

September 2016

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### Recommended Citation

Cudahy, Brian J. (2016) "Bishop John England and Episcopal Collegiality," *Irish Studies South*: Iss. 2, Article 3.

Available at: <https://digitalcommons.georgiasouthern.edu/iss/vol1/iss2/3>

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## Bishop John England and Episcopal Collegiality

Brian J. Cudahy

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Deliberations conducted in Rome during the Second Vatican Council (1962-1965) included extensive treatment of the concept of “episcopal collegiality,” an idea that suggests local bishops, and more specifically conferences of regional and national bishops, should enjoy a measure of independence in the setting of pastoral, and even theological, priorities.<sup>1</sup> In recent years this theme has been explored by former President of Ireland, Mary McAleese, in her book *Quo Vadis: Collegiality and the Code of Canon Law*.<sup>2</sup> It was also an important theme of the Apostolic Exhortation *Evangelii Gaudium* issued by Pope Francis in 2013.<sup>3</sup> The idea of episcopal collegiality, however, has a long history. This paper will explore how it formed an important element in the ecclesiology of the first Roman Catholic bishop of the Diocese of Charleston, South Carolina, Rt. Rev. John England.

### A Man from Cork

John England was born in Cork City in 1786, the first of twelve children of Thomas England and Honora Lordan England. His father is thought to have been born in Tipperary, his mother in Dundrow, Co. Cork, and while the origin of the family name is not known with certainty, it is likely that an ancestor on his father’s side migrated to Ireland some generations earlier and the common identification “from England,” or “of England,” soon evolved into a surname.<sup>4</sup> John England’s parents were married at St. Finbarr’s Church in Cork City on April 15, 1785, and he himself was baptized there on September 25, 1786. Constructed in 1766, St. Finbarr’s church lays claim to being the first Roman Catholic place of worship to be built of stone in Co. Cork since before the days of the Penal Laws. Because of prohibitions and common practices dating to the days of the same Penal Laws, Roman Catholic “churches” were generally not referred to as such, but were known as chapels. As it was then, and as it still is today, St. Finbarr’s is commonly called South Chapel.

In the Ireland of John England’s youth, religious restrictions imposed during the era of the Penal Laws were being relaxed, albeit gradually. The Papists Act of 1778 and the Roman Catholic Relief Act of 1791 together afforded a measure of emancipation from the harshest provisions of earlier times, opened a number of professions to Roman Catholics, and permitted the construction of churches.<sup>5</sup> The building of South Chapel in 1766, as an example, is itself evidence that a more tolerant climate had begun to emerge even before 1778. In 1793, when John England was a boy of seven, something happened in Ireland that would have been beyond imagination a quarter-century or more earlier. The Roman Catholic bishop of Kildare and

Leighlin, Rt. Rev. James Keefe, opened a college in the city of Carlow, roughly midway between Cork and Dublin and also the seat of his diocese, whose primary purpose was the theological education of young men for the Roman Catholic priesthood. Carlow College, also known as St. Patrick's College, can rightly lay claim to being the first Roman Catholic seminary to open in Ireland in the post-Reformation era.<sup>6</sup> In 1803 young John England enrolled at St. Patrick's, and five years later, on October 10, 1808, he was ordained a priest by the Bishop of Cork, Rt. Rev. Francis Moylan, in the newly opened cathedral there, St. Mary and St. Anne. Indeed, John England's priestly ordination was the first to be held in the new cathedral.

Father England was initially assigned to the presbytery of the cathedral and began his priestly ministry in the thriving and heady atmosphere of Cork City. In the early 1800s, Cork surely was an intellectually stimulating urban environment. Following the aborted and bloody uprising of 1798 in Ireland, spearheaded by the United Irishmen, the British Parliament sought to quell unrest in its neighboring isle by incorporating Ireland, formally and officially, into the United Kingdom by the Acts of Union of 1800.<sup>7</sup> An initial goal of both British and Irish parliaments in enacting this union was to have been the granting of full religious emancipation to the Catholics of Ireland, but the British monarch, King George III, believed such a provision would violate his own Oath of Coronation and so it was not included in the legislation that was eventually enacted. The Roman Catholic bishops of Ireland had generally supported the Acts of Union, but they were disappointed when full Catholic emancipation failed to materialize. So it was amid this mix of new political alignments and increased religious toleration, along with a measure of disappointment over goals not yet achieved, that John England began his priestly career.

He was active in ministering to jailed prisoners, he lectured in theology, and he even served as president of what was an early attempt to establish a seminary for the Diocese of Cork on a site adjacent to the new cathedral. In addition, his literary skills were deployed in the publication of both a diocesan newspaper, *The Religious Repository*, and a formerly secular newspaper that, under Father England, became yet another voice on behalf of Catholic emancipation, *The Cork Mercantile Chronicle*. England is also recognized as the author of a short history of Ireland, *A School Primer of Irish History*, a book that gave students a decidedly different view on the history of their native land than that which had been presented to youngsters under British auspices.<sup>8</sup>

If there is one individual who can be cited as instrumental in the development of John England's views on the parallel issues of religious liberty, church-state relations, and the necessary independence the episcopacy of a given nation must enjoy—a notion that in later years that would become known as episcopal collegiality—that person is a relatively little-known Capuchin Franciscan friar by the name of Arthur O'Leary (1729-1802). In his 1979 book dealing with John England, Patrick Carey calls O'Leary “one of Ireland's seminal thinkers on religious liberty and one of John England's intellectual progenitors.”<sup>9</sup> Carey also paraphrased what Immanuel Kant

had earlier said of David Hume when he wrote: “O’Leary awakened the Irish Catholics from their political slumber.”<sup>10</sup> Indeed so influential was Father O’Leary on the England family that in 1822 John England’s brother, Thomas England, would write a biography about the Franciscan.<sup>11</sup>

### The Veto Question

A defining moment in young Father England’s career that provides important insight into his later enthusiasm for episcopal collegiality developed around an issue that proved most vexing as the Roman Catholic hierarchy in Ireland began to re-assume a more central and public role in ecclesiastical affairs after long years of suppression under the Penal Laws. The British Government proposed that it be given an opportunity to review and, if necessary veto, episcopal appointments made by the Vatican to the many Roman Catholic dioceses in Ireland. In conversations that began with Archbishop Thomas Troy of Dublin, this initiative was advanced to the Irish hierarchy by Robert Stewart, a British official stationed in Ireland who bore the title Lord Castlereagh.<sup>12</sup> Meeting at Maynooth on January 17, 1799, a group of ten Irish prelates—all trustees of St. Patrick’s College, Maynooth—issued this statement: “That in the appointment of the Prelates of the Roman Catholic Religion to vacant sees within the kingdom, such interference of government as may enable it to be satisfied of the loyalty of the person appointed, is just, and ought to be agreed to.”<sup>13</sup> The ten bishops were in support of the notion of a British veto of episcopal appointments to Irish sees.

