

Writing in the Apologia he affirmed that the principle of dogma being the first fundamental tenet of the Oxford Movement, his battle

was with liberalism, by which he meant the antidogmatic principle and its development. Since the age of fifteen, Newman had understood and had firmly upheld the fundamental importance of dogma in religion. «I know no other religion; I cannot enter into the idea of any other sort of religion; religion as a mere sentiment, is to me a dream and a mockery»

Before going on to examine his attitude, it would be good to clarify what Newman understood by the term Liberalism. In the appendix Liberalism in the Apologia of 1865, Newman explained that liberalism denotes a claim to a *false liberty of thought* which leads to the «mistake of subjecting to human judgment those revealed doctrines which are in their nature beyond and independent of it, and of claiming to determine on intrinsic grounds the truth and value of propositions which rest for their reception simply on the external authority of the Divine Word»

In this sense, liberalism in religion would appear almost identical to Rationalism which Newman defines as a certain abuse of Reason using it «for purposes for which it was never intended, and is unfitted. To rationalize in matters of Revelation is to make our reason the standard and measure of the doctrines revealed»

Now Newman's concept of liberalism in religion is not simply synonymous to rationalism. In a letter to Armstrong written on March 23, 1887, Newman explains that liberalism is the development of rationalism. «It views faith as a mere natural gift, the like and consequence of reason—the moral sense; and by reason and the moral sense (the rationalist) estimates it and measures its objects. He soon comes to be satisfied with other men though they ignore faith and its objects, provided they recognize reason and the moral sense. This is liberalism»

Liberalism in religion gives rise to various consequences which Newman enumerates in the Biglietto speech. «Liberalism in religion is

80. *Apologia Pro Vita Sua*, p. 54.
the doctrine that there is no positive truth in religion, but that one creed is as good as another, and this is the teaching which is gaining substance and force daily. It is inconsistent with any recognition of any religion as true. It teaches that all are to be tolerated, for all are matters of opinion. Revealed religion is not a truth, but a sentiment and a taste; not an objective fact, not miraculous; and it is the right of each individual to make it say just what strikes his fancy. Devotion is not necessarily founded on faith. Men may go to Protestant Churches and to Catholic, may get good from both and belong to neither. They may fraternise together in spiritual thoughts and feelings, without having any views at all of doctrines in common, or seeing the need of them».

But it does not end there since it also necessarily brings about certain socio-political consequences. «Since, then, religion is so personal a peculiarity and so private a possession, we must of necessity ignore it in the intercourse of man with man. If a man puts on a new religion every morning, what is that to you? It is as impertinent to think about a man's religion as about his sources of income or his management of his family. Religion is in no sense the bond of society»84.

Before going further, it would be good to examine closely the roots of Newman's opposition to liberalism. Terence Kenny traces the roots of this opposition to Newman's pessimism about man and his capabilities after the Fall. «This imbecile optimism about man which Newman thought to be ever more characteristic of his age underlay the whole general notion of liberalism for Newman, and he attacked it throughout his life. But with this as basis, it is clear that liberalism can neither be an exclusively religious nor political idea. The optimism is judged to be absurd from the standpoint of the religious doctrine of the Fall, but the fact that men ignore the Fall has important political implications»85. At the root of the plea for rights and liberty, Newman saw the assertion of a free will which refuses to be bound by anything outside itself which he considered utterly false and unrealistic. «Behind Newman's argument can be seen the belief that liberty is captive by truth, that true liberty presupposes laws with which it must be in accordance - an idea with a

long history, and much to commend it, although Newman does not attempt to develop it.\footnote{86}{T. Kenny, *The Political Thought...*, cit., p. 131.}

How did Newman's antiliberalism in religious matters affect his political thinking? The answer to this question will show that although there can be no doubt that he was absolutely opposed to liberalism in religion, he was not so with respect to liberalism in politics. Newman certainly did not attack political liberalism of every and any sort\footnote{87}{Cfr. M. O'Connell, *Newman and Liberalism*, in S. Jaki (ed.), *Newman Today*, pp. 79-81.}. For instance, he could be labeled a liberal himself in his concurrence with the particular doctrine about the limits of State action and the role of individual freedoms.

