

CATHOLICISM IN AN AMERICAN ENVIRONMENT: THE EARLY YEARS

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DOES CHURCH history matter? That rather fundamental question was asked by Richard Price in a review of W. H. C. Frend's *The Rise of Christianity*. His reply, all too accurate, was, "The answer given by the theologians is a verbal 'yes' that thinly hides a mental 'no.'" Liberals like to appeal to a more primitive past, but only in support of views independently formulated on other grounds, while "conservatives assert a development of doctrine that makes present belief normative and early belief embryonic."¹ Owen Chadwick has expressed himself puzzled when either of these approaches occurs in Roman Catholic circles. Catholics, he wrote, profess to take tradition seriously, and "commitment to tradition is also a commitment to history, and a main reason why the study of Christian history is inescapable in Catholic teaching."² If Roman Catholics take tradition as seriously as we say we do (e.g., in chapter 2 of *Dei verbum*, Vatican II's Constitution on Divine Revelation), then serious study of the Church's history is a necessity, because there we come to know the "teaching, life, and worship" of the Christian community down the ages, and so are helped to an appreciation of what is the authentic tradition.

Historical study leads to "a sense of the Catholic tradition as composed of historically conditioned phenomena," a "series of formulations of the one content of faith diversifying and finding expression in different cultural contexts."³ It is with one such context that the present essay is concerned, that of English Colonial America, specifically the Maryland colony, and then the United States until 1870. Focus is principally on bishops, because they were most vocal on the issues discussed, which had to do with the internal structure of the Church and its relations to the state. Towards the end of the period a new context was taking shape, formed from abroad by the dominance of ultramontaniam, with its

¹ *Tablet* (London), Dec. 15, 1984, 1267.

² Owen Chadwick, *Catholicism in History: The Opening of the Vatican Archives* (Cambridge: Cambridge University, 1978) 3.

³ "Catholicism in the Fifties: An Interview with Justus George Lawler," *U.S. Catholic Historian* 7 (1988) 7-8; Yves Congar, O.P., "Church History as a Branch of Theology," *Concilium* 57 (1970) 87.

emphasis on authority and centralization in a papal monarchy, and formed from within by the needs of the immigrants, who had become the Church. That would be another story.

A NEW BEGINNING

From the settlement of Maryland in 1634 until the present, the Church in English-speaking America has grown in a climate predominantly Protestant, not Catholic. But, as John Courtney Murray has noted, the atmosphere of English America was religiously plural, and it was not, "as in Europe and in England, the result of a disruption or decay of a previously existent religious unity."⁴ The American experiment was really a new start. There was about it a sense of newness, a discontinuity with a European past, that changed the bounds within which people thought and acted. John Carroll, the first bishop in the U.S., foresaw the need for "prudential precaution," lest this lead to "a disunion with the Holy See," since, unlike Spanish and Portuguese colonies, English America had no intermediate connection with Rome "through their metropolitanical countries." But while he clearly saw "the danger of a propension to a schismatical separation from the centre of unity," Carroll was content to observe that "the Founder of the Church sees all these things, and can provide for the remedy. After doing what we can we must commit the rest to his providence."⁵

While, particularly with the recent increase in Hispanic population within the U.S., there is enormously greater need for attention to the Spanish origins of the Church in this country, as there is need in certain areas for attention to its French origins,⁶ still the fact remains that the structured history of the *ecclesia americana* stems from the colonists sent out by Lord Baltimore to found Maryland. They landed on St. Clement's Island in the Potomac and there, "on the day of the Annunciation of the Most Holy Virgin Mary in the year 1634, . . . celebrated the mass for the first time, on this island."⁷ It is with the church begun that day that we are concerned.

⁴ John Courtney Murray, S.J., *We Hold These Truths: Catholic Reflections on the American Proposition* (New York: Sheed & Ward, 1960) 27.

⁵ *The John Carroll Papers*, ed. Thomas O'Brien Hanley, S.J. (Notre Dame: University of Notre Dame, 1976) 1:524 (henceforth cited as *JCP*).

⁶ There were few Mexicans in the territories occupied after the Mexican War. Heavy immigration dates from the latter years of the 19th century. See James Hennessey, S.J., *American Catholics: A History of the Roman Catholic Community in the United States* (New York: Oxford University, 1981) 135-42, 174-75. For Franco-Americans, *ibid.* 175.

⁷ *Documents of American Catholic History*, ed. John Tracy Ellis (Wilmington, Del.: Michael Glazier, 1987) 1:104 (henceforth *DACH*).

THE BALTIMORES

Caecilius Calvert, second Baron Baltimore, was, like his father George before him, a merchant entrepreneur. Both barons were interested in making money, a great deal of it. Both were also seriously interested in a new approach to the tangled web of English interreligious relationships. In his abortive colony of Ferryland, Newfoundland, George Calvert had in 1627 provided both Anglican and Roman clergy, who led worship (if at separate times) in his own house, to the evident distress of both the privy council in London and the papal nuncio at Brussels.⁸ These religious matters were taken lightly neither by Roman authorities nor by those in London. In 1632 George Calvert was turned away from the colony of Virginia because he refused to swear the oath of supremacy. He responded by petitioning the king for his own proprietary colony. It was granted after his death to Caecilius and named for Charles I's queen, Henrietta Maria, a French princess.

