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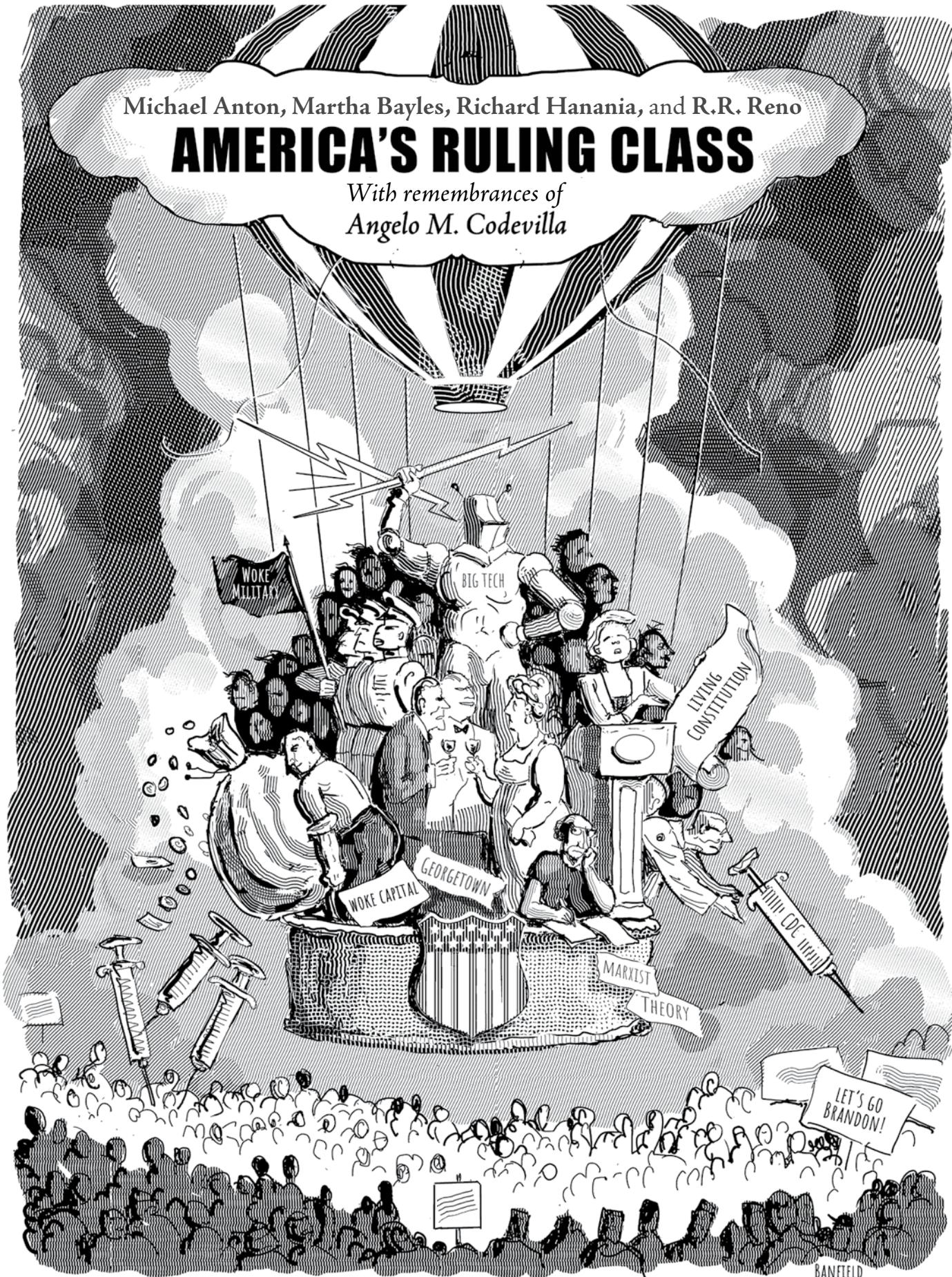
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OLD RELIGION IN THE NEW WORLD