Indeed it can be said that Newman only attacked political liberalism when it entered the sphere of religion. He explicitly said so in his *Biglietto* speech «... it must be borne in mind, that there is much in liberalistic theory which is good and true; for example, not to say more, the precepts of justice, truthfulness, sobriety, self-command, benevolence, which, as I have already noted, are among its avowed principles, and the natural laws of society. It is not till we find that this array of principles is intended to supersede, to block out, religion, that we pronounce it to be evil».

In particular, Newman could not wholly accept the liberal doctrine that Religion is in no sense the bond of society. For Newman, it seems, there are two ways in which religion serves as a social bond\footnote{88}{Cfr. T. Kenny, *The Political Thought...*, cit., p. 135.}. Firstly, where religion is a common possession of the people of a State, it could be a state-supported legal establishment. Secondly, religion provided a social bond in the moral sense teaching «to rule with sweetness and obey with dignity» and preventing the naked struggle between the individual and the political authority.

In this way religion eases the tension between authority and the individual by making a virtue of the individual's free acceptance of just authority, and by making authority more than mere arbitrary power, subjecting it in the last resort to a higher power than itself. In this way, a harmonious relationship is established between the political authority...
and the individual for voluntary obedience to authority is regarded as a virtue and the authority is neither arbitrary nor absolute but is exercised based on the principles of justice and ultimately subject to a higher power than itself.

Newman did not oppose the liberal rejection of religion as a social bond in the first sense. He was quite realistic enough to accept that in the modern society, religion —whether regrettably or not— was in fact no longer the common possession of the State nor was it likely to be so in the foreseeable future. He saw a rationalization of this phenomenon in his theory of development of the State from barbarism to civilization. For Newman, it seemed, that «certain ages, i.e. the age of barbarism are more susceptible of religious impressions than other ages; and call for, need, the visible rule of Religion, that as every animal knows its wants, and distinguishes by instinct between food and poison, so a ruder people asks for a strong force of religion, armed with temporal sanctions; and its is good for it; whereas other ages reject it, and it would be bad for them» 89.

Thus, «a medieval system now would but foster the worst hypocrisy - not because this age is worse than that, but because imagination acts more powerfully upon barbarians, and reason on traders, savants, and newspaper readers» 90. He concludes «I do not see my way to hold that Catholic civilization, as you describe it, is in fact (I do not say in the abstract), but in fact, has been, or shall be, or can be, a good, or per se desirable» 91.

This last statement should be interpreted in the light of Newman's views about the State particularly his idea that the civilized State in its perfect idea is the Christian State. Newman would admit that in theory but his experience of Erastianism and his realistic view of the tendencies of fallen human nature tells him that in fact, such has never been the case nor could it be attainable in the future. Thus he came to prefer the liberal ideal of a mediocre, religiously neutral State.

90. Ibid.
91. Ibid. p. 111. T.W. Allies described Catholic civilization as «the ideal which the Church aimed at in the Middle Ages, and which she worked into the laws, manners, institutions, public policy, or public opinion of Europe».
But the religious neutrality of the State does not imply that religion or Christianity can be relegated to oblivion or restricted to the private life of individuals. In the *Biglietto* speech, Newman described how the Christian framework of society was being thrown off from society.

«Hitherto, it has been considered that religion alone, with its supernatural sanctions, was strong enough to secure submission of the masses of our population to law and order; now the Philosophers and Politicians are bent on satisfying this problem without the aid of Christianity. Instead of the Church's authority and teaching, they would substitute, first of all a universal and thoroughly secular education, calculated to bring home to every individual that to be orderly, industrious, and sober is his personal interest. Then for great working principles to take the place of religion, for the use of the masses thus carefully educated, it provides - the broad fundamental ethical truths, of justice, benevolence, veracity, and the like; proved experience; and those natural laws which exist and act spontaneously in society, and in social matters, whether physical or psychological; for instance, in government, trade, finance, sanitary experiments, and the intercourse of nations. As to Religion, it is a private luxury, which a man may have if he will; but which of course he must pay for, and which he must not obtrude upon others, or indulge in to their annoyance».