In the Baltimores' thinking, conscience, not the demands of civil authority, was the highest norm. J. W. Allen has argued that such thinking was the logical outcome of ideas long since entertained even by such a "hardliner" in Catholic-Protestant affairs as the Jesuit Robert Persons. Writing under the pseudonym "Doleman" in *A Conference about the Next Succession to the Crown of England* (1594), Persons declared: "... I affirm and hold that for any man to give his help, consent or assistance toward the making of a king, whom he judgeth or believeth to be faulty in religion . . . is a most grievous and damnable sin to him that doth it, of what side soever the truth may be." Allen concludes: "... if it were the duty of every man to stand by his faith and refuse dictation, it would seem that it must be the duty of the ruler to tolerate."⁹ Not everyone saw it that way, of course. In the 17th century, persecution for the sake of religion still flourished in both Catholic and Protestant countries. An additional motive came into play. Although he had difficulty in seeing the relevance of his argument to Roman Catholics, Ralph Barton Perry's judgment on behalf of Puritans applied equally well to the Lords Baltimore: "The first and in the long run the strongest force for religious tolerance is the desire *to be tolerated* felt by members of a sect zealously devoted to their own particular creed, but doomed inescapably to live within a society which they cannot control."¹⁰

⁸ Raymond J. Lahey, "The Role of Religion in Lord Baltimore's Colonial Enterprise," *Maryland Historical Magazine* 72 (1977) 492-511.

⁹ J. W. Allen, *A History of Political Thought in the Sixteenth Century* (New York: Barnes & Noble, 1960) 208-9.

¹⁰ Ralph Barton Perry, *Puritanism and Democracy* (New York: Harper & Row, 1944) 346.

Four documents set the guidelines for religion in early Maryland: the colonial charter (1632);¹¹ a Baltimore-inspired pamphlet, *Objections Answered Touching Maryland* (1633);¹² the *Account of the Colony* (1633), drawn up by the Jesuit Andrew White;¹³ and the *Instructions* (1633) to Lieutenant Governor Leonard Calvert and his two fellow commissioners.¹⁴ Under the charter Baltimore was to have the patronage of all churches, but English laws (including the onerous penal laws, under which Catholics in England were persecuted) did not automatically obtain. The pamphlet *Objections Answered* was pragmatic in its treatment of freedom of conscience, stating laconically: "Conversion in matter of religion, if it bee forced, should give little satisfaction to the wise State of the fidelity of such convertites, for those who for worldly respects will breake their faith with God doubtlesse will doe it, upon a fit occasion, much sooner with men."¹⁵ The pamphlet also argued that it was inconsistent to deny Roman Catholics freedom of worship while it was permitted to the natives of the colony ("undoubted idolators"). Stress was laid in the promotional brochure *Account of the Colony* on opportunities for conversion of those same natives, while the *Instructions* insisted that "no scandal or offense" be given to Protestants among the colonists, that Catholic worship be unobtrusive, religious debate be muted, and that "the said Governor and Commissioners treat the Protestants with as much mildness and favor as Justice will permit."¹⁶ For the first decade and a half of the colony, while the Baltimores and their Catholic partisans controlled the government, these practical norms of religious toleration prevailed.

LEWGER'S "CASES"

The Maryland situation was novel. In the early days the only clergy of any denomination were Roman Catholics, Jesuits of the English Province of the order. But, as John Lewger, the colonial secretary, pointed out, Catholic ecclesiastical discipline was not the law of the land, public Catholic religious practice was technically not allowed, though it was widespread, and "three partes of the people in foure (at least) are heretickes." In a famous set of 20 cases, he asked how Catholic magistrates and governors were to respond. Areas of his concern included the binding

¹¹ *Documents of American History*, ed Henry Steele Commager (New York: Appleton-Century-Crofts, 1963) 1:21-22 (henceforth *DAH*).

¹² Thomas Hughes, S.J., *History of the Society of Jesus in North America, Colonial and Federal* (New York: Longmans, Green, 1907-17) Text 1:257-59.

¹³ *Ibid.* 249-55.

¹⁴ *DACH* 1:98-100.

¹⁵ Hughes, *History*, Documents 1, 1:11.

¹⁶ *DACH* 1:98.

force of canon law and its courts; exemptions and privileges of church persons; wills and property dispositions, including a law that barred single women from holding property (and therefore seemed to militate against a life of virginity); matrimonial laws, impediments, and divorce laws; and the freedom of the clergy from prosecution in civil courts.¹⁷

Lewger's cases foreshadowed many of the issues that would surface over and over again in the course of American history, as Americans came to realize that the situation of religious pluralism that was their native inheritance required adjustments in the ways of a church unaccustomed and resistant to diversity. There were conflicts. Lewger was opposed by the Jesuits' superior, Thomas Copley, who realized the colonial secretary's problems, but still held that "while the government is Catholique," priests should enjoy exemption from taxation, and their servants from military service. A major bone of contention was freedom to receive gifts of land from the Indians. The Baltimore administration held that all land in the colony was in the gift of the Lord Proprietor; the Jesuits had accepted the Mattapany estate from an Indian chief. The Jesuits finally yielded, but not until the waters had been well stirred in the matter of alienation of ecclesiastical property.

NONESTABLISHMENT AND FREE EXERCISE OF RELIGION

The property and exemption disputes emphasized that no church, the Proprietor's included, was established in early Maryland. Several cases also attested to the freedom of religious practice that was allowed. On two occasions prominent Catholics were convicted and punished for infringing on the religious liberty of Protestant servants. Integrist Catholics were not missing. One was Captain Thomas Cornwaleys, one of the original commissioners and the colony's military captain, whose boast it was that "I will rather sacrifice myself and all I have in defense of God's honour and the Churches right, than willingly consent toe anything that may not stand with the good contiens of a real Catholic."¹⁸

Nevertheless, the assembly in 1639 made law the consistent practice of the colony since 1634 with the statement that "Holy Churches within this province shall have all her rights, liberties, and immunities, safe, whole, and inviolable in all things."¹⁹ The statement is not ungrammatical. "Her" is an obsolete form of "their." All Christian churches were encompassed within the law's provision. Then, as increasing numbers of Puritans and other Protestants settled in Maryland, the religious balance tipped. Catholics probably had a slim majority in the 1649 assembly that

¹⁷ Hughes, *History*, Documents 1, 1:158-61.

¹⁸ *Ibid.*, Text 1:406.