Our Dear-Bought Liberty: Catholics and Religious Toleration in Early America,
by Michael D. Breidenbach. Harvard University Press, 368 pages, \$45



IN JUNE THIS YEAR, AMERICA'S CATHOLIC bishops announced their intention to clarify the rules of "Eucharistic coherence." By November, they will have drafted guidelines for determining whether Catholics who persist in grave sin are eligible to receive Holy Communion. Although this is a perennial pastoral question, there is no doubt why the bishops have chosen to pronounce on it now: there is a stridently pro-abortion Catholic in the White House. The question is whether such a Catholic can be considered faithful, and whether such a president may receive Communion from the Church. Those who oppose the effort have denounced it as a wanton episcopal intervention in our nation's politics.

The charge has failed to gain much traction. Within the memory of many still living, however, it would have ignited a political firestorm. In 1960, presidential candidate John F. Kennedy was at pains to allay fears that papal intervention could unduly influence his policy decisions. Sensing that the election might turn on that very issue, Kennedy traveled to

a Houston convention of Protestant ministers to appease the dragon in its lair. "I believe in an America where the separation of church and state is absolute," he declared in a speech written by Ted Sorensen and vetted, reluctantly, by Jesuit theologian John Courtney Murray. Kennedy affirmed his belief in an America "where no Catholic prelate would tell the president (should he be Catholic) how to act...where no public official either requests or accepts instructions on public policy from the Pope."

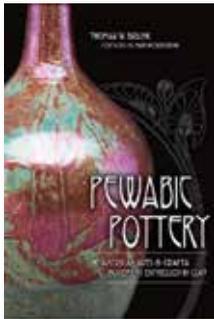
JFK was no paranoid. The fear that Catholic prelates might dictate public officials' acts by threatening them with spiritual penalties had haunted America's political culture—and hurt Catholics' political prospects—for nearly two centuries. Of course, this civic accusation came accompanied with a theological one. The standing Protestant charge was that Catholicism constituted a grotesque deformation of true Christianity in doctrine, liturgy, and church governance. But the First Amendment was designed specifically to handle these sorts of religious disagreements. Its method

of operation was to put the truth about such matters entirely beyond the government's ken. In 1871, the Supreme Court expressed precisely this view of things in *Watson v. Jones*: "law knows no heresy, and is committed to the support of no dogma, the establishment of no sect." What, then, explains Americans' long-standing wariness of Catholicism?

THAT IS THE QUESTION MICHAEL BREIDENBACH sets out to answer in *Our Dear-Bought Liberty: Catholics and Religious Toleration in Early America*, his superb study of American attitudes toward Catholicism in the founding era. Breidenbach, an associate professor of history at Ave Maria University, hits on the fundamental problem that the Catholic Church posed for early Americans: at the time of the founding, episcopal hierarchs claimed *temporal* power. And so, writes Breidenbach, "[w]hat made Catholicism so odious to early American Protestants was the pope's claim (and Catholics' apparent acceptance of it) that he had temporal authority over all civil rulers, including even the right

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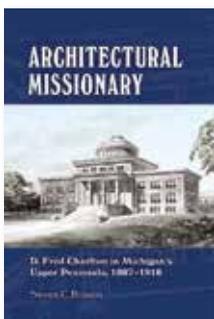
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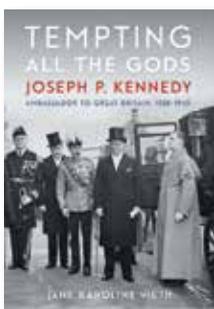
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to depose a secular authority.” Early Americans worried that the pope, who then headed a kingdom as well as the order of bishops, was a foreign prince who would tell Catholics in America what to do.