Stewart, though, was not simply advancing a unilateral demand. In exchange for giving the British Government the veto authority it sought, Castlereagh was offering the permanent subsidization of clerical salaries in Ireland as well as financial assistance for the construction and operation of additional Catholic educational and charitable institutions, such as already had been done with respect to the establishment of St. Patrick’s College in Maynooth.<sup>14</sup>

In the early nineteenth century, when relations between civil and religious sectors were quite different than they have since become, it was not at all unusual for Roman Catholic officials in the Vatican to enter treaties—formally known as concordats—with various nation states that might include, among other provisions, some measure of consultation on the appointment of bishops. While there was no such concordat in effect between the Vatican and Great Britain in the early 1800s, Britain still desired to play a role in the appointment of bishops to govern dioceses in Ireland, lest clerics who were sympathetic toward, or even active in, efforts at gaining political independence for Ireland, perhaps even through force of arms, be given the influential status that the episcopacy entails. Similar relationships between nations and the Vatican had been common practice throughout Europe for many years, and the nineteenth century alone would see the Holy See formalize concordats with no fewer than 19 separate nations. Castlereagh’s promise

of governmental fiscal support for Catholic institutions in Ireland, however, would prove to be illusory, at best, and deceptive at worst.<sup>15</sup>

Strong opposition would quickly develop against the veto proposal, though, and it began not in the ranks of Irish bishops or clergy but among the educated Catholic laity of Ireland, particularly in Dublin but also in Cork. Chief among those who voiced such opposition was Daniel O’Connell.<sup>16</sup> John England was one of the first within the Irish clergy to join forces with the likes of O’Connell and stand in opposition to a view put forth by his own hierarchy. Indeed, it was out of this cooperative effort in opposition to the proposed veto that England and O’Connell would forge a strong bond of personal friendship.<sup>17</sup>

It is important to emphasize that John England was not opposed, in principle, to the concept of a civil government playing a role in church appointments. In a few short years England, as bishop of Charleston, would attempt to negotiate a concordat between the Vatican and the newly-independent Western Hemisphere nation of Haiti that would have included such a provision. John England’s views about the veto question were grounded in his conviction that the appointment of bishops to sees in Ireland should not be subject to a veto by officials in what he regarded as a “foreign” nation—Britain.

Here we can see John England taking a principled stand in support of the autonomy he believed the episcopacy of Ireland should and must enjoy, a stand fully consistent with and clearly anticipatory of his later views on episcopal collegiality. It remains unclear how John England viewed the Acts of Union of 1800. They resulted, surely, in some measure of emancipation for his fellow Catholics in Ireland, even if King George III blocked enactment of full emancipation. In addition, an argument can be advanced that the Acts of Union forestalled at least some repetition of the bloody events associated with the aborted rising of 1798, albeit that Robert Emmet would be executed for treason and inciting rebellion less than a decade after Ireland was incorporated into the United Kingdom.<sup>18</sup>

Interestingly, John England’s own bishop, Francis Moylan, was initially an ally of Dublin’s Archbishop Troy on the matter of the veto. Moylan was among the ten bishops who had met at Maynooth, but he quickly came around to England’s way of thinking and began to distance himself from the Dublin prelate, with whom he had initially agreed.<sup>19</sup> Eventually Troy himself came to the realization that his alliance with Castlereagh and his support of the veto question were serious errors of judgment on his part. Peter Guilday writes, “[I]n denouncing the Veto after 1808, Dr. England was in the company of his own bishop and all the bishops of Ireland.”<sup>20</sup>

Bishop Moylan died in 1815, seven years after John England was ordained, and he was succeeded by his coadjutor, Rt. Rev. John Murphy. And then, on May 4, 1817, Father John England was transferred. He was moved from the cosmopolitan center of Cork City, where he

was active in any number of educational, cultural, and (some might even say) political endeavors, and he was assigned, as parish priest, to the parish of Kilbrogan and Ballymoodan, near the town of Bandon in Co. Cork. Bandon was just over sixteen miles from Cork City in distance, but culturally it was much further distant. In fact, Bandon had a reputation of being quite hostile to Roman Catholics in the early years of the nineteenth century. These are the words that have been reported as being inscribed on a stone at the town's entrance: "Enter here Turk Jew or Atheist, Every man except a Papist."<sup>21</sup>

One might speculate that the urbane wit of young John England might have been seen as beneficial to a parochial ministry in a Bandon that was hostile to Roman Catholicism. One might also wonder, though, if England's anti-veto position had so infuriated not so much the bishops of Ireland, who were by this time no longer supporters of the veto, as much as those members of the Catholic laity who continued to favor the matter so strongly that they might have brought "pressure upon Bishop Murphy to place the brilliant clergyman at a safe distance from so active a center in the controversy as Cork."<sup>22</sup> In any event, Father John England would spend three years in Bandon.<sup>23</sup>

While scholars such as Shea have suggested that Archbishop Troy played an important role in the appointment of bishops to newly developing dioceses in the United States—and there is no reason to doubt this—it does not appear that Troy made any contribution to a Vatican decision and episcopal appointment that was made in 1820.<sup>24</sup> In any event, when the Vatican felt a need to create two new dioceses in the United States, one in Richmond, Virginia, and another in Charleston, South Carolina, the man chosen to head the new diocese of Charleston was the parish priest in Bandon, Father John England.<sup>25</sup>