¹⁹ *Ibid.*, Text 1:450.

passed an act of toleration perhaps better known than that of 1639, but which contained punitive clauses in the style of the Puritan parliament sitting at Westminster that have led Henry Steele Commager to dismiss it as a "so-called" act of toleration.²⁰

Both the nonestablishment and the free-exercise clauses of the later First Amendment to the Federal Constitution are to be found in germ in the evolving thought of the Baltimores and of the Maryland assembly. Signer of the Declaration of Independence and early constitutional expert James Wilson recognized this when he complained of the "ungracious silence" that deprived the Lords Baltimore of recognition for their part in building religious toleration.²¹ Evangelical preacher-historian Robert Baird reluctantly concurred when he wrote: "Think what we may of their creed, and very different as was this policy from what Romanism elsewhere might have led us to expect, we can not refuse to Lord Baltimore's colony the praise of having established the first government in modern times, in which entire toleration was granted to all denominations of Christians."²² Maryland historian Matthew Page Andrews found in early Catholic Maryland no record of "any persecution or prosecutions of any group, sect, or individual because of any religious belief or lack of belief."²³ Colonial historian Charles M. Andrews fastened on Caecilius Baltimore's 1633 *Instructions*. For him they reveal "the deeplying desire of the proprietor to erect a colony free from religious animosity and contention in which Roman Catholics might live together in peace and harmony."²⁴ Charles Calvert, third Lord Baltimore and last Roman Catholic to hold the proprietorship, summed up the family tradition when he wrote:

Many there were of this sort of People who declared their Wyllinness to goe and Plant themselves in this Province soe they might have a Generall Toleraçõn settled there by a Lawe by which all of all sorts who professed Christianity in Generall might be at Liberty to worshipp God in such Manner as was most agreeable with their respective Judgm^{ts} and Consciences without being subject to any Penalties whatsoever for their soe doing. . . .²⁵

Not long after the toleration act of 1649, Catholics lost control of the Maryland government. In 1692 the Church of England was legally estab-

²⁰ *DAH* 1:31.

²¹ *Works of James Wilson*, ed. James DeWitt Andrews (Chicago: Callaghan, 1896) 1:4-5.

²² Robert Baird, *Religion in America*, ed. Henry Warner Bowden (New York: Harper & Row, 1970) 50.

²³ Matthew Page Andrews, *The Founding of Maryland* (New York: Appleton, Century, 1933) 144.

²⁴ Charles M. Andrews, *The Colonial Period of American History: The Settlements* (New Haven: Yale University, 1936) 2:280.

²⁵ *Ibid.* 291.

lished and supported by tax levies. Restrictions were imposed on Catholic public worship, and the occasional priest was prosecuted for saying Mass. Catholics generally maintained their social status, and some were extraordinarily wealthy, but they were denied the right to vote or otherwise participate in government of the colony their ancestors had founded.

THE CARROLLS

The "penal age" of Maryland Catholicism lasted until the American Revolution, which ushered in an era in Catholic thought remarkably consistent with earlier development. Central figures were the Carroll brothers, John and Daniel, and their cousin Charles Carroll of Carrollton. All of them were alumni of the English Jesuit College of St. Omer in France, where, so Charles Carroll reported, he found the teachers "men of republican principles" who inspired in young people a "love of liberty."²⁶ Charles Carroll, signer of the Declaration of Independence, was certainly influenced by the Enlightenment, as were Catholics in many European countries. Studies beginning with those of Sebastian Merkle 80 years ago have documented the existence of a considerable number of enlightened Catholics, who combined a commitment to Christian beliefs with openness to the new thought currents sweeping the Continent.²⁷ Carroll focused on religious liberty. It was for him "that greatest blessing." He was particularly eloquent when he addressed the question of religious coercion, condemning it alike when practiced by Spain or France against Protestants or against Catholics under England's penal laws. Other arguments aside, religious coercion was ineffective: "The nature of man is that he cannot be bit out of his opinions, tho' he may be laughed or coaxed out of them."²⁸

Daniel Carroll, a signer of the Federal Constitution, worked for passage of the First Amendment, with its guarantee of free exercise of religion and prohibition of a nationally established church. His younger brother, John, first bishop of Baltimore, was a churchman steeped in the tradition of the Christian centuries as a lived process. His world was not an a priori world. In modern terminology he would be called historically conscious, not substantialist or classicist, in his way of thinking. America was new and different, its people varied. Religious and ethnic pluralism

²⁶ Thomas O'Brien Hanley, S.J., *Charles Carroll of Carrollton: The Making of a Revolutionary Gentleman* (Washington, D.C.: Catholic University of America, 1970) 133.

²⁷ For a critical bibliography on enlightened Catholicism, cf. Samuel J. Miller, *Portugal and Rome c. 1748-1830: An Aspect of the Catholic Enlightenment* (Rome: Gregorian University, 1978) 1-27.

²⁸ *Unpublished Letters of Charles Carroll of Carrollton, and of His Father, Charles Carroll of Dougheregan*, ed. Thomas Meagher Field (New York: United States Catholic Historical Society, 1902), from a letter to Edmund Jennings, Aug. 13, 1767.

was a fact. Unlike coreligionists in Latin America or Quebec, Roman Catholics in the U.S. had no spiritual mother country in Europe, no "metropolitan center."²⁹

A conservative thinker who before 1776 very much thought of himself as an Englishman, John Carroll became thoroughly committed to the revolutionary cause. For him the religious revolution in America was "more extraordinary" than the political.³⁰ He was an ardent advocate of universal religious toleration based on the objective right of each individual to follow the dictates of his or her conscious. He acted out the practical consequences of this stance in a number of ways. Open to the concept of government aid to all religions, he was nevertheless alert to signs of preferential treatment of one denomination over another, e.g. in the way of support from taxation or subsidies to missionaries among the Indians.³¹ Carroll was firm in defending Catholic rights: "Freedom and independence, acquired by the united efforts, and cemented with the mingled blood of Protestant and Catholic fellow citizens, should be equally enjoyed by all."³² But he was sensitive to, and respectful of, the positions of others and careful of controversy that added "fuel to the sparks of religious animosity."³³ He asked "an open Field to the Display of Truth and fair argument," and was persuaded that this would "bring mankind to an Unity of Opinion in matters of Religious Concern."³⁴

