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# FORDHAM LAW REVIEW

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## WHAT ARE WE REALLY FIGHTING?

REV. ROBERT I. GANNON, S.J.†

IN OTHER and happier years at this Solemn Mass of the Holy Ghost, the Red Mass which marks the opening of the Courts and begs the blessing of God on Bench and Bar, we used to select a topic which had a definitely legal aspect. It was meant, of course, as a compliment to the distinguished justices and lawyers who always come here to Monsignor Cashin's hospitable church as guests or members of the Catholic Lawyers' Guild. Today it seems almost an affectation to speak to any group of American Catholics as anything but American Catholics. Doctors, lawyers, educators and bankers, meeting in the shadow of a national crisis, seem to be strangely stripped of their professional markings—almost as they will be at the Day of Judgment. So, looking down this morning on rows of the finest legal talent in the City of New York, I can see only creatures, sons of God, whose inalienable right to liberty and the pursuit of happiness is being threatened; Americans who are depressed by the same anxiety that troubles the soul of Your Excellency, Most Reverend Archbishop, the same anxiety, which extended not only to the United States but to the whole disintegrating world, is breaking the heart of the Holy Father.

This anguish of foreboding may be a recent thing to you, my friends, but it is an old story to His Excellency and part of the Pope's inheritance.

†President, Fordham University.

Sermon delivered at the Red Mass, celebrated at the Church of St. Andrew, New York City, October 1, 1942, under the auspices of the Guild of Catholic Lawyers.

EDITORIAL NOTE: The Red Mass is celebrated at the beginning of the court year "to invoke the blessings of God and to seek Divine guidance." In the United States, the celebration of the Red Mass was inaugurated in New York in 1928 by Rt. Rev. William E. Cashin, and is annually attended by Federal, State and Municipal judges, public officials and lawyers. Today the Red Mass is celebrated in Massachusetts, California, Illinois, Pennsylvania and the District of Columbia.

The first celebration of the Red Mass traces back to Rome or Westminster, its exact place of origin being in doubt. But it is probable that it was celebrated in England in the Thirteenth Century during the reign of King Edward I and was revived in England during the episcopacy of the late Cardinal Vaughan. Watts, *The Red Mass for Judges and Lawyers* (1942) 67 AMERICA 712; PULLING, *THE ORDER OF THE COIF* (1897) 3, 70, 252-253.

You may have noticed that almost every time the Vicar of Christ is referred to in ecclesiastical letters, he is called "our much afflicted Pontiff". It has almost become a stock phrase, like gracious majesty and noble lord. For the same title was used in referring to his predecessor, the indomitable Pius XI, in fact to all his predecessors in modern times. Leo XIII, I suppose, was the only Pope in a hundred years who did not die a broken hearted man. By way of exception, his declining days were happy ones. They came as a kind of lull before the storm, at a time when well earned diplomatic victories led him to believe that the worst was past. All the others were physically crushed fighting against a movement long unrecognized by the outside world, but now at last coming to a head. It has been a kind of holy rivalry in suffering, but with the possible exception of Pius IX, none has carried a heavier cross than the tall, slight, majestic figure with the ready smile and the luminous eyes who is toiling this very morning at his desk in the Vatican. No one will be surprised if he dies a martyr of charity, and in the chaos that may follow the end of hostilities, it is not impossible that his blood will be shed for the Faith. Such thoughts, however, are the last and the least of his anxieties. His Excellency the Archbishop, who worked with him in Rome so long and faithfully, could tell us how many worries and sorrows were weighing on his heart even ten years ago. But overshadowing every specter that comes to haunt him now is the realization that something worse than paganism is stalking the streets of the modern world, grinning at us with its mask off and its visor up, and that because of this, Western Civilization is trembling in the balance.