### The Church in America

The first man to serve as a Roman Catholic bishop in the United States was John Carroll. Born in Upper Marlboro, Maryland, in 1735, his father, Daniel Carroll, was an immigrant from Ireland while his mother, Eleanor Darnell Carroll, was of English descent, although like her husband she, too, was Roman Catholic. Because the same British Penal Laws that were in force in Ireland also impacted Roman Catholics in Britain's overseas colonies—although not at all with the same severity of enforcement—the Carroll family sent their young son abroad to continue his education at the College of St. Omer in French Flanders. John Carroll traveled to Europe together with his cousin, Charles Carroll, but while Charles would return to America upon completion of his studies and play an important role as Britain's colonial empire in North America moved inexorably in the direction of independence, John remained in Europe and in the year 1753 joined the Jesuit order. After completing studies in both philosophy and theology at Liege in Belgium, he was ordained a priest in 1769.<sup>26</sup>

Having returned to America in 1775 after the suppression of his order, the Jesuits, Father Carroll played a minor role in the lead-up to the American Revolution. He accompanied a delegation sent by the Continental Congress to Quebec in 1776 that included his cousin Charles Carroll, along with Benjamin Franklin. Its purpose was to persuade French-sympathizing Canadians to join forces with the American colonists against the British. The mission was singularly unsuccessful, and for his trouble John Carroll was formally excommunicated by Bishop Jean-Oliver Briand of Quebec, an ecclesiastical sanction John Carroll shrugged off and ignored.<sup>27</sup>

With the Revolution over and independence at hand, John Carroll was able to expand his ministry. But what was now a somewhat more visible and even growing band of Catholic clergy in the United States was still canonically under the jurisdiction of the Vicar Apostolic for the London District, Bishop Richard Challoner. Such a status would hardly do, given the fact of the recent Revolution, and after a well-meaning but potentially disastrous attempt to place this small band of American Catholic clergy under the jurisdiction of bishops in France, in 1783 Pius VI created a unique identity for the Catholic Church in the United States by establishing an independent mission in the new country and naming Father John Carroll to be "Superior of the Missions in the thirteen United States of North America." Carroll bore the title of Prefect Apostolic.<sup>28</sup>

This "missionary" status was to be short lived. The Catholic clergy in the United States, though, were reluctant to seek the establishment of a diocese in their new country out of fear that should Rome appoint a European bishop as its ordinary, it could easily engender ill-feelings among fellow citizens who could see this as a style of foreign domination the recent revolution had sought to end. So John Carroll successfully petitioned the Vatican to allow the clergy of his mission to nominate a candidate for the role of bishop should an indigenous diocese be created in the United States. Twenty-four of the twenty-six clergy who participated in this process chose John Carroll himself, and in November of 1789 the Diocese of Baltimore was established by the same Pope Pius VI and John Carroll was named its first bishop. While totally unrelated, four months before the first Catholic diocese was established in the United States, the Bastille was stormed in Paris and revolution erupted throughout France.<sup>29</sup>

When John Carroll had returned to America in 1775 the Catholic population of what were then the thirteen original colonies is estimated to have been in the range of 35,000 people, a mere 1.2% of a total non-slave population of 2.5 million. But these numbers would not remain static. In 1808, the original diocese of Baltimore was elevated to the status of an archdiocese, and suffragan sees were established in Boston, New York, Philadelphia, and Bardstown, Kentucky. By 1820, when Charleston and Richmond were established as separate dioceses, the number of Catholics in the United States had grown to 195,000, or 2.6% of the nation's population. By 1840, toward the end of Bishop England's tenure in Charleston, it had increased to 600,000, or 3.5% of a national population that had grown to 17.1 million. Such growth, while significant and

positive, was of relatively modest proportion when compared to the massive waves of European Catholic immigrants who would begin to arrive on American shores in the mid-1840s and continue throughout the remainder of the nineteenth century and on into the twentieth.

John Carroll, as both priest and bishop, had a vision for Roman Catholicism in America that bears on the perspective John England will soon bring to Charleston out of his own experiences in Ireland. Carroll believed that the Catholic Church in the United States must not be the mere transplanting of the same religious culture that prevailed in Europe and that was responsible, in many ways, for decades, and even centuries, of war, bloodshed, nefarious church-state affiliations, and, in something that impacted Carroll himself in a very personal way, the suppression of the Society of Jesus. Carroll even saw the miniscule percentage that the Catholic population of the new United States represented as an advantage, and out of this advantage he envisioned Catholicism in America serving as a catalyst for the eventual unification of Christian denominations. But for this to happen, Carroll felt, the Catholic Church in America must be free to steer its own course and establish its own identity.<sup>30</sup>

### Charleston

On September 21, 1820, in his home parish of St. Finbarr's, Cork city, John England was ordained a bishop by Bishop's Moylan's successor, Bishop John Murphy. The story has often been told, but bears repeating, that while it was customary for newly ordained Roman Catholic bishops in Ireland to take an oath of allegiance to the British Crown following their elevation, John England refused to take such an oath, protesting that he was bound across the Western Ocean to the United States and would become a citizen of that new nation as soon as it would be possible.