John Carroll's openness to new ideas, or to combining the new with the old, was not limited to the Church's external relations. He was an 18th-century bishop, unaffected by the ultramontane movement of the 19th century. For him the Roman see was the center of the Church, and the pope its head. But his concept of the Church was that of a communion of churches looking to Rome, not the monarchized and centralized church of Pius IX. Capital in his thought was the distinction of "mission" and "church." The one was inchoate, equipped with temporary structures, dependent on Roman authorities for provision of its leadership; the other, a full-fledged member of the communion, capable of self-maintenance and internal self-government, staffed by its own clergy, educating its own seminarians, and electing its own bishops. In accordance with age-old tradition, bishops in "ordinary national churches" were chosen locally, their names being then sent to Rome for confirmation and reception into communion with the chief see. This procedure obtained

²⁹ *JCP* 1:524.

³⁰ *Ibid.* 1:80-81.

³¹ *Ibid.* 1:168; 2:24-25.

³² *Ibid.* 1:259.

³³ *Ibid.* 1:191.

³⁴ *Ibid.* 1:148.

everywhere at the end of the 18th century except in the missions and in the Pontifical State. It was precisely to the "mission" status Rome was fastening on the Church in the U.S., and to the consequences of that status, that Carroll objected.³⁵

John Carroll has been called a "Gallican," with the implication that he was in some sense a dissenter from orthodoxy. But, as Richard Costigan pointed out some years back, that depends on what is set as the standard of orthodoxy, and it is certain that in earlier centuries the Church "really had a rather decentralized and more collegial form of polity" which would place "Ultramontanism in a less favourable light in terms of tradition than such less monarchical, non-papalist ideologies as Gallicanism or Febronianism."³⁶

Other questions broached by Carroll fleshed out his ecclesiology. Once regular parochial structures were in place, he declared himself open to lay participation in "election and presentation" of pastors. He had a great sense of the historicity of human affairs and wrote to a fellow ex-Jesuit that they must be open to "some alterations to our former system which may suit it better to the great revolution in political establishments & principles since P. Ignatius's time."³⁷ The same sense for dynamic tradition explains his advocacy of a vernacular liturgy and his desire for research into "the extent and boundaries of the Spiritual Jurisdiction of the Holy See."³⁸

Carroll's vision did not work out in practice, largely because the American situation was changing too rapidly, but also because his episcopacy fell at the time of a radical new beginning in world-wide Catholicism. He failed to find new structures to support lay participation on the parochial level, and instead inaugurated a long era of conflict with lay trustees.³⁹ The situation of priests in the American Church remained problematic, and only temporary and changing structures were set in place, which resulted in a situation of long and complicated conflict.⁴⁰

³⁵ Cf. James Hennesey, S.J., "An Eighteenth Century Bishop: John Carroll of Baltimore," *Archivum historiae pontificiae* 16 (1978) 171-204; repr. and rev. in *Patterns of Episcopal Leadership*, ed. Gerald P. Fogarty, S.J. (New York: Macmillan, 1989) 5-34; and idem, "Rome and the Origins of the American Hierarchy," in *The Papacy and the Church in America*, ed. Bernard Cooke (New York: Paulist, 1989) 79-97.

³⁶ Richard F. Costigan, S.J., "Tradition and the Beginning of the Ultramontane Movement," *Irish Theological Quarterly* 48 (1981) 27-28.

³⁷ *JCP* 1:197.

³⁸ *Ibid.* 1:148.

³⁹ Hennesey, *American Catholics* 89-100; Patrick W. Carey, *People, Priests and Prelates: Ecclesiastical Democracy and the Tensions of Trusteeship* (Notre Dame: University of Notre Dame, 1987).

⁴⁰ Robert Trisco, "Bishops and Their Priests in the United States," in *The Catholic*

He did not pursue systematically a plan for selection of bishops that took account of the ancient tradition of the Church, and the Church in the United States became the paradigm for a papally appointed world episcopate.⁴¹ On the other hand, Carroll's ideas on the rights of conscience, religious toleration, and church-state separation continued the Maryland tradition and represented a lasting contribution to Catholic thought on those topics that found its way into universal teaching a century and a half after his death.

John Carroll, who was so supportive of the American revolutionary and constitutional experience, felt otherwise about events in France after 1789. He was vigorous in condemning "the gripping hand of irreligious despotism" that had seized France,⁴² and he was grateful that President Washington had "far other principles of the necessity of Religion than the superficial French Theorists on government."⁴³ Catholics in the years following the archbishop's death in 1815 generally prospered under the church-state separation in friendship and not in hostility fostered by the American system.⁴⁴ But the construction of a church polity hospitable to American ideas foundered on the twin rocks of European ultramontanism and the heterogeneity brought on by the post-1830 waves of immigration. Immigrants became the Church in the U.S.; a new Church shaped in reaction to France's revolution took shape in Europe.⁴⁵

COLLEGIALITY, BUT HORIZONTAL ONLY

Americans, almost without noticing what was happening, yielded the selection of bishops to Rome.⁴⁶ On the other hand, they established an unexampled tradition of collegiality in the series of national councils—both provincial, when the country was one province, and after that, plenary—that Bishop Eugenio Correcco has called "paradigmatic" for

Priest in the United States: Historical Investigations, ed. John Tracy Ellis (Collegeville: St. John's University, 1971) 111-292.