The concern was not that Catholics might look to the gospel as a guide for their actions in the public square. Today, many secularists do demand that religion be scrupulously detached from public life. But for a very long time in America, adherence to Biblical ethics was the cultural norm and the presupposition of politics. Indeed, James Madison argued that citizens in a republic must be possessed of personal virtues which can only be instilled and sustained by widespread religious faith. So there was no fear of Catholics *qua* Christians. Instead, as Breidenbach shows, the “main driver” of early American anti-Catholicism was the presupposition that all Catholics are “papalists” or papists—i.e., that they believe the pope has infallibility in spiritual teaching and authority to intervene in the affairs of nations. If true, this would make the Church a veritable “state within a state.” The misapprehension that Catholicism always amounts to papalism branded every Catholic as presumptively disloyal and a fit object of discrimination. Though early Americans believed strongly that religious liberty is a natural right, this belief was qualified by the overriding requirement of political loyalty: “[A]llegiance to only one temporal sovereign,” writes Breidenbach, implied that “those with foreign allegiances, including those to the pope, [were] ineligible for full civil and religious rights.”

THE FOUNDING ERA WAS MARKED BY a distinct anti-Catholic sentiment among both the people and their leaders. John Jay often spoke publicly as if he were an anti-Catholic bigot. John Adams expressed the same substance in less hysterical terms. Catholics were the object of cultural prejudices inherited from the religious wars of Europe, and their religious practices remained the object of fierce criticism. Nevertheless, the First Amendment made that a matter of private, not public, concern. And as Breidenbach implicitly argues, much anti-Catholic prejudice was often more notional than operational. One reason for this was the scarcity of Catholics on the ground. Another was that the most prominent American Catholics were (if you will) clubbable English gentlemen. At a social level, Catholics were less discriminated against in practice than in principle. Real, institutionalized exclusion from politics was based less on religious prejudice than on concerns about

loyalty: many states disqualified Catholics from public offices for fear of papalism. That was the fear Catholics would have to dispel to gain admission into public life. Thus, Breidenbach convincingly proves the first of his two main theses: “Catholics became Americans by declaring independence from the pope.” This had significant consequences for Catholic political thought, because “Catholics who helped secure religious liberty in America understood that civil loyalty remained a critical requisite for that constitutional protection.”

There was nothing necessarily heterodox in these Catholics’ rejection of papalism. Papal infallibility was not defined as part of Catholic faith until 1870. Even then it was far from universally popular among America’s bishops. By that time, moreover, the Roman pontiff had lost his temporal kingdom and all but forsworn his claims of direct temporal authority—for instance, he could no longer depose earthly rulers. In 1784, Father John Carroll, soon to become America’s first Catholic bishop, published a pamphlet in which he wrote, without a hint of insubordination, that papal infallibility was an “opinion” that the 16th-century Council of Trent “had not taught unanimously.” And so everyone was “at liberty to adopt or reject it, as the reasons for or against it may affect him.”

IN THE FIRST FOUR CHAPTERS OF *DEAR-Bought Liberty*, Breidenbach explores the development of what he calls the “English antipapalist” tradition of “conciliarism”—the belief that, while the Catholic Church possessed the charism of infallibility, that gift could not be exercised unilaterally by the pope. For conciliarists, only the world’s bishops acting in unison, with the pope as their head, can speak or act infallibly. Breidenbach’s exquisitely detailed archival research shows that these attitudes crystallized before the Revolution, as Catholic colonists negotiated between “English and Catholic commitments” when it came to oaths of loyalty to secular powers. Could members of, say, the Calvert family (who helped found Maryland), affirm enough about their political commitments to satisfy the king but not so much as to draw Roman censure?

