

## Church and State. The Present Situation

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§ 63. In the experiences of the laic State as a whole, whether liberal and democratic or authoritarian and totalitarian, the Church has lost the diarchic position she had won in the Middle Ages in a more or less theocratic form (cesaro-papism or Latin organisation), and then maintained in the Reformation and Counter Reformation with a prevailing aspect of confessionalism in the Protestant 'Church-State' or of jurisdictionalism in the Catholic Church. This notwithstanding, a third kind of diarchy has crept in, which we have called 'individual' when we first encountered it in its Protestant beginnings, and which merits the term still more to-day, for the diarchic power of the Church is to-day mainly expressed as a spiritual power over the faithful as individuals, and no longer in an authoritative and juridical form over States.

We have seen how gradually the politico-legal bonds between State and Church were dissolved first by toleration, then by laicism, and how the point was reached of denying the Church any organic and authoritative share in affairs of the State. Even where concordatory relations have been reknit (for the Catholic Church), or where official and formal relations still persist (for certain Protestant churches and the Church of England), the ethic of the State is outside the orbit of Christianity and of any supernatural religious conception. The cleavage between the two powers is substantial, apart from survivals from the past or external and formal superstructures. If to-day we can rightly continue to speak of a

diarchy of Church and State as a duality of powers, it is because the Church maintains her religious power over the faithful, which, expressed in the form of teaching and public precepts, continues to have an influence on society, whether her relations with the governments are good or otherwise. The Church, in spite of the lack of State support (and in certain not infrequent cases, as a result of it), has been able to maintain and increase her religious influence over the consciences of the faithful, so that they adhere to her with such conviction as to be able, if need arises, to resist the hostile propaganda of anti-religious laicism upheld in the name and with the resources of the State. The keener this

consciousness, the more effectual the diarchy. If, on the contrary, this consciousness dwindles and goes out, the diarchy loses or collapses, for, from the sociological standpoint, social power is a collective consciousness of possession of such power before it can assume organic form and become a force able to impose itself. The faithful to-day have

such a consciousness in communion with the authoritative organs of the Church. If the Church has only her spiritual means of vindicating her potency, yet its moral efficacy remains entire, and no one can doubt that such efficacy has social and political effects.

It is a mental habit to seek to reduce everything to juridical schemas, a habit due in large measure to the medieval tradition when all human relationships (even public and ecclesiastical ones) were seen in a private and

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contractual guise, and could be fixed only in legal form. With the advent of public law and the idea of sovereignty, this private form disappeared and contractualism turned into jurisdictionalism. It took the experience of laicism to bring out the moral character of the relations between Church and State and to show how sociologically the diarchy Church-State has its roots set at a deeper level than that of a legal co-partnership in society.

The Roman Curia, by its tradition which on this point is linked up with that of Roman Law, sets great store on legal formulation, which is always clear and precise, but in the public domain to-day most of the criteria and provisions of Canon Law would remain unilateral if they were not translated either into friendly compromises with the civil authorities, or into moral and disciplinary instructions to the faithful—apart from those concordatory measures concerned with legal competences, as to-day in Italy over marriage questions. Pius IX by the *non expedit* invited the faithful to take no part in the parliamentary elections of the new Kingdom of Italy. The invitation was interpreted as obligatory (even before the later papal declaration of 1895) and was respected to a varying degree, according to how far the faithful realised its importance, that is, to how far in their consciences the idea of a religious duty prevailed over that of a civil duty. Pius XI condemned the *Action Française* and forbade priests and faithful to belong to it. Under the *ancien régime* this measure would have had to be drawn up as a bull; this would have had to pass the Council of State or the Parlement of Paris, and to be published by royal order; then only would it have become a law of the State. In the absence of these formalities it might lead to a jurisdictionalist controversy. In the two cases we have quoted the efficacy of the papal measures has been no longer on the legal plane but on the spiritual plane, and yet their moral effects ended by modifying (in certain respects) the political situation of the countries concerned.

It is over the family and education that to-day there is sharpest opposition between Church and State, the one armed with laws, economic resources and coercive force, the other with spiritual weapons and spontaneous assents. The Catholic Church has been more efficacious than the others in condemning laicised marriage (known as civil marriage), divorce, contraceptives, and authorised or, worse, enforced sterilisation. She has fought for over a century and will continue to fight in defence of the sacramental institution of marriage, just as she has fought and will continue to fight for the Christian education of the young. If she can come to an understanding with the State, all the better. If not, she appeals to the faithful and lays upon them the gravest responsibility, that of resisting even with personal sacrifice, for here is something touching the roots of Christian morality. Pius XI has returned to the themes already exhaustively treated by his predecessors (especially Leo XIII and Pius X), in order to clarify Catholic doctrine and its application in the present time, in his two encyclicals, *Divini illius Magistri* on the education of the young (December 31, 1929) and *Casti Connubii* on Christian marriage (December 31, 1930).