⁴¹ Hennesey, "Rome and the Origins" 91-94; Garrett Sweeney, "The 'Wound in the Right Foot': Unhealed?" in *Bishops and Writers: Aspects of the Evolution of English Catholicism*, ed. Adrian Hastings (Wheatthampstead: Anthony Clarke, 1977) 216-17.

⁴² *JCP* 1:466.

⁴³ *Ibid.* 2:188.

⁴⁴ James Hennesey, S.J., "Séparation de l'église et de l'état: États-Unis et France," *Concilium* 114 (1976) 165-76.

⁴⁵ Hennesey, *American Catholics* 116-27; William L. Portier, "Church Unity and National Traditions," in *The Papacy and the Church* 25-54; and James L. Heft, S.M., "From the Pope to the Bishops: Episcopal Authority from Vatican I to Vatican II," *ibid.* 55-78.

⁴⁶ Sweeney, "Wound" 215-17.

the Western Church.⁴⁷ But the obverse of the same accomplishment was that the hierarchy was seen as an episcopal club, marred, as Canon Garrett Sweeney put it, by "croneyism." Archbishop Gaetano Bedini, sent on an inspection trip by the Holy See in 1853-54, and Bishop George Conroy of Ardagh in Ireland, despatched on a like mission in 1878, both reported on the arbitrary power exercised by American bishops.⁴⁸

There was failure in the vertical dimension. Clergy and laity felt left out, a situation different from earlier times. In Carroll's day an official letter congratulating President Washington on his election was signed by Carroll for the clergy and four lay leaders for the laity.⁴⁹ Earlier still, in 1765, 256 laymen headed by Charles Carroll of Annapolis, the signer's father, had protested the potential disaster of appointing a bishop for the colonies.⁵⁰ With the loss of homogeneity, the "family" relationship between clergy and laity was eroded. Father Stephen Badin in Kentucky complained that priests were treated "only as the obsequious servants of 'Their Mighty Highnesses,' the laity."⁵¹ Clergy emphasized their "sacred rights," as when Philadelphia Bishop Francis P. Kenrick wrote of Father Michael O'Connor: "He has not learned how hard it is to uphold sacred rights when laymen meddle in the affairs of the church."⁵² When Archbishop John Hughes of New York learned that the papal consul general in his see city had recommended that he be given a coadjutor, he railed at him: "This is the most extraordinary proceeding on the part of a layman that has ever come to my knowledge." Writing to Bishop McCloskey of Albany, Hughes explained: "If laymen, even Pontifical Consuls, begin to meddle with Ecclesiastical affairs in this country, and are even tolerated in that line at Rome, every one can see the trouble which must result."⁵³ The easy relationships of colonial and early federal days were gone, and Isaac Hecker would soon couch a plea for a national lay

⁴⁷ Eugenio Correcco, *La formazione della Chiesa Cattolica negli Stati Uniti d'America attraverso l'attività sinodale* (Brescia: Morcelliana, 1970) 26. Cf. James Hennesey, S.J., "Papacy and Episcopacy in Eighteenth and Nineteenth Century American Catholic Thought," *Records of the American Catholic Historical Society of Philadelphia* 77 (1966) 175-89; and idem, "The Baltimore Conciliar Tradition," *Annuario historiae conciliorum* 3 (1971) 71-88.

⁴⁸ Trisco, "Bishops and Their Priests" 128-29, 197-200.

⁴⁹ *DACH* 1:169-71.

⁵⁰ Hughes, *History*, Text 2:591.

⁵¹ Hennesey, *American Catholics* 113.

⁵² *Ibid.*

⁵³ *Consular Relations between the United States and the Papal States: Instructions and Despatches*, ed. Leo F. Stock (Washington, D.C.: American Catholic Historical Association, 1945) 421 and 425 n. 46.

congress in these words: "The blood must circulate through the limbs, otherwise we [clergy] shall die of apoplexy and the laity of paralysis."⁵⁴

A CONSTITUTION, CONVENTIONS, AND VESTRIES

One practical attempt to work out a distinctively American polity was made by John England, bishop of Charleston from 1820 to 1842 and ordinary for the states of North and South Carolina and Georgia. Patrick Carey has argued convincingly that it was Irish-born England's background in Irish republicanism that most influenced his ideas.⁵⁵ The bishop himself explained more explicitly the process that led him to establish a diocesan constitution, parish vestries, and a bicameral convention composed of the clergy and elected lay delegates. He had "paid great attention to the state of several churches in America and studied as deeply as I could the character of the government and people, and the circumstances of my own flock, as well as the canons and usages of the Holy Roman Catholic Church and . . . advised with religious men and Clergymen and lawyers. . . ."⁵⁶ England combined an awareness of the importance of tradition with alertness to the signs of the times. He studied the practice of other denominations and attended to the forms of civil government, as well as the general temper of the people. He knew that some elements in his plan were permanent, "of divine institution," while others, "of human regulation," were adaptable according to the needs of time and place. England's constitution looked mainly to management of diocesan temporalities, and in those areas the bishop committed himself to the importance of consultation with clergy and laity, but even "in those cases where the convention has no authority to act," he promised "the best consideration at the earliest opportunity" to both advice and requests.⁵⁷

John England was the leading proponent of the series of Baltimore councils which, in his intention, were not only to be consistent with the collegial practice of the ancient Church, but would fit with the republicanism of American political institutions and the polity of other American churches. In the event, the councils resulted in a monarchical episcopate locally and an episcopal aristocracy nationally. Lower-level

⁵⁴ Hennesey, *American Catholics* 113.

⁵⁵ Patrick Carey, *An Immigrant Bishop: John England's Adaptation of Irish Catholicism to American Republicanism* (Yorkers, N.Y.: U.S. Catholic Historical Society, 1982) 45-81.

⁵⁶ Hennesey, *American Catholics* 114; *Diurnal of the Right Rev. John England, D.D., First Bishop of Charleston, S.C., from 1820 to 1827* (Philadelphia: American Catholic Historical Society, 1895) 66-67.