The answer depended upon displays of verbal casuistry which in those days might have been called “Jesuitical.” For example, when required to reject the proposition that “princes which could be excommunicated by the pope could be deposed *or* murdered” by their subjects, Cecil Calvert substituted the phrase “deposed *and* murdered” (emphasis added). No advanced degree in logic is required to see the gulf between the two formulations. The



Calverts helped to carve out their own place in high British affairs while making room for Catholic colonists in Maryland as well. Breidenbach concludes that these conciliarist arguments “were politically influential with American Catholics...these Catholics helped found both the United States and the Catholic Church in it.” Americans would “accept anti-papalist arguments as valid reasons to extend religious liberty to Catholics.” In several places, Breidenbach calls this “loyalty before liberty” requirement “a feature of the American republic.” Maybe so; perhaps all citizens, *mutatis mutandis*, must limit their freedom of choice to preclude the possibility of treason or disloyalty. But here, the case made for that wider claim is limited to the example of Catholics.

BREIDENBACH’S SECOND MAIN THESIS builds on the first. It is not just that Catholic conciliarism was the price of admission to the American club—as if the club itself were unaffected by the inclusion of Catholics therein. We must not “assume,” he writes, “that Catholics in the early republic served merely as a contrast to its religious and political order.” Catholicism was not just a foil for the Protestantism which shaped America. To understand our constitutional history, it is necessary to understand Catholics’ roles not just as objects but as agents, proponents of “complementary ideologies about church-state relations and contributors to the development of temporal independence and religious liberty in the United States.” It follows that “[r]evisiting Catholics’ roles in the early republic is critical to under-

standing not only American Catholic history, but also American church-state jurisprudence and constitutional history.”

Our Dear-Bought Liberty makes it clear that from England’s 17th-century oath controversies, up to the ratification of the First Amendment and beyond, Catholics’ path to full citizenship was an ever-more precise and sublime mediation between “temporal’ and ‘spiritual’ authority.” This distinction of course has ancient Christian roots: “Give therefore to Caesar the things that are Caesar’s, and to God the things that are God’s.” Our founders concluded and stated in the First Amendment that temporal powers cannot adjudicate between the various creeds and rituals that define the terms of religious fellowship. That they included Catholicism in this umbrella of protection, notwithstanding their prejudices against that Church, indicates just how far their negotiations with the likes of Calvert and Carroll had pushed them.

Today, the legacy of those negotiations has become newly complex. John Kennedy won the presidency in part by declaring his independence from the pope. His fellow American Catholics, on the other hand, held tight to an updated form of papalism. After the official recognition of papal infallibility in 1870, and despite the objections of roughly two thirds of Catholic bishops at that time, affection for and devotion to the “Holy Father” in Rome took root in American Catholic hearts. By 1960, America’s Catholics were confident of their place in American politics, united in their moral beliefs, and obedient to their bishops—who were, in turn, obedient to the pope.

Then the ‘60s happened, as did the Second Vatican Council. The Catholic community splintered both in its religious practice and political opinion. Early in this century, America’s bishops forfeited their hard-won cultural and moral authority by their inadequate response to sexual abuse. The terms of Catholics’ engagement with American politics are now a potpourri. Some (like Rod Dreher, who in 2006 converted from Catholicism to Eastern Orthodoxy) hope they can retreat into their little platoons and salvage some vestige of integrated moral and religious life for their families. Others would imitate their Catholic president by totally privatizing their faith so they can embrace political agendas which are, in truth, profoundly at odds with Catholic teaching. In between Biden and Dreher are those who seek to integrate their (let’s call it) liberal Catholicism with a progressive politics, producing a synthetic public theology like that of Jesuit celebrity priest Father James Martin. Still others, known as “integralists,” publicly champion old-fashioned papalism and even a Catholic confessional state (Harvard Law School’s Adrian Vermeule is one of these). This dissent and chaos among the leadership has left many ordinary Catholics in a state of uncertainty about their relationship with the American regime, itself in disarray. For some time to come, they may have to muddle along as best they can.

Gerard V. Bradley is a professor of law at the University of Notre Dame and a trustee of the James Wilson Institute.

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