Arranging passage to America was no easy task, but England soon learned that a stout ship, the *Thomas Gelston*, was to set sail for Charleston from Belfast in a month's time. On October 10, the newly ordained bishop, John England, left Cork for Belfast, along with his 19-year-old sister, Joanna Monica England, and a young Irish priest by the name of Denis Cockery, who England had recently ordained for the Diocese of Charleston.<sup>31</sup> The trio made a short stopover at St. Patrick's College in Carlow, and on October 22, 1820, they watched from the deck as the *Thomas Gelston* made its way out through Belfast Lough, with Carrickfergus off to port, before bearing southward toward Saint George's Channel and the North Atlantic Ocean.<sup>32</sup>

On Saturday, December 30, 1820, John England first set foot on American soil in Charleston, South Carolina, where he was greeted by Father Benedict Fenwick, a priest who had recently been assigned to Charleston by the archbishop of Baltimore. The next day, Bishop England celebrated a pontifical mass in St. Mary's Church on Hassel Street in Charleston, a short walk from the bulkhead where he had stepped ashore.<sup>33</sup> According to the liturgical calendar in force at



that time, the day was designated the Sunday within the Octave of Christmas, and the closing verse of that day's gospel could well have been seen as a prophetic vision for the new diocese: "And so the child grew and came to his strength, full of wisdom; and the grace of God rested upon him."<sup>34</sup>

### England and Marechal

John England enjoyed cordial relationships with the clergy of his own diocese, with Catholics throughout the Southland, with clergy and communicants of other Christian denominations, and with public officials throughout the state and even the country. The one group he failed to cultivate, however, was the assemblage of his fellow bishops. Not all of them, surely, but one man with whom he remained at loggerheads for many years was the head of the Metropolitan to which the new diocese of Charleston was a suffragan see, Archbishop Ambrose Marechal of Baltimore.<sup>35</sup>

Archbishop Carroll had died in 1815 and was succeeded by Archbishop Leonard Neale. Neale's tenure would be brief, as he was a contemporary of Carroll whose life paralleled that of his predecessor: Maryland born, sent to France for advanced studies, ordained as a Jesuit in 1777. Upon Neale's death in 1817, Marechal was named the third archbishop of Baltimore. Under Marechal the cordial pastoral style of John Carroll was replaced by one that was far less accommodating, considerably more autocratic, and downright hostile to any notions that the Catholic Church in America should enjoy any identity other than that which had prevailed in Europe for centuries.

Guilday has concluded that Marechal was upset because the creation of new dioceses in Richmond and Charleston in 1820 and the appointment of bishops to the new sees were Vatican decisions made without his participation.<sup>36</sup> Something that may also have irritated Marechal, although there is no documentation to cite in support of such a possibility, is that in travelling from Ireland to take up his new post in South Carolina, John England sailed directly from Ireland to Charleston and did not visit Archbishop Marechal in Baltimore en route.

Whatever the reason or reasons, John England's relationship with his archbishop, Ambrose Marechal, proved to be very cool, and nowhere is this more evident than when England attempted to persuade his archbishop, on several occasions—perhaps even steadily—to convene a meeting of all Roman Catholic bishops in the United States so they might begin to function collegially and develop common themes, programs, and policies that would be appropriate for the unique and unprecedented pastoral challenges they faced in a new and expanding country. England remained convinced that just as the bishops of Ireland should be free from any coercion that might follow from the British Government's having a veto over episcopal appointments, the Catholic bishops in his new country must work to develop a unique identity among themselves.

As Patrick Carey has written: because of the provisions of the United States Constitution and also “because of his Irish Nationalism,” Bishop England “believed in a strong local church, which had laws, customs and characteristics peculiar to the national political and social circumstances.”<sup>37</sup>

Marechal, however, would have none of it, and he pointedly rejected England’s many entreaties to call such a convocation.<sup>38</sup> Richard Madden has written, “John England began his career in America with one disadvantage. His Metropolitan, Archbishop Marechal, was prejudiced to him. Marechal was convinced that the troubles in the American church were due to Irish priests and he did not want an Irish priest named bishop of Charleston.”<sup>39</sup> Madden continues, “One item in particular England seemed to harry [Marechal] with, that there should be a synod or meeting of all the bishops to take council together.”<sup>40</sup> And yet: “Again and again Marechal made the comment to his proposals: *Negative.*”<sup>41</sup>

What is clear is that the Bishop of Charleston and his Metropolitan, the Archbishop of Baltimore, had different visions for the future of Catholicism in the Americas. Merechal’s ecclesiology envisioned a church with strong central control and a bare minimum of independence at the diocesan or even the national level. John England, on the other hand, believed that flexibility and creativity at the level of each diocese—and even each parish—was essential, and that at the national level bishops of the new nation must be able to meet, to discuss and develop priorities and programs appropriate for the unique pastoral needs of the nation. In short, England felt episcopal collegiality should become the hallmark of Catholicism in the new country while Merechal held a contrary view. England and Merechal would never reconcile their differences, and the impasse continued throughout Merechal’s tenure.<sup>42</sup>

#### England's Address to Congress

Despite his differences with Archbishop Merechal, John England enjoyed a reputation as a very powerful preacher, and constant demands were made upon him to address various congregations: Catholic, Protestant, and civic. In December of 1825, five years into his episcopacy, he was returning to Charleston from Baltimore, where he had preached at the episcopal ordination of Benedict Fenwick as the second bishop of Boston, one of four dioceses that had been crafted out of Baltimore in 1808. Fenwick was the priest who had greeted England when he arrived in Charleston in 1820, and en route home from Baltimore England paused for a few days in Washington, the new nation’s capital. On Christmas Day he preached in Saint Patrick’s Church there, and his theme was a defense of his religion against a growing current of criticism that characterized Roman Catholicism as incompatible with the democratic principles enshrined in the United States Constitution because of its allegiance to a “foreign power,” namely, the papacy.<sup>43</sup> Among those who held such a position was John Quincy Adams of Massachusetts, then the President of the United States. England’s Christmas Day sermon received wide currency

in Washington, and the United States House of Representatives asked him to expand on his ideas before it on January 8, 1826.

Although it has sometimes been said that England addressed a “joint session” of Congress, this is not correct. A joint session requires formal invitations from both houses of Congress and associated joint resolutions. Bishop England’s invitation was tendered only by the Speaker of the House, John W. Taylor of New York. But many senators attended England’s presentation that day in the House chamber, as did President Adams, with whose views England had so forcefully disagreed on Christmas Day—and would do so again when he spoke before the House.<sup>44</sup>

It is not necessary to reiterate everything England touched upon in his address that day. What is critical to the argument being put forth about episcopal collegiality, however, is the very precise way Bishop England responded, rhetorically, to a question of his own creation, namely, what would he do if ordered, by a pope or bishop, to vote in a certain way in an American election? And John England did not use any minor issue to make his point. He spoke about an order a Roman Catholic in America might hypothetically receive from some ecclesiastical authority outside the country to *overturn the government*. This is how he responded:

A political difficulty has been sometimes raised here. If this infallible tribunal, which you profess yourselves bound to obey, should command you to overturn our government, and tell you that it is the will of God to have it new modeled, will you be bound to obey it?<sup>45</sup> And how then can we consider those men to be good citizens who profess to owe obedience to a foreign authority, to an authority not recognized in our Constitution, to an authority which has excommunicated and deposed sovereigns, and which has absolved subjects and citizens from their bond of allegiance?