⁵⁷ *The Works of the Right Rev. John England, First Bishop of Charleston*, ed. Ignatius A. Reynolds (Baltimore: John Murphy, 1849) 5:91-108.

clerical and lay participation was curtailed rather than enhanced.⁵⁸ His domestic experiment with constitution, vestries, and conventions did not outlive him, and it was not imitated elsewhere. The first edition of his *Works* (1849) included the diocesan constitution; it was omitted without explanation in the 1908 edition.⁵⁹

England's approach was rooted both in history (although he was not a critical historian and was selective in use of sources) and in his own experience of the contemporary world.⁶⁰ His approach differed somewhat from that of the Maryland tradition. He urged neither local choice of bishops nor lay participation in the choice of pastors, probably because of the conflicts with lay trustees endemic in the Church of his day. But in areas such as religious liberty, separation of church and state, and accommodation to American mores and structures, and in the historically conscious way he approached those subjects, he was one with the Anglo-Americans who preceded him.

TWO WORLDS, TWO REVOLUTIONS

If immigration and the incorporation of new territories and people were changing the face of mid-19th-century America, tendencies toward monarchization and centralization were changing the face of the Roman Catholic Church,⁶¹ and a theology which discounted history was being shaped to support the new thrust.⁶² Americans, involved with abolition and slavery and the herculean task of settling the immigrants, were involved only peripherally in the European Church's battle against liberalism, but they played a part in the drama that led up to the First Vatican Council. The post-1870 world would be very different and have less in common with ideas that had germinated in the colonial and federal eras.

Pope Pius IX's definition of the Immaculate Conception in 1854 highlighted diverging U.S. and European concerns. The 1864 Syllabus of Errors widened the gap. There were lesser moments that pointed to different understandings of the Church and of relationships within it. A proposal that papal financial problems be alleviated by floating a bond

⁵⁸ Carey, *Immigrant Bishop* 167-69.

⁵⁹ Peter Clarke, *A Free Church in a Free Society: The Ecclesiology of John England, Bishop of Charleston* (Hartsville, S.C.: Center for John England Studies, 1982) 3-4.

⁶⁰ Carey, *Immigrant Bishop* 167.

⁶¹ Roger Aubert et al., *The Church in a Secularized Society* (New York: Paulist, 1978) 3-7; Yves Congar, O.P., "L'Éclésiologie, de la Révolution française au Concile du Vatican, sous le signe de l'affirmation de l'autorité," in *L'Éclésiologie au XIX^e siècle* (Paris: Cerf, 1960) 77-114.

⁶² T. Howland Sanks, S.J., *Authority in the Church: A Study in Changing Paradigms* (Missoula: Scholars, 1974) 21-77.

issue in the U.S. met a cool reception in episcopal quarters, although the same bishops encouraged a voluntary Peter's Pence offering to the pope.⁶³ A plan to recruit American volunteers for the beleaguered papal army was resisted even more strongly.⁶⁴ But the main event in the last stage of these early days of the Church in the U.S. was the 20th ecumenical council, the First Council of the Vatican, which met in the north transept of St. Peter's Basilica in Rome from December 8, 1869, until the definitions of papal primacy and infallibility on July 18, 1870, and then faded away in desultory summer sessions ending on September 1. The council was formally prorogued on October 20, a month after King Victor Emmanuel II's Italian army, led by General Raffaele Cadorna, overcame a token resistance at the Porta Pia on the Via Nomentana and ended a thousand years of papal rule in Rome.⁶⁵

THE IMMACULATE CONCEPTION DEFINITION

Pius IX had a double motive in defining the dogma of the Immaculate Conception. It was a crowning manifestation of the sincere Marian piety that marked his long life and reign. But a statement by the German philosopher Ernst Cassirer and the research of the Italian Jesuit Giacomo Martina have pointed to another motive. Discussing religion in relation to the Enlightenment, Cassirer asserted: "The concept of original sin is the common opponent against which all the different trends of the philosophy of the Enlightenment join forces."⁶⁶ Martina has discovered that the Immaculate Conception definition was at one stage in the planning intended to be issued together with a list of contemporary errors. The linkage was made as early as 1852 by Italian Jesuit Giuseppe Calvetti, who traced the source of contemporary ills to rationalist and semirationalist emphasis on the intrinsic goodness and integrity of human nature and the setting of a universal consensus as the criterion of truth, so that universal suffrage and amelioration of the conditions of earthly existence were solutions to problems. Calvetti urged that a definition of the Immaculate Conception would implicitly recall the condition of humanity deprived of original justice and needing a divine Savior.⁶⁷ Further study has revealed that Calvetti's article in *Civiltà*

⁶³ William O. Madden, S.J., "American Catholic Support for the Papal Army, 1866-1868" (unpublished dissertation, Gregorian University, Rome, 1967) 34-68.

⁶⁴ *Ibid.* 105-267.

⁶⁵ James Hennesey, S.J., *The First Council of the Vatican: The American Experience* (New York: Herder & Herder, 1963).

⁶⁶ Ernst Cassirer, *The Philosophy of the Enlightenment* (Boston: Beacon, 1955) 141.

⁶⁷ Giacomo Martina, S.J., "Osservazioni sulle varie redazioni del 'Sillabo,'" in *Chiesa e stato nell'ottocento: Miscellanea in onore di Pietro Pirri*, ed. Roger Aubert et al. (Padua: Antenore, 1962) 426-27. Calvetti's article appeared in *Civiltà cattolica* 1 (1852) 376-96.

cattolica was in great part inspired by Pius IX himself.⁶⁸

After the definition was made, Canon Jules Morel summed up the argument:

The Immaculate Conception reversed the capital error of the nineteenth century, which is independence, and struck it a mortal blow, as it has done to all previous heresies. For if Mary alone has been conceived without sin, then the whole of humanity is conceived in sin and bears the consequences of it, which are the wounding of reason and of free will and the predominance of the passions. . . .