The appendix on liberalism which was cited previously contains an interesting remark which could illuminate Newman's ideas discussed above. In the list of liberal propositions which he had earnestly denounced and abjured while at Oxford, he said that he «gave in to none of them except number 12 and perhaps number 11» 92. Among the propositions he rejected two can be singled out as especially directed to replace religion as a social bond namely the thirteenth: *Utility and expedience are the measure of political duty* and eighteenth: *Virtue is the child of knowledge and vice of ignorance.*

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92. *Apologia Pro Vita Sua*, p. 257. Proposition no. 11 reads: There is no such thing as a national or state conscience and the twelfth proposition reads: The civil power has no positive duty, in a normal state of things, to maintain religious truth.
Newman recognized a tendency for liberalism to go beyond an attack on any form of political institutionalizing of religion, to a general attack on the social manifestation of religion in any form. Thus, «the effect of the liberal party all throughout Europe is to put down a clerical order as such»\(^93\). The latter is what Newman fought against all throughout his life.

Newman did not fear that the separation between Church and State would be inimical to the Church's salvific mission but he was thoroughly convinced that when Religion altogether disappears from the life of society, many souls will be lost. Thus a religiously neutral state for Newman cannot do away with moral principles without in the long or short run producing damage to society. Broad ethical truths are not enough for without Christian morality it is going to waive aside true morality for the sake of expedience or utility or temporal benefits.

VI. NEWMAN'S CHURCH-STATE DOCTRINE AND VATICAN II

1. Doctrinal development in Vatican II

The Second Vatican Council achieved a remarkable progress in the development of the doctrine on Church-State relations even though it cannot be claimed that the Church had abandoned the traditional teachings of the Popes regarding the subject. As the Council Fathers asserted, the doctrine on religious freedom «leaves intact the traditional Catholic teaching on the moral duty of individuals and societies towards the true religion and the one Church of Christ»\(^94\).

In fact, as John Courtney Murray says, the development of the doctrine consisted mainly in the transformation of the status questionis\(^95\).

93. Letters and Diaries, XXVII, p. 145. «I am distressed that Lord Coleridge should have spoken so outright against the sacerdotal principle... hat God has not in any sense appointed guardians of religion - whether in one visible Church, or by an Apostolical Succession, or by a priesthood, or by the voice of the congregation... Religion naturally wants a guardian, which temporal interests can much better do without, yet they have plenty...»


In so doing, the Second Vatican Council did not deal directly with the issue of Church-State relations as such, limiting itself to the establishment of certain guiding principles on which this relationship should be based. These principles can be gathered from the two conciliar documents in which this question comes up, namely the Declaration on Religious Freedom, *Dignitatis Humanae* and the Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes*.96

As stated earlier, the magisterium of Pope Leo XIII paved the way for this doctrinal development. Faced with the progressive laicization of society in Continental Europe, what concerned him most was the preservation of the Christian order in society. Church-State relations was just a subordinate aspect of this wider goal. Thus he transformed the ancient issue of the dyarchy by including it within the broader problem of the role of the Church in human society. The new terms of the issue then became the *Church* both as a spiritual authority and also as the community of the Christian faithful, and *human society* in the whole range of its institutional life - social, economic, and cultural, as well as political.

The Second Vatican Council pursued this direction but with the even broader perspectives demanded by the signs of the times. While Leo XIII was chiefly addressing the problem of the Catholic Church in Europe, the Vatican Council II was contemplating the panorama of religion in general and human society throughout the world. Thus, it was able to effect a more radical transformation of the *status questionis* and opened the way to a more profound doctrinal development.