John England posed his question in a manner that many of his listeners would easily recognize, since papal efforts to depose European monarchs had not yet become a distant memory in the early years of the nineteenth century. So having chosen a strong and vivid example, he continued:

Our answer to this is extremely simple and very plain; it is, that we would not be bound to obey it that we recognize no such authority. I would not allow to the Pope, or to any bishop of our Church, *outside this Union*, the smallest interference with the humblest vote at our most insignificant ballot-box (emphasis added). He has no right to such interference. You must, from the view which I have taken, see the plain distinction between spiritual authority and a right to interfere in the regulation of human government or civil concerns. You have in your Constitution wisely kept them distinct and separate. It will be wisdom, and prudence, and safety to continue the separation.

Seeing the respective realms of church and state as “distinct and separate” was an extraordinary thing for a Catholic bishop to say in 1826. But in drawing the distinctions that he does, he is also advancing a case—a strong case—that Roman Catholicism in America would not be a mirror

image of the ecclesiology that was a hallmark of European Catholicism over the past several centuries. England stated clearly:

Your Constitution says that Congress shall have no power to restrict the free exercise of religion. Suppose your dignified body tomorrow attempted to restrict me in the exercise of that right; though the law, as it would be called, should pass your two houses and obtain the signature of the President, I would not obey it, because it would be no law, it would be a usurpation; for you cannot make a law in violation of your Constitution. You have no power in such a case. So, if that tribunal which is established by the Creator to testify to me what He has revealed, and to make the necessary regulations of discipline for the government of the Church, shall presume to go beyond that boundary which circumscribes its power, its acts are invalid; my rights are not to be destroyed by its usurpation; and there is no principle of my creed which prevents my using my natural right of proper resistance to any tyrannical usurpation.<sup>46</sup>

A hundred and thirty-four years later, Senator John F. Kennedy, while campaigning for the office of President of the United States, asked much this same question of himself during a famous speech before a group of Protestant ministers in Houston, Texas. Senator Kennedy, seeking a secular office, did not have to craft his answer with the same precision as did Bishop England many years earlier, and he simply said he would recognize no authority other than the law of the land.<sup>47</sup>

John England, however, was not seeking public office. He was doing something far more important. He was endeavoring to see the American Catholic hierarchy as itself an entity that was entitled to all the religious freedoms the Constitution guaranteed. But what can all too easily get lost amid England's negative assurances that foreign bishops must not dictate ballot-box behavior to citizens of the United States is the affirmative assertion he made about the bishops who are not "outside this union," who are, in fact, very much a part of it. And this, in simple and direct terms, is the very definition of episcopal collegiality.

Unlike Senator John Kennedy's later assertions that he would not recognize or tolerate interference from the leaders of his Church on matters civic and political, John England's language was considerably more nuanced. He was saying that the bishops who were not "outside this union" were a collective voice that enjoyed status and standing as citizens. And it mattered not whether that collective voice was raised about matters political, literary, artistic, or theological. It enjoyed standing because it was the voice of Americans. In asserting his claim in such a fashion, England was also making a strong case for episcopal collegiality, since the bishops who were "of this union" were not mere surrogates of an off-shore authority, they enjoyed a status on and of their own.

### Collegiality and England's Constitution

The constitution that John England forged to assist in the governance of his new diocese was a remarkable document that reveals a man who had a unique trust in the ability of democratic processes to solve problems, civil as well as ecclesiastical. And it was this belief in democracy, and a willingness to implement such a democratic style of governance in his diocese that caused England to face unexpected hostility from his fellow bishops, men who preferred a more autocratic management style than the immigrant from Co. Cork found both comfortable and desirable.

It is beyond the scope of this essay to explore all the details of the constitution Bishop England drafted and promulgated for the governance of the Diocese of Charleston. The constitution has been written about widely, and Peter Clarke has called it “the heart of England’s ecclesiology.”<sup>48</sup> Suffice it to say that in crafting and seeing through to enactment a formal constitution for the governing of his diocese, John England was expressing his strong belief in a kind of subsidiarity, a trust not only in the efficacy of democratic processes and principles, but also a belief that issues are best addressed and problems best solved at as local and proximate a level as is possible.<sup>49</sup> If episcopal collegiality defined the relationship of dioceses within a country one with another, and the bishops of a country with the church at large, John England’s diocesan constitution was the way a different kind of collegiality defined the relationship of a diocese with all its members.

### Conclusion

It would be difficult—but perhaps not impossible—to trace a direct link between John England’s views on episcopal collegiality and debates that were held during the Second Vatican Council on the same subject. But the larger issue is the clear fact that England’s views—one is even tempted to say his instincts—found little purchase among the Roman Catholic hierarchy in the United States in the years and decades after his tenure in Charleston had ended.

Even before John England arrived in Charleston in 1820, Bishop John Carroll had envisioned a Catholic church in America that would not be a mirror-image of its European predecessors, and England’s distinctively Irish passion for democracy and his equally distinctive belief in the importance of a sense of solidarity within the community of bishops was remarkably consistent with this vision of John Carroll’s. But the fact remains the Catholic Church in America, for a number of quite understandable reasons, did not follow the path laid out by John Carroll and John England.

One can see this issue in visual terms. When Bishop Carroll commissioned architect Benjamin Latrobe, one of the men who helped design the United States Capitol in Washington, to develop America’s first cathedral in Baltimore, he sought a design that far more resembled the dramatic architecture of American public buildings than it recalled the cathedrals of Europe. By contrast, when Archbishop John Hughes laid the cornerstone of St. Patrick’s Cathedral in New York in

1858, a mere half-century later, the edifice that would rise would be a deliberate throwback to the great gothic cathedrals of Europe that Carroll had no desire to emulate.