Some might be tempted to say—"and what is so dreadful about that? After all, the roadsides of history are strewn with the wrecks of other civilizations—Persian, Egyptian, Carthaginian. We never shed any tears for them." Very true. In fact, we thank God for their fall. A triumphant Persia would have snuffed out the light of Greece before the torch could pass on to Italy and to us. Carthage, with its appalling devil worship, would have burned the laws of Rome and left Europe to the degradation of human sacrifice. Egypt would have spread its tyranny and death-like delta mud all over the aspirations of free men. But Western Civilization is a different thing. If men would only try to understand its ideals even now, they would find that it has in its heart the principle of life, of eternal life; that stripped of all the cruelties and stupidities with which the free will of man has encrusted it, it is essentially the best thought of Greece, the genius of Rome, and the tradition of Judea, baptized and informed with a new spirit, the spirit of Christ. At certain periods of history this spirit has shone through like an inner

flame. At other times, we have seen only a heap of shabby remnants, remnants of Athenian philosophy and Roman law. Most modern generations have simply neglected the flame or forgotten it. Today, for the first time since the Turks were halted at Belgrade, we see armed forces struggling to quench it.

This comes as a shock, and yet, we should have expected it. We should have known that as men sow, so they must reap. Dreadful seed was sown through the 18th and 19th Centuries. We are simply reaping the harvest of their masquerading atheism.

We call it masquerading because it appeared under so many disguises that its own patrons hardly recognized it and would never have taken responsibility for its logical conclusions. The Rationalists and the Materialists of the so-called Ages of Enlightenment and Progress were willing enough to see the crucifix torn from the walls and God banished from His own universe, but they wanted to hold on to liberty, inalienable rights and human dignity. It was the fashion to grow nostalgic for classic paganism and the atheism which followed it in the decline of Greece and Rome; to admire the dancing figures on a marble vase and sigh for the joy of the ancient Greeks; to speak contemptuously of the shadow that was cast on the world by the Pale Man of Sorrows hanging on His Cross. In other words, our late intellectuals, surrounded by all the benefits and traditions of Christianity, were so far from the reality of classic atheism in point of time that they had forgotten what a hideous thing it was. They had forgotten its slavery, its child murder, its degradation of women, its gross and scandalous immorality in public life. Now, at last, they see it as it really is. For Hitler is simply showing the world in his own inimitable way the logical conclusions of its atheistic premises. Now we can see more clearly what the early Christians had to struggle with when we see what Christian survivors in Germany are struggling with today. Modern atheism has produced there an even greater cruelty and superstition than St. Boniface found in the black forests of the early tribes, and greater ignorance, too. For learning is leaving Germany with Christ as it entered with Him, and what little is left is becoming worse than none at all, just as an illegibly scribbled page is more useless than a clean one.

We see, too, what the same spirit has done to Germany's dearest friends, the Japanese. Once upon a time they were, as a people, high minded, generous and devout. When our Fathers first went to the Orient as missionaries, in the 16th Century, they wrote to Rome that here was the most fertile field for Christianity in the whole East. Apostolic times seemed to be renewed on earth, so eager were the people, and many of the kings, for baptism. That they were heroically sincere we know from

later history. For in the persecutions begun by the terrible Taico-Sama, 200,000 native Japanese suffered martyrdom for the name of Christ. But something has happened in the meantime. In the 19th Century, Japan was opened up again to commerce, and too many of her scholars sought the meaning of life in the German universities of the day. There they absorbed the cancerous spirit of the modern world and brought back new German gods to mingle with the gods of Nikko: Paulsen, Kant, Schopenhauer and Nietzsche. The result has been that even before Pearl Harbor, our later missionaries found that there was not a more difficult people in the world to convert than the once receptive and spiritual Japanese.