Speaking before Newman scholars at the *Conference on John Henry Cardinal Newman* organized by the Wethersfield Institute in 1988, Ian Ker began his discourse saying «Newman has often been called the Father of the Second Vatican Council. And while it might be difficult or impossible to trace his direct influence on the actual Council documents, there is no doubt that Vatican II upheld and vindicated those controversial positions that he espoused in his own time, and so often at his

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own personal cost»\textsuperscript{97}. Perhaps, his words apply particularly to Newman's doctrine on Church-State relations. While it still remains to be shown whether Newman influenced the Council at all in the formulation of its doctrine on Church-State relations, the following discussion will try to demonstrate that the basic principles underlying the development of this doctrine in the Second Vatican Council are the very same principles on which Newman's Church-State doctrine is based\textsuperscript{98}.

2. «Dignitatis humanae»

Firstly, the Declaration makes an explicit recognition of the universal human right to religious freedom which it defines as immunity «from coercion on the part of individuals, social groups and every human power so that, within due limits, nobody is forced to act against his convictions in religious matters in private or in public, alone or in association with others (n. 2)». This is clearly an acknowledgment of the fact of the religiously pluralist society as the necessary historical context for dealing with the question just as Newman had accepted in his time even though he hardly spoke of religious liberty in an explicit manner.

Secondly, the political doctrine implicit in the Declaration also coincides with Newman's idea of government as constitutional and whose functions are limited to that of the protection and promotion of man's rights and facilitation of private enterprise. The Declaration owes this concept of the State to Pope Pius XII's personalist conception of society based on the premise that the «human person is the foundation,
the goal, and the bearer of the social process, including the process of government.  

This personalist conception of society which Newman also held leads to the assertion of the preeminence of the dignity of the human person as a determining factor in social and political doctrine. Thus the human person, not religious truth, is the central piece around which the structure of Church-State relations is built. This is done without any doctrinal compromise since in placing the human person at the nucleus of the issue, the doctrinal question does not enter into the picture as the issue is transformed into the political question concerning the religious freedom of the individual person with respect to the civil authority.

In effect, the liberty of consciences is deemed more important than religious truth as such. Thus, the Declaration states that if special recognition is given to one religious community in the constitutional organization of a State, the right of all citizens and religious communities to religious freedom must be recognized and respected as well (Cfr. n. 6). Newman, who would toast conscience first before the Pope, would have rejoiced at this development.

Thirdly, the Declaration also makes a disavowal of the long-standing view of government as sacral in function, i.e., as invested with the functions of defending and promoting religious truth as such. The State would be exceeding the limits of its power if it presumed to control or restrict religious activity (Cfr. n. 3). It is, therefore, incompetent to judge religious truth which is essentially what Newman meant by a State without a conscience. The only function of government with regard to religion is the protection and promotion, not of religious truth, but of religious freedom as a fundamental human right. And this function, being secular or political in nature, is understood to fall completely within the sphere of competence of the civil authority.

Furthermore, religious freedom of all citizens is regarded as an integral part of the common good which the civil authorities are enjoined to safeguard in an effective manner through just legislation and

other appropriate means\textsuperscript{100}. The State's role with respect to the religious phenomenon is not merely passive as it must help to create conditions favorable to the fostering of religious life so that the citizens will be really in a position to exercise their religious duties and so that society itself may enjoy the benefits of justice and peace which results from man's faithfulness to God and his holy will (Cfr. n. 6). We can find an echo of this in Newman's idea of the common possession of society and in his concern that religion be kept as a social bond since he believed that it was the only force really capable of making man morally good.

Finally, he Declaration also stated that the freedom of the Church is the fundamental principle in Church-State relations. Her claim to this freedom is based on two titles: as a divine institution transcendent to the temporal order and as a religious community. The establishment of Catholicism as the religion of the State is not proposed as the ideal system making it plain that it is not a doctrine \textit{de fide} but a result of historical circumstances. Moreover, it clearly states that confessionality should never be a detriment to the religious freedom of other religious communities nor lead to any form of discrimination on account of religious profession. As Newman had affirmed over a century before, the establishment of religion is not necessary for the Catholic Church to fulfill her mission and the only thing that is truly essential for the accomplishment of the Church's salvific mission is her independence and freedom.