This antagonistic position of Church and State is connected with a basic sociological principle, that of the limitation of power. There can be no unlimited power; unlimited power would be not only a social tyranny but an ethical absurdity. The problem raised by the modern State turns precisely on this point. It has denied any external limitation by a principle other than its own, or, as the philosophers say, heteronomous, for laic thought has proclaimed the autonomy of the State. In order to limit its powers, appeal was made to the freedom of the people, and since all liberty resolves itself into power, the whole of power was attributed to the people. But the people could not exert its power actually, possessing it only potentially, by original title, while the actual reality passed to the State as legislative and executive power. Mutual limitation between people and State ended by

becoming a formal and organic fact, without ethical substance. This was sought, occasion by occasion, and resolved itself into positivist pragmatism.

This process has been arrested by two forces which were believed extraneous to the State and reduced to impotency: the Church and the popular conscience. The first as the perennial voice of a higher morality, often unheard or seemingly unheard, ignored, despised, contradicted, disparaged by adversaries, falsified or weakened by too compromising friends, followed by but a few of the faithful, and yet an insistent and efficacious voice, for it is the perennial voice of the spirit that is never silent. Is the Church heteronomous to the State? From the legal standpoint, as the principle of a juridical diarchy, now that the State is outside and not within the Church, and has a large number of citizens who do not belong to a given church or to any church, the Church may be said to be heteronomous to the State. But as the voice of the conscience of the faithful, who are citizens, working as citizens, she is not extraneous, she enters into the State, shares in its ethical ends, cooperates for the wellbeing of the nation and shares in the intrinsic, inward limitation of the statal powers.

When Christians as citizens vindicate the moral conception of public life, in peace and in war, in the question of education and that of the family, in the protection of labour and of the workers and in the struggle against the excesses of capitalism, and so on, they limit that power which seeks to become unlimited, absorbing, totalitarian. In the Middle Ages the Papacy intervened by authority with kings and peoples; it could abrogate a law, depose a sovereign, release the people from the bond of their oath of allegiance. This was what was known as 'direct power'. In modern times this power was pared away, disciplined by concordats and rules of jurisdiction; the theologians called it 'indirect power' in the sense that it touched temporal matters as a consequence of the defence of religious principles. To-day

this power is still operative, whether direct or indirect, but it can have no efficacy on the laic State and appeals to the conscience of the faithful. It could now be called 'directive power'. The form has changed, but the substance is the same. It consists in the individual diarchy which prevails, in the persuasive power of consciences which carries weight, in the efficacy of the Christian citizen who succeeds in bending the power of the State, or else in opposing it in the name of Christian morality, that is, in the name of an ethical principle that touches collective life and which cannot be other than inward and conducive to a State with a Christian civilisation.

The more effectual and extensive is the action of Christian society and of the several faithful in the State, the more the Church, though without either authority or juridical control, co-operates in the formation of public life and to the end of the temporal commonweal. The weaker and the more uncertain such action, the more the course tends to be set by the State, which to-day is assuming the character of a religious myth and an original ethic, supplanting the Christian religion and its morality. The dualism between Church and State that develops in an individual diarchy, is a natural consequence of a two-fold ethical conception upheld in the names of the two opposing principles.

In the Catholic camp as in the Protestant, there have been men of study and action to whom this dualism is so disturbing as to send them perpetually in quest of conciliation, a mutual adjustment. In the liberal period it was maintained that the Church must adapt herself to the progress of the times. To-day, in the height of Fascism, this is repeated, the more insistently the more it is denied that Fascism has a theoretical content and hence an ethic of its own. The same has occurred with Nazism, which could not be accused of lacking a theory, since the easiest thing for Germans is to create one; hence a group of theologians, whose views

were echoed by Kuno Brombacher and Emil Ritter in 1936, in their Message from German Catholics to their compatriots and co-religionists. In Austria a Community of Work for Religious Peace has been formed. Both enterprises have been disqualified by the bishops, but they have met with support among priests and faithful, who cannot conceive of an ethical conflict save in political terms, and hence would wish to reduce its scope by a passage from ethics to politics. There are, on the contrary, stages of struggle in which all values must be summed up in ethical terms in order to check the tendency of politics to swallow up everything. This is the process of spiritualisation of a social life rendered worldly by passions, interests, power. In this sense now the Church as a religious institution, now the faithful as Catholic Action or even as a political party,

have taken their share in struggles on a ground believed to be reserved to politics. Although this may lead to ambiguities, resentments, strife, the Church cannot renounce such action, nor can the faithful fail on occasion to take the initiative in it and accept the responsibilities it implies. Evidently on the historical plane this leads to victories and defeats, to excesses and to weaknesses, and the Church, as an historical organism, suffers the full consequences, as we have seen in the course of nearly two thousand years. But it is this that gives vitality, strength, experience, this that sifts men out, brings to birth new institutions, promotes the development of doctrine, the adjustment of praxis, the outgrowing or outworn positions and the spiritual renewal of militant centres.