Here in the United States we have gone through a phase very similar to Japan's, in effect and in point of time. For sixty years ago a plot was set afoot by our own intellectuals to despiritualize our country systematically. These plotters, often charming and inspiring men, are best described, I think, as saboteurs. They were not the clumsy, stupid sort that recently landed high explosives on Long Island and paid for the adventure with their lives, but like most of the recent type, our early saboteurs were native and naturalized Americans who poured into Germany in a steady stream from 1880 to 1914 in order that they might sit at the feet of German professors in schools of philosophical sabotage and then return to the United States with enough philosophical T. N. T. to blast the religious foundations of our American civilization. Often enough they returned with the avowed intention of taking Christ out of the hearts of American youth and of erasing the very name of God from the laws of the land. Some of these men became university professors. Some became great jurists. Some are great jurists today, and their national prestige has been such that the American people have not recognized them for what they are. Many of them belonged to a class known in Medicine as "carriers", people, that is, who spread contagion without being sick themselves. You have, I am sure, rubbed elbows with learned and affable judges who would rather die than perjure themselves, and yet these same men have adopted as their philosophy, principles of rationalism and positivism which by eliminating the Divine Law and objective truth, eliminated all solid grounds for condemning perjury. So too with many of our university professors. Living model lives themselves, they have none the less robbed their students of every sound motive for model living. Thus we have today not mere carelessness, not anti-clericalism, or spiritual ignorance, but positive atheism spreading throughout the United States, spreading throughout the world. This is perhaps the principal reason why the Holy Father, speaking last Spring on the Silver Jubilee of his Consecration as a Bishop, did not attempt to mediate be-

tween the warring powers. Twenty-five years ago he carried the Papal terms to the German Kaiser, his young heart full of hope, filled with the conviction that even rulers could be guided by reason. Now in his full maturity, brooding over all the desperate attempts from various quarters to keep the civilized world from open suicide through Christless leagues, Christless pacts, Christless conversations, all following the Christless treaty which began an armistice that never became a peace, Pius XII, known all his life as a brilliant diplomat, seems to have laid diplomacy aside as useless in the present chaos. He realizes that there can be no lasting peace until there is a common language of the heart, until what is right and noble and just to one, is right and noble and just to his adversary, a meeting of minds that can have only one safe basis, the law of God.

This basis, of course, cannot be restored to international relations overnight. But everyone here can help in his own small, humble way to bring it at least a little nearer. For the one prayer that is needed most in the present slaughter can come with sincerity from the heart of every man who believes in a Personal God. There are some who cannot say the Apostle's Creed because they do not accept the Catholic Church or the Communion of Saints or the forgiveness of sins. Some cannot say the "Hail, Mary" of the Angel Gabriel, because Grace gives them difficulty, Divine Maternity is too much, and they don't believe in angels anyway. The Sacrifice of the Mass, with all its beauty and majesty, supposing as it does a Catholic attitude of intimacy with the Person of Our Lord, is out of the question for many, is, in fact, incomprehensible except for one short part. Midway between the Consecration and the Communion, the priest, with hands outstretched in the ancient way, repeats a prayer word for word as it fell from the lips of Our Lord, "*Pater noster, qui es in coelis*", "Our Father, Who art in Heaven". That alone seems to strike a chord of almost universal harmony, for The Lord's Prayer can be shared in by every non-atheist in the world. Here, then, we have the first step in working out a plan of ultimate peace. Bring men to pray to one Father as a father, and they will some day be praying, with other men, as brothers. That will not mean the end of quarrels and bitter misunderstandings. Such can exist among brothers in the flesh and among brothers in the spirit as well. But it will mean an end of atheism as a dominant influence. It will mean the end of the peculiar horror and universal destruction of this atheistic war.

That such is the best description of the present conflict, better than "global war", "Peoples' war", or "war for the four freedoms", is growing daily in the consciousness of America. Growing, too, is the realization

among God-fearing people of every faith that atheism is a kind of treason, that only a man who believes in God can make any sense out of the Declaration of Independence and the Constitution of the United States, that only a humble servant of God can talk about real liberty, that only a child of God can know the meaning of human dignity. This much is pure gain. It means that in one respect at least we are already winning the war. For we are beginning to recognize as a nation that the real enemy of democracy is Atheism, whether it be adorned with a black swastika, a red star or a Ph.D. There will be further gain when it dawns on the people of the world that in this total carnage all the armies involved on both sides have a common enemy more deadly than the visible hosts advancing against them. But there will be lasting victory only when the same familiar prayer arises from every capital in Europe and America, ending with "Lead us not into temptation but deliver us from evil. Amen."