The Declaration can thus be considered as a clear vindication of Newman's prophetic statements regarding the impossibility of maintaining the union of Church and State as the basis of relations between the two institutions. As Newman had asserted in his time, the Council has accepted that the religious pluralism which characterizes modern society demands that the State be without a conscience or religiously neutral. In other words, as the Council affirmed, religion itself, not the government, has the function of making society religious. The only conditions necessary to the fulfillment of this function are the conditions of freedom and independence which the State should foster and guarantee.

3. «Gaudium et Spes»

The Pastoral Constitution on the Church in the Modern World, Gaudium et Spes reaffirms the traditional doctrine regarding the mission of the Church in the temporal order adapting it to the conditions obtaining in modern society. While Dignitatis Humanae talks about the actions of the State with respect to the Church and religion in general, Gaudium et Spes deals with the function of the Church in human society, one aspect of which concerns the actions of the Church with respect to the State. As in Dignitatis Humanae, the aggiornamento achieved by Gaudium et Spes stems from its emphasis on the dignity of the human person and a more ecumenical attitude with respect to other religions. It lays stress on two important truths namely, the distinction between the Church and the World and the transcendence of the Church to the temporal order. To these two truths are linked the freedom and independence which the Church claims from civil authority.

The political community is discussed in the fourth chapter of Part Two and the Church-State problematic is confronted under the heading The Political Community and the Church (n. 76). It contains a categorical assertion that the Church, by reason of her role and competence is not identified with any political community nor bound by ties to any political system. This is a direct consequence of the mutual independence and autonomy of both institutions.

Nevertheless, the emphasis on the dignity of the human person and the recognition of human rights shows a discreet commitment to the establishment of a constitutional order in society. Only this system of government can provide the juridical protection that guarantees the freedom of man and of the Church. This is quite clear in the following statement: «The Church desires nothing more ardently than to develop itself untrammelled in the service of all men under any regime which recognizes the basic rights of the person and the family, and the needs of the common good» (n. 40). An identical position was held by Newman, who once affirmed that there is no evidence that one organization of society saves more souls than another but at the same time he was also convinced that Catholicism is safer and more free under a constitutional regime such as Britain's.
The mutual independence and the autonomy of the Church and the political community does not exclude the establishment of cooperation between them. This cooperation is not demanded on the basis of any title or right but is deemed necessary because of the dual nature of man who is «not confined to the temporal order; but living in the level of human history, he preserves the integrity of his eternal destiny». The specific forms of cooperation between the Church and State are not discussed; it rather simply states that they should be carried out according to local and prevailing situation clearly suggesting that this cooperation is not dictated by doctrine but by historical circumstances.

The teaching of *Dignitatis Humanae* on confessionality also finds an echo in the statement which says that the Church «never places its hopes in any privileges accorded to it by civil authority and is prepared to give up the exercise of certain legitimate rights whenever it becomes clear that their use will compromise the sincerity of its witness, or whenever new circumstances call for a revised approach». It therefore reaffirms that these privileges are not essential for the Church to accomplish her mission and that the only thing that the Church needs is true freedom to carry out her task without hindrance from the civil power.

On the freedom of the Church, the Constitution simply reiterates the principles found in *Dignitatis Humanae* laying emphasis on the right of the Church to intervene in political affairs. This intervention, however, can never be of a political character since it is limited to that of passing moral judgments «in matters relating to politics, whenever the fundamental rights of man or the salvation of souls requires it». Thus it has a clearly spiritual motive and, at the same time, its mode of intervention is also limited since «the only means it may use are those which are in accord with the Gospel and the welfare of men according to the diversity of times and circumstances».

Newman's teaching on the subject is of course completely in accord with the foregoing as he considered it a duty of clergymen by reason of their office to pass judgment on events of the day and public men. He agrees that clergymen should not meddle in politics only in the sense that «they should not aim at secular objects, should not side with a political party as such, should not be ambitious of popular applause, or
the favour of great men, should not take pleasure and lose time in business of this world, should not be covetous»101. But this does not mean that they cannot express their opinion and exert an influence one way rather than another.