But even more than such visual symbolism, it was Archbishop Hughes's strong ultramontanist that separated him from the nascent sense of episcopal collegiality that would seem to be a defining characteristic of Bishop John England. As the nineteenth century evolved into the twentieth, it was the vision of Bishop Hughes that would help define the Catholic Church in America, while the dreams of John England would go into near-total eclipse.<sup>50</sup>

But as they are in astronomy, so also in ecclesiology are eclipses merely temporary conditions. In early 1958 when Pope St. John XXIII issued the call that convened the Second Vatican Council, ideas that had once been championed by John England began to receive a new measure of attention, and as the constitutions *Lumen Gentium* and *Gaudium et Spes* were promulgated as thoughtful articulations of the Council's vision for the future, a new enthusiasm for episcopal collegiality began to gain traction.<sup>51</sup> For a number of years this vision was stifled, and the seeds that Vatican II sowed would require some time to take root and grow. As late as 2012, former President of Ireland Mary McAleese, in writing about the promise of episcopal collegiality envisioned by Vatican II, would say: "As a prime conciliar concept in which it was hoped could be found the live seed of the *novus habitus mentis* it has delivered, in practical terms, almost exactly nothing other than unrealized possibilities."<sup>52</sup> President McAleese was advancing the view that the notion of collegiality envisioned by the Council had not been realized.

But McAleese was writing prior to the Conclave that would elect a new pope in the spring of 2013. Shortly after his election that year, Pope Francis issued a remarkable document entitled *Evangelii Gaudium*. While the popular press quickly gravitated to statements that might presage a re-thinking of certain traditional church teachings in dogmatic and even moral areas, what may well represent the document's most dramatic perspective involves a new measure of respect for the role that episcopal collegiality must play in the church of tomorrow. Pope Francis wrote:

Nor do I believe that the papal *magisterium* should be expected to offer a definitive or complete word on every question which affects the Church and the world. It is not advisable for the Pope to take the place of local Bishops in the discernment of every issue which arises in their territory. In this sense, I am conscious of the need to promote a sound "decentralization."<sup>53</sup>

Pope Francis was articulating as a goal the very same positions that a year earlier Mary McAleese had called "unrealized possibilities." Pope Francis continued:

The papacy and the central structures of the universal Church also need to hear the call to pastoral conversion. The Second Vatican Council stated that, like the ancient patriarchal Churches, episcopal conferences are in a position "to contribute in many and fruitful ways to the concrete realization of the collegial spirit". Yet this desire has not been fully

realized, since a juridical status of episcopal conferences which would see them as subjects of specific attributions, including genuine doctrinal authority, has not yet been sufficiently elaborated. Excessive centralization, rather than proving helpful, complicates the Church's life and her missionary outreach.<sup>54</sup>

In September of 2015, Pope Francis visited Washington, DC, and addressed a joint session of the Congress of the United States. The last time—and the only other time—a Roman Catholic bishop spoke before any chamber of Congress was on Sunday, January 8, 1826, when Bishop John England made his eloquent defense of Catholicism and asserted the rights of American bishops to full citizenship in the new republic. An equally important message of Bishop England's address that January day was the importance he placed on the role and status that the Catholic bishops of the new country must enjoy. As Pope Francis wrote in *Evangelii Gaudium*: "[T]his desire has not been fully realized, since a juridical status of Episcopal conferences...has not yet been sufficiently elaborated." The words of Pope Francis and John England are not equivalent in each and every sense. But when, in 1826, John England spoke of bishops who are "of this union," can it not be said that he was anticipating *Evangelii Gaudium* and the renewed emphasis on episcopal collegiality that Pope Francis has set forth as an important goal of his papacy?

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## Notes

<sup>1</sup> There is an extensive body of literature dealing with the Second Vatican Council. For an introduction to the Council's deliberations on collegiality, see John W. O'Malley, *What Happened at Vatican II* (Cambridge, MA: Belknap-Harvard, 2008), 180-185, 302-305.

<sup>2</sup> Mary McAleese, *Quo Vadis: Collegiality and the Code of Canon Law* (Dublin: Columba Press, 2012).

<sup>3</sup> Apostolic Exhortation *Evangelii Gaudium* of the Holy Father, Francis, Given at Rome, November 24, 2013, No. 16.

<sup>4</sup> There are many studies of the life of John England, and several will be cited throughout. The most definitive is: Peter Guilday, *The Life and Times of John England, First Bishop of Charleston, 1786-1842*, 2 vols. (New York: The America Press, 1927). Hereafter: *Life of John England*.

<sup>5</sup> For analysis of the Roman Catholic Relief Act of 1791, see: John Gerard and Edward D'Alton, "Roman Catholic Relief Bill," *Catholic Encyclopedia* (1913), XIII. Available online at: [http://en.wikisource.org/wiki/Catholic\\_Encyclopedia\\_\(1913\)/Roman\\_Catholic\\_Relief\\_Bill](http://en.wikisource.org/wiki/Catholic_Encyclopedia_(1913)/Roman_Catholic_Relief_Bill), accessed October 25, 2015.

<sup>6</sup> Arguably Ireland's most famous seminary for the education of Roman Catholic priests is St. Patrick's at Maynooth, in Co. Kildare, not far from Dublin, which was established, with assistance from the British Government, in 1795. Clerical graduates of Carlow still take a measure of pride in the fact their seminary predates Maynooth. For additional treatment, see: John McEvoy, *The Carlow College Priest: From Australasia to the Americas* (Dublin: Geography Publications, 2008).

<sup>7</sup> The formal name of the legislation is The Union With Ireland Act 1800, and the full text is available at: <http://www.legislation.gov.uk/apgb/Geo3/39-40/67>, accessed October 25, 2015.