Morel further argued that since people are more inclined to error than to truth, to evil than to good, there will always be need of "a preventive and repressive system." Self-government was "nothing but a utopia." Morel was not unaware that the very existence of the U.S., with its very different approach, challenged his thesis, but he dismissed that challenge easily: "The United States, whose success has for a moment disturbed the faith of the weak, will not delay long in proving this by its history, young as it is."⁶⁹

The U.S. bishops and people shared Pius IX's Marian piety, if not his conviction of the necessary political consequences of a definition of the dogma of the Immaculate Conception. In 1846 the Sixth Provincial Council of Baltimore had chosen Mary under that title as patroness of the United States. The Seventh Provincial Council of Baltimore (1849) declared that it would welcome a definition of the prerogative, should the pope deem it opportune.⁷⁰ But when, in late November 1854, four bishops from the U.S. were among approximately one hundred prelates called together in Rome to discuss the "style and expression" of the proposed bull *Ineffabilis Deus*, their comments reflected the pluralistic environment in which they exercised their ministry. They called for accuracy and lack of exaggeration in citations from Scripture, Church Fathers, and the tradition of the Church. Archbishop Francis P. Kenrick remarked: "It is not true that the tradition has always been clear in the church on the Conception. For some centuries it was not mentioned."⁷¹ Bishop Michael O'Connor asked that arguments not be used that were harder to defend than the doctrine itself, and he wanted it made clear

⁶⁸ Martina, "Osservazioni" 512.

⁶⁹ Citation from Jules Morel, *Inquisition et libéralisme* (Angers, 1857), translated in James Hennesey, S.J., "A Prelude to Vatican I: American Bishops and the Definition of the Immaculate Conception," *TS* 25 (1964) 410 n. 7.

⁷⁰ Peter Guilday, *A History of the Councils of Baltimore 1794-1884* (New York: Macmillan, 1932) 148, 157; Hennesey, "Prelude" 411-12.

⁷¹ *Ibid.* 415.

that the definition was being made "with the consent of the bishops."⁷² This would be an important issue in later debates on papal infallibility.

THE SYLLABUS, THE BISHOPS, AND BALTIMORE II

Discussions surrounding the Immaculate Conception definition emphasized the differences between Europe and America, products of two different revolutions. The 1864 Syllabus of Errors set those differences in stone, challenging the generally optimistic outlook of Americans and, in particular, ideas among them on topics like church-state separation and freedom of conscience and worship that had been constant since the days of the Calverts.

Archbishop Martin J. Spalding of Baltimore made the first demur, in a pastoral letter to his diocese. He dismissed the Syllabus as meant for "European radicals" and having no reference to the U.S. Constitution, religious toleration as understood in America, or church-state relations as practiced here.⁷³ The new archbishop of New York, John McCloskey, dryly observed: "It is consoling to think and believe that our Holy Father has in all his official acts a light and guidance from on High—for according to all the rules of mere human prudence and wisdom the encyclical *with its annex* of condemned propositions would be considered illtimed."⁷⁴ Writing to his nephew, the future Bishop John Lancaster Spalding, in Rome, the archbishop of Baltimore asked him to make specific inquiries about four of the proscribed propositions. They dealt with church-state separation, state establishment of Catholicism to the exclusion of other religions, freedom of worship, and the nexus between freedom of worship and expression and religious indifferentism.⁷⁵

The Second Plenary Council of Baltimore, which met in 1866, managed to ignore the Syllabus of Errors, preferring in its doctrinal section to discuss American phenomena like Unitarianism and transcendentalism. Most of the council's decrees were disciplinary, but it did reaffirm both the collegial authority of bishops in the Church and the special authority of the pope. Church and state it dealt with by stressing that they operated in separate spheres.⁷⁶

⁷² Ibid. 417.

⁷³ Hennesey, *American Catholics* 164–65.

⁷⁴ Ibid. 165.

⁷⁵ "Some Student Letters of John Lancaster Spalding," ed. John Tracy Ellis, *Catholic Historical Review* 29 (1944) 536.

⁷⁶ James Hennesey, S.J., "The Baltimore Council of 1866: An American Syllabus," *Records of the American Catholic Historical Society of Philadelphia* 76 (1965) 157–72.

VATICAN I: END OF THE BEGINNING

American participation in the First Vatican Council began on December 30, 1868, when their appointed theologian, James A. Corcoran of Charleston, South Carolina, attended his first meeting of the preparatory commission on faith and dogma. Corcoran's letters from the preparatory period provide a unique record of the council's preliminary sessions.⁷⁷ He commented critically on the secrecy imposed and the pervasive inefficiency, lamented the eagerness to propose a host of doctrinal definitions, and emphasized that a definition of papal infallibility was on the agenda. But above all he worried that a condemnation was in the offing of "the fundamental principles of our (American and common sense) political doctrine."⁷⁸ Ecclesiastical immunities, last heard from in Maryland in the days of John Lewger, were being urged, "which I consider to be useless and to be tabooed in the present (and probably even future) state of civil society."⁷⁹

Corcoran's chief correspondent was Archbishop Spalding. Both of them personally accepted the doctrine of infallibility but thought its definition inexpedient, given the temper of the times. Spalding saw the "difficulty of fixing the precise limits of [the popes'] doctrinal decisions," and he wondered about the authoritative force of allocutions, encyclicals, and the decisions of Roman congregations confirmed by the pope.⁸⁰ John Carroll could not have put it better. Both Spalding and Corcoran agreed that a distinction must be made between European and American appreciations of religious freedom and church-state union. The archbishop asked if it were "not in the order of Providence that we are to come back to the type of primitive ages," before the Constantinian revolution.⁸¹

Forty-eight bishops and an abbot represented the U.S. for the first time at an ecumenical council when in 1869 they assembled at the Vatican. They were in varying degrees influenced by their theological training and by their American experience. While some thought and spoke consciously out of the great historical tradition of Catholicism, few if any made explicit reference to the American ideas of forebears like the Calverts, the Carrolls, or John England. This was true even if major facets of that American tradition were accepted, as they were by Spalding and others.