Moreover, Newman insisted that this intervention has become necessary because of the imperfections wrought by Adam's fall on human nature which had so affected his intellect and will that it is practically impossible for him to always ascertain those truths which God has sown in his very nature and to tend to his supernatural end without the assistance of the Church's sacraments and teaching authority.

«But the sense of right and wrong, which is the first element in religion, is so delicate, so fitful, so easily puzzled, obscured, perverted, so subtle in its argumentative methods, so impressible by education, so biassed by pride and passion, so unsteady in its course, that, in the struggle for existence amid the various exercises and triumphs of the human intellect, this sense is at once the highest of all teachers, yet the least luminous; and the Church, the Pope, the Hierarchy are, in the Divine purpose, the supply of an urgent demand. Natural Religion, certain as are its grounds and its doctrines as addressed to thoughtful, serious minds, needs, in order that it may speak to mankind with effect and subdue the world, to be sustained and completed by Revelation...In saying all this, of course I must not be supposed to be limiting the Revelation of which the Church is the keeper to a mere republication of the Natural Law; but still it is true, that, though Revelation is so distinct from the teaching of nature and beyond it, yet it is not independent of it, nor without relations towards it, but is its complement, reassertion, issue, embodiment, and interpretation»102.

By now there should be no doubt that Newman's doctrine on Church-State relations can indeed be considered as an anticipation of

101. Parochial and Plain Sermons, I, p. 158.
what the Second Vatican Council has taught\textsuperscript{103}. The remarkable agreement between the two can be attributed mainly to their common perspectives of a religiously pluralistic society and the high regard for the individuality and dignity of the human person.

Neither Newman nor the Second Vatican Council, however, goes beyond stating general principles or guidelines for the development of Church-State doctrine. The highest achievement of both, though with more than a century separating them, was the transformation of the Church-State problematic from a doctrinal to a political question together with the development of the doctrine of the absolute incompetence of the State in religious matters. Newman expressed this in his concept of the religiously neutral State or the State without a conscience which implicitly includes the recognition of religious freedom with respect to civil authority. The Second Vatican Council confirmed this doctrine by teaching that the duty of the State is to protect and promote not religious truth but the religious liberty of individuals and communities, implicitly accepting the religious neutrality of the State.

CONCLUSION

The salient features of Newman's doctrine on Church-State can be briefly summarized as follows:

1) \textit{The independence of the Church as a fundamental principle in its relations with the State.} Newman insists not so much on the Church as a \textit{societas iuridice perfecta} as on her being a mysterious creation of God. The independence of the Church is based primarily on her supernatural nature. The Church is a visible society but it is at the same time a divine institution with an exclusively supernatural mission to fulfill — the salvation of souls.

\textsuperscript{103} Cfr. I. KER, \textit{Newman and the Postconciliar Church}, cit., pp. 121-139. This author demonstrates that Newman had also anticipated other important conciliar documents such as \textit{Lumen Gentium}, \textit{Dei Verbum}, and \textit{Ad Gentes}. See also B.C. BUTLER, O. S. B., \textit{Newman and the Second Vatican Council}, in J. COULSON–A.M. ALLCHIN (eds.), \textit{The Rediscovery...}, cit., pp. 235-246.
2) The disavowal of any sacral function of the State. The State is a creation of man even though its existence is a divine ordinance. It is entrusted with the care of temporal society and its dominion does not extend beyond the temporal order. It does not have the duty to support or enforce any particular religion. The Church can live under any form of political organization as long as her freedom is guaranteed.

3) The autonomy of the temporal order. The Church does not have any jurisdiction in the temporal order although she has the obligation to intervene in temporal affairs when the salvation of souls—her exclusive concern—demands it. She does so, however, according to her spiritual nature and using the means proper to it. This intervention, therefore, can never be of a political character nor motivated by any interest other than the spiritual good of souls. The temporal power which the Church had wielded in the past is the result of historical circumstances and cannot be claimed just as civil authority cannot claim any jurisdiction in spiritual matters. To the laity belongs the task of exerting a Christian influence in society not only through their words and example but also in the pursuit of their specific calling to engage in secular activities which they should carry out for the glory of God.