<sup>8</sup> On March 17, 1824, England would deliver an address to the Hibernian Society in Savannah, Georgia, with the title “Epochs of Irish History,” that reflects the perspectives of his earlier writings on the history of Ireland. See: *The Works of the Right Rev. John England*, ed. Rt. Rev. Ignatius Reynolds, 5 volumes (Baltimore: John Murphy and Company, 1849), V, 43-65. See Guilday, *Life of John England*, I, 76-97, for additional treatment of England’s priestly career in Cork City between 1808 and 1817.

<sup>9</sup> Patrick Carey, *An Immigrant Bishop: John England’s Adaptation of Irish Catholicism to American Republicanism* (Yonkers, NY: U.S. Catholic Historical Society, 1982), 8.

<sup>10</sup> Ibid.

<sup>11</sup> See Thomas England, *The Life of Rev. Arthur O’Leary* (London: Longman, Hurst, 1822). Interestingly, following in the footsteps of his older brother, Thomas England (1790-1847) was also ordained a Roman Catholic priest following theological studies at St. Patrick’s, Maynooth. He served for many years as the parish priest in Passage West, Co. Cork, where he also ministered to convicts held by British authorities on nearby Spike Island, as well as prisoners aboard ships headed for Van Diemen’s Land, the notorious penal colony off the coast of Australia that is today the state of Tasmania.

<sup>12</sup> Archbishop Troy remains an individual worthy of further study with respect to Irish influence on the development of Catholicism in America. As John Gilmary Shea has written: “The danger which the old Maryland priests had feared had proved no delusion. Bishops and others in Europe were urging appointments to sees in this country, ignorant of the actual state of affairs and of the qualities required. Archbishop Troy of Dublin was the center of these movements, and his interference can be traced in Canada and England, as well as in the United States.” Shea, *Life and Times of the Most Reverend John Carroll* (New York: John G. Shea, 1888) 664. For a more recent analysis of Archbishop Troy, see: Vincent J. McNally, “Who is Leading? Archbishop John Thomas Troy and the Priests and People in the Archdiocese of Dublin: 1787-1823,” Canadian Catholic Historical Society, *Historical Studies* 61 (1995):153-170. Available online at: <http://www.cchahistory.ca/journal/CCHA1995/McNally.pdf>, accessed October 25, 2015.

<sup>13</sup> Quoted by: Michael O’Riordan, “Royal Veto,” *Catholic Encyclopedia* (1913), XV. Available online at: [https://en.wikisource.org/wiki/Catholic\\_Encyclopedia\\_\(1913\)/Royal\\_Veto](https://en.wikisource.org/wiki/Catholic_Encyclopedia_(1913)/Royal_Veto), accessed October 25, 2015.

<sup>14</sup> For discussion of the “Maynooth Grant,” as it has often been called, see: Guilday, *Life of John England*, I, 73-75.

<sup>15</sup> See Guilday, *Life of John England*, I, 109.

<sup>16</sup> A quite literary biography of O’Connell that forcefully presents his passion for Catholic emancipation and also treats his feelings towards both Castlereagh and supporters of the veto is: Sean O’Faolain, *King of the Beggars* (New York: Viking, 1938). For a more recent biography of O’Connell, see Patrick M. Geoghegan, *King Dan: The Rise of Daniel O’Connell, 1775-1829* (Dublin: Gill and Macmillan, 2010).

<sup>17</sup> For additional treatment of O’Connell’s early friendship with John England, see: Guilday, *Life of John England*, I, 107-123. In later years, after he had become bishop of Charleston, England and O’Connell would not be of one mind on the question of slavery, or more precisely the abolition of slavery. The most complete treatment of England’s views on slavery may be found in: Peter Clarke, *A Free Church in a Free Society* (Hartsville, SC: Center for John England Studies, 1982), 390-413.



<sup>18</sup> At the time of the 1798 rising, Roman Catholic bishops such as Troy and Moylan roundly condemned Irishmen who took up arms against the Crown, with Archbishop Troy even levying the penalty of excommunication on any Roman Catholic who did so.

<sup>19</sup> Bishop Francis Moylan's brother, Stephen, immigrated to America in the late 1760s and settled in Philadelphia where, in 1771, he was the founding president of the fraternal organization, The Friendly Sons of Saint Patrick. Stephen Moylan was a patriot, held several ranks in the Continental Army, and participated in many battles of the Revolutionary War.

<sup>20</sup> Guilday, *Life of John England*, I, 111. It is likely that England was active in opposition to the veto question even prior to his ordination in 1808.

<sup>21</sup> *Ibid.*, I, 92.

<sup>22</sup> *Ibid.*, I, 91.

<sup>23</sup> England's tenure in Bandon, short as it was, saw his winning the affection of local residents, Protestants as well as Catholics. England himself would later write: "When I was leaving Ireland, I received, in my own parish in Bandon, from the friends of civil and religious liberty, a public dinner, the president of which was a Presbyterian and one of the vice-presidents a Protestant of the Church of England, and several of the gentlemen who attended were of other persuasions. They kindly added a valuable piece of plate, with a suitable inscription, as a testimony of their regard for me, not so much as a clergyman, but as a friend to my country." Quoted in: Guilday, *Life of John England*, I, 112.

<sup>24</sup> See Guilday, *Life of John England*, I, 92.

<sup>25</sup> When the original American diocese of Baltimore began to be divided into suffragan sees, starting in 1808, the principal, if not the only, reason was the growth of Catholic populations in other cities. This was not the case, however, twelve years later for either Richmond or Charleston. Rather it was a need to forestall potential schism in these southern cities, a consideration that, while certainly interesting, is beyond the scope of this essay. For details, see Guilday, *Life of John England*, I, 164-261.

<sup>26</sup> For additional information about John Carroll, see: Peter Guilday, *The Life and Times of John Carroll*, 2 vols. (Westminster, Maryland: The Newman Press, 1954). Hereafter: *Life of John Carroll*. John Gilmary Shea's work, cited above in footnote 13, is also quite helpful. One further anomaly: while John Carroll and Charles Carroll were cousins, their relationship was not through the family of John Carroll's father, but rather through that of his mother, the former Eleanor Darnell.