Before the council, papal infallibility had been a hot issue in Europe;

⁷⁷ James Hennesey, S.J., "James A. Corcoran's Mission to Rome, 1868-1869," *Catholic Historical Review* 48 (1962) 157-81.

⁷⁸ *Ibid.* 164.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.* 167.

⁸¹ *Ibid.* 168.

it was rarely discussed in the United States. John Carroll affirmed the infallibility of the *Church*. He considered it to reside "in the body of bishops united and agreeing with their head, the bishop of Rome." As for the opinion of some theologians that the pope, as vicar of Christ, might speak infallibly, "with this opinion faith has no concern, everyone being at liberty to adopt it or reject it, as the reasons for or against may affect him."⁸² A similar approach was taken in the widely popular "Keenan's Catechism" and in Bishop England's constitution.⁸³ Most American bishops during the council were conciliationists, willing to define the doctrine of infallibility but not using the word, or simply inopportunist, judging a definition for various reasons inexpedient. A dozen, mostly of French origin, were strong proponents; an equal number opposed the definition on historical and doctrinal grounds.⁸⁴

On other topics, the bishops battled for better use of Scripture, reminding the council that they lived in a country where people knew their Bible. American pluralism was also evident in Bishop Richard Whelan's protest that canonical membership in the Church was not necessary for participation in truth.⁸⁵ On the ever-present issue of the relationship of the Church to the state, Archbishop John B. Purcell of Cincinnati repeated the old American tradition when he declared:

... all we want is a free field and no favor. Truth is mighty and will prevail; and as we are here side by side with every sect and denomination of Christians, it is for the people to judge which of us is right, which of us teaches that which is most conformable to the Holy Scriptures. If they approve our religion, they will embrace it; if not they will stay away from it. I believe that is the best theory.⁸⁶

The First Vatican Council marked the end of the era we have been considering. While the stream of papal infallible pronouncements that many had predicted did not materialize, much the same effect was accomplished by less dramatic but persistent centralizing measures. Uniformity became the hallmark of orthodoxy. On March 30, 1870, during debate at the Vatican Council on the proper style and title of the Church, Bishop Vincenz Gasser of Brixen, representing the council's theological commission, had emphasized the prominence to be given the adjective "Roman," because "that church which is the mother and teacher of all the churches, cannot have or hold second place in the proper name of

⁸² *JCP* 1:105-6.

⁸³ Congar, "L'Écclésiologie" 97 n. 64; *Works of John England* 5:96.

⁸⁴ James Hennesey, S.J., "Nunc venio de America: The American Church and Vatican I," *Annuario historiae conciliorum* 1 (1969) 348-73.

⁸⁵ Hennesey, *First Council of the Vatican* 83.

⁸⁶ *Ibid.* 132.

the church."⁸⁷ In subsequent practice the adjectives "Catholic" and "Roman" seemed to become interchangeable. Historical appeal to the ancient tradition, except for purposes of selective proof-texting, died away, to be replaced by appeal to the "living tradition" of papal authority. Stephen Tonsor was accurate when he wrote: "The reign of history was brief and was, for Catholicism, effectively terminated by the Vatican Council in 1870."⁸⁸ The Neo-Thomistic revival launched in 1879 by Pope Leo XIII reinforced this thrust by its assertion of a "timeless" philosophy and theology that left no room for history.⁸⁹

In this atmosphere an authentic Catholic tradition that had developed in the U.S., especially in areas such as religious freedom, nonestablishment of religion, and separation of church and state, was discounted or at best merely tolerated. Pope Leo set the tone in his 1895 encyclical letter *Longinqua oceani*, where, after expressing gratitude for the blessings and prosperity that religious freedom had brought to the American Church, he nevertheless claimed that "she would bring forth more abundant fruits if, in addition to liberty, she enjoyed the favor of the laws and the patronage of the public authority."⁹⁰ The so-called "Americanists" among the bishops blustered a great deal but were really fighting a defensive battle and shrank before *Testem benevolentiae*, the encyclical in 1899 that warned, as William Halsey put it, against "the activist individualism, self-confident mystique and optimistic idealism of American civilization."⁹¹ It was not until John Courtney Murray began his lonely struggle in the 1940s that authentically American ideas on the issues that had preoccupied American Catholics since the days of the Calverts and the Carrolls began to be heard again. But the memory of those early American Catholic days was by then faded. Murray referred passingly to "the somewhat impenetrable thinking of the two Calverts."⁹² He had to begin his work anew, and on different grounds. But in the end it resonated with the ideas that had germinated in America centuries earlier.

⁸⁷ Ibid. 154.

⁸⁸ Stephen J. Tonsor, "Lord Acton on Döllinger's Historical Theology," *Journal of the History of Ideas* 20 (1959) 329.

⁸⁹ James Hennesey, S.J., "Leo XIII's Thomistic Revival: A Political and Philosophical Event," in David Tracy, ed., *Celebrating the Medieval Heritage: A Colloquy on the Thought of Bonaventure and Aquinas* (*Journal of Religion* 58, Supplement 1978) S 185-S 197; idem, "Leo XIII: Intellectualizing the Combat with Modernity," *U.S. Catholic Historian* 7 (1988) 393-400.

⁹⁰ DACH 2:502.

⁹¹ William F. Halsey, *The Survival of American Innocence: Catholicism in an Era of Disillusionment, 1920-1940* (Notre Dame: University of Notre Dame, 1980) 4.

⁹² Murray, *We Hold These Truths* 59.