4) The religious neutrality of the State. The State has no conscience i.e. it is incompetent to judge religious truths. Hence, the State cannot enforce nor suppress any particular religion. Religious pluralism in society must therefore be respected. The State's duty is to promote and protect the religious liberty of its citizens, not religious truth as such. This function falls within the realm of secular affairs which belongs to the juridical competence of the State.

As stated before, the concept of the religious neutrality of the State was a transformation of the Church-State problematic into a political question involving the religious liberty of individuals and groups before the State. The problems arising from the establishment of a confessional regimen in a pluralist society are thus superseded without touching the doctrinal issues involved. Newman based his concept on his conviction that the union of Church and State is a happy anomaly but not an exigency of a doctrine de fide.
5) The primacy of human conscience and the dignity of the human person. The State and the Church exist for the service of man who is the protagonist in society. The cooperation between Church and State is demanded by the integral good of the human person since man cannot attain perfection without religion. The State's principal function is to promote and safeguard the temporal common good of society which consists primarily in the protection and promotion of individual rights. This is best achieved when the State limits its functions to those activities which cannot be carried out by private enterprise. Newman considers the constitutional form of government as the system which could best guarantee the rights of the citizens.

6) Religion i.e. Christianity is an integral element of the common good of society. Newman had always opposed the liberalist tendency to restrict religion to the private life of individuals. But the role of the Church in the world cannot be understood completely except in the context of the mystery of redemption. Man has been called to a life of grace and he cannot attain this with ethics or natural religion alone. «The world is content with setting right the surface of things; the Church aims at regenerating the very depths of the heart»104. Newman stressed the indispensable role of religion in the life of society and goes so far as to say that the it cannot disregard religion without eventually ruining itself.

It is difficult to judge whether Newman's doctrine is more significant for its anticipation of the teachings of the Second Vatican Council or for its contribution to the actual development of Church-State doctrine. We think that they mutually reinforce each other. That Newman's doctrine on Church-State relations could actually contribute to the development of this doctrine today is all the more significant because he had thought it out more than a century before the Church ratified it with her teaching authority.

As Newman had predicted, the regimen of confessionality has been superseded in practically all Christian nations and replaced by the principle of the incompetence of the State in religious matters and the recognition of religious liberty. Moreover, the totalitarian regimes,

whose fall this century has witnessed, have also adopted the regimen of religious neutrality recognizing the religious liberty of its citizens in all its aspects. These political developments undoubtedly signal a new era in the life of the Church which holds bright prospects as far as the subject of Church-State relations is concerned. It could only be hoped that more countries, especially the non-Christian States, would also eventually give way to a regimen more respectful of religious liberty which is today universally acknowledged as a fundamental human right.

With respect to the science of *Ius Publicum Ecclesiasticum*, Newman's doctrine, being a faithful echo and exposition of the Vatican Council's teaching on the subject, can certainly provide a source of insights and point the direction for its development and application. Newman's concept of the religious neutrality of the State is founded on a profound understanding of the supernatural truths about man, the world, and the Church. It could, therefore, teach Christian nations how Church-State separation and the pragmatic acceptance of religious pluralism could be made compatible with fidelity to these truths.

Newman was, in fact, more preoccupied by what he considered as the greater problem that the Church faces in its relation to the modern world—the rejection of religion as a bond of society. That is why he unmasked the dangers behind the the concept of religious neutrality of the State especially if it stems from liberal principles which is based on religious indifferentism and a wrong idea of the liberty of conscience. The religious neutrality of the State is a political measure which meets the problem of religious pluralism in society, respecting the dignity of human conscience and avoiding the doctrinal issues involved. But the religious neutrality of the State is compatible with upholding the positive contribution of religion to society and the State should promote it by fostering the exercise of religious liberty.
WORKS OF JOHN HENRY NEWMAN


BIOGRAPHICAL WORKS


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