<sup>27</sup> Shea, *Life of John Carroll*, 39.

<sup>28</sup> See *ibid.*, 249.

<sup>29</sup> John England's career in the United States will be impacted in a serious way by the French Revolution. That uprising forced many Roman Catholic bishops to flee their native France and they soon became likely candidates for assignment to new and expanding dioceses in the United States. As will shortly be seen, John England had difficulties with at least one of these French expatriates.

<sup>30</sup> A recent study that explores this aspect of John Carroll is: Maura Jane Farrelly, *Papist Patriots: The Making of an American Catholic Identity* (New York: Oxford University Press, 2012). See also: Guilday, *Life of John Carroll*, 202-299.

<sup>31</sup> It has been said that John England's youngest sibling, Joanna Monica England, born in 1801, was a religious, but this is unclear. She remained with her brother in Charleston, assisting in his ministry, until she died there of Yellow Fever in 1827.

<sup>32</sup> The ship *Thomas Gelston* was built in Ireland at Portaferry, Co. Down, shortly after 1815 in a shipyard known as Gelston, Watson, and Company, one of two major ship builders there. When England sailed aboard her to Charleston in 1820, it is likely she was under the command of Captain Alexander Strachin, a man who held a part interest in the vessel and would sail her primarily between Belfast and various Canadian ports, although she is known to have visited Philadelphia in 1817 and 1818 and even made a return visit to Charleston in 1822. On a visit to Quebec in 1834 she is recorded as having 317 passengers aboard, and in 1819 she made a westbound crossing from Belfast to Saint Andrews, New Brunswick, in a mere 20 days. Thomas Gelston himself (1769-1843) was a part owner of the vessel named after him. The Gelston, Watson shipyard went bankrupt in 1823, and the fate of the vessel *Thomas Gelston* is not known, although records show her transporting Irish immigrants to Canada during the days of *An Gorta Mór*, the Great Famine of the mid-1840s. For further information about nineteenth-century transatlantic travel, see: Edwin Guilett, *The Great Migration* (New York: Thomas Nelson and Sons, 1937).

<sup>33</sup> St. Mary's Church is still an active Catholic parish on Hassel Street in Charleston, but the current edifice was built in 1838 after a fire destroyed the original structure that had been built in 1806. For England's own account of his voyage to Charleston, see: *Diurnal of the Rt. Rev. John England from 1820 to 1823* (Philadelphia: American Catholic Historical Society, 1895) 2-5.

<sup>34</sup> *The Gospel According to St. Luke*, Chapter 2, Verse 40. (Translation of Ronald Knox.)

<sup>35</sup> For treatment of England's relationship with Marechal, see: Guilday, *Life of John England*, I, 68-110.

<sup>36</sup> See Guilday, *Life of John England*, I, 221. Marechal's objections to these episcopal appointments are also discussed in: Lou F. McNeil, *Recovering American Catholic Inculturation* (Lanham, MD: Lexington Books, 2008), 67-69.

<sup>37</sup> Carey, *Immigrant Bishop*, 80.

<sup>38</sup> The most detailed treatment of Marechal's negative, even hostile, views toward England's desire for a provincial council of America's Catholic bishops can be found in: Guilday, *Life of John England*, II, 68-110. The First Provincial Council of Baltimore was eventually called in 1829, but by James Whitfield who became Archbishop of Baltimore after Marechal's death in 1827.

<sup>39</sup> Richard J. Madden, *Catholics in South Carolina* (Lanham, Maryland: University Press of America, 1985), 39.

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> For additional treatment, see Guilday, *The Life of John England*, I, 283.

<sup>43</sup> St. Patrick's parish, in Washington, was established by Bishop Carroll in 1794, and the church where Bishop England preached was completed in 1809 and designed by Irish-born James Hoban, the architect of the White House. St. Patrick's remains an active parish to this day, but the current church dates to 1884 and was not the site of England's Christmas sermon in 1825.

<sup>44</sup> In 1820, the chamber in which the United States House of Representatives met was within the main portion of the Capitol Building. It is today known as Statuary Hall, and every four years it is the site of a celebratory luncheon following presidential inaugurations.

<sup>45</sup> The “infallible tribunal” is the Roman Catholic Church, and the second person pronoun refers to John England himself.

<sup>46</sup> *The Works of John England*, IV, 184. The entire discourse runs from page 172 through 190 in the Reynolds edition of England’s writings. It should also be noted that, as was his practice, the written text of his address before the U.S. House of Representatives was transcribed by Bishop England some days after its delivery.

<sup>47</sup> For the text of then-Senator Kennedy’s remarks, see <http://www.americanrhetoric.com/speeches/jfkhoustonministers.html>, accessed October 25, 2015.

<sup>48</sup> Clarke, *A Free Church in a Free Society*, 227.

<sup>49</sup> Additional treatment of England’s constitution may be found in Guilday, *Life of John England*, I, 299-379; Clarke, *A Free Church*, 227-312; Carey, *Immigrant Bishop*, 114-28.

<sup>50</sup> For a treatment of Archbishop Hughes and how ultramontanist became a more dominant theme in the American Catholic church than the idea of episcopal collegiality, see: John T. McGreevy, *Catholicism and American Freedom* (New York: W.W. Norton, 2003), 51-54.

<sup>51</sup> For treatment of how episcopal collegiality was discussed during the Second Vatican Council, see: John W. O’Malley, *What Happened at Vatican II* (Cambridge, Massachusetts: Belknap Press, 2008), 180-185, 208-209, 302-305.

<sup>52</sup> Mary McAleese, *Quo Vadis: Collegiality and the Code of Canon Law* (Dublin: Columba Press, 2012), 158.

<sup>53</sup> Apostolic Exhortation *Evangelii Gaudium* of the Holy Father, Francis. Given at Rome, November 24, 2013, No. 16.

<sup>54</sup> *Ibid.*, No. 32. The full text of *Evangelii Gaudium* is available online at: [http://w2.vatican.va/content/francesco/en/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20131124\\_evangelii-gaudium.html](http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html), accessed October 25, 2015.