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William D. Guthrie

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MEMORIAL OF CARDINAL MERCIER

An Address Delivered at House of The Association

By WILLIAM D. GUTHRIE, A. M., LL. D.

President of The Association of The Bar of The City of New York.

Supreme among the lessons of the World War was the renewed vindication of the truths that the spiritual is mightier than the material, that no nation can violate cardinal moral laws with impunity, that the higher the ideals obtaining in any country, the more steadfast it will be in the face of danger and oppression and the higher it will rise in patriotic sacrifice, and that the true grandeur of any people is not to be sought in their resources, their wealth, their armament, or their science, but in their moral character and their soul. For the purpose of testifying to the appreciation by the profession of these truths and of the debt of gratitude to their noblest exponent, this memorial ceremony is being held tonight by The Association of the Bar of the City of New York.

Of the seven names of illustrious men on our rolls as honorary members only two are not those of world-famed jurists. The first of these two is that of Desideratus Cardinal Mercier, Prince of the Roman Catholic Church, Archbishop of Malines and Primate of Belgium, and the second, Ferdinand Foch, Marshal of France. It is just and fitting that these two names should be linked together, for the soldier was likewise a great moral force and was the champion of international justice.

Cardinal Mercier's election to our membership on October 10, 1919, was the first time in the history of the Association, covering half a century, that anybody not a lawyer had been so honored. Senator Root sent an inspiring letter which should be recalled, as he unfortunately is unable to be here and join us in the tribute we are now paying. Cardinal Mercier was pro-

foundly stirred at the reading of this letter during the course of the memorable reception tendered to him in this building, and he requested that he be given the original as a souvenir of his gratification at the compliment paid to him by our profession and by so famous an American jurist and statesman as Elihu Root. Four years later when I visited Cardinal Mercier at the Archbishop's Palace in Malines, he referred to his reception by us and expressed his pride at having been made an honorary member of our Association, and he mentioned as among his treasures the letter from Senator Root and the beautifully engrossed copy of our unanimous resolution electing him to honorary membership. He showed me the resolution framed and hanging in his dining room with the signatures of Mr. Milburn as our President and Mr. Strong as our Secretary; and there I have no doubt it was hanging until the end within his daily view for constant reminiscence and testimonial.

"I should be glad," Senator Root then wrote, "to testify to my admiration for that great Prelate, and to my gratitude for all that he has done and all that he has been in the terrible struggle out of which the world is now passing. I should especially like to support the motion upon which I understand your Committee has agreed, asking his consent to be made an honorary member of the Association of the Bar.

"Cardinal Mercier seems to be the chief outstanding figure illustrating and personifying the deep underlying truths for which the peaceful nations of the West fought the Great War, and for which millions of their sons laid down their lives. His country so free from selfish purpose and so staunch in maintaining its good faith against overwhelming odds was stricken down. No physical force remained to support him; but with high courage, possible only to a pure and sincere nature, amid privation and distress, and in imminent danger of death, confronted by a cruel and brutal despotism which held his body within its power, he gave voice to the conscience, the humanity and the sense of justice of Christian civilization. He was the embodiment of moral power standing alone and undefended. His clear and fearless appeals for the right against foul wrong stirred the better instincts of men the world over, and by the

compelling force of a great example lifted them up to the level of sacrifice and daring.

"The underlying truths of the moral world are the same in all relations. They are the same in the religion of which he is a minister, in the moral philosophy of which he has been so long a teacher, and in the foundations of the jurisprudence which this Association seeks to make a living force in the administration of the law among a free self-governing people.

"By membership in this Association, Cardinal Mercier would but join himself to a group of his brethren co-workers with him in the same great cause; and how proud we should all be if upon our rolls we might be associated with his revered and ever-to-be-remembered name."

Equally eloquent and elevating was the fine address of welcome by our President, Mr. Milburn. I can only quote a few lines, but they are typical of the beauty of the whole. For example, he said:

"We have assembled to greet a great and good man; a great prelate, patriot and statesman, the lustre of whose personality and deeds in the war that has just closed is a shining light for all time. It is most appropriate that this institution representing the bar of the City of New York should pay homage to so valiant a champion of right and justice. We extend to him the heartiest of welcomes. Words are too feeble fully to express the reverence and admiration in which we hold him, or, what is deeper still, the love we bear him, for is it not love that his bountiful and beautiful spirit engenders?"

". . . I have heard him described as the moral and spiritual hero of the war. That is just what he is. No soldier or statesman of the war is so intimately stamped on our imaginations. To find a parallel we have almost to enter the region of romance. We followed him in his work and deeds and ministrations; we heard his voice across the sea, and we knew that what he said was true. One word from him was more potent than tons of enemy propaganda."

It was natural, indeed, that Cardinal Mercier should value the esteem of the American bar. The moral philosophy that he had taught at the University of Louvain for so many years embodies the essence of those fundamental principles which

are the basis of all systems of jurisprudence. To the maintenance of these principles the ancient and noble profession of the law, *la noblesse de la robe*, has ever been dedicated. These principles animate the laws of all civilized countries, and everywhere inspire and enlighten men in the administration of justice. Blackstone declared in his famous commentaries that moral philosophy, or what in his day was called the law of nature, was the best and most authentic foundation of all human laws, and he added that, twenty-four centuries ago, the Greeks taught that jurisprudence, or the knowledge of the law, was the principal and most perfect branch of ethics.

It would be instructive and inspiring to examine anew the doctrines that Cardinal Mercier, in the chair of philosophy at Louvain, taught to the students attending that famous university. A study of these lofty teachings would explain how it came about that little Belgium rose during the World War to the highest and proudest moral grandeur of national honor, patriotic sacrifice and spiritual endurance of any country in history, and how her scholarly and saintly spokesman was able to uplift his clergy and people above the desolation of their ruins and smoking ashes, inspire them with dauntless courage and fortitude, and pronounce condemnation upon the violations of international law and of the rules of civilized warfare then being perpetrated by the invaders of innocent and blameless Belgium.

For many years prior to the war, Cardinal Mercier had taught those who were to be the statesmen and leaders of Belgium in her terrible ordeal, and through them her valiant and loyal people, that patriotism, with its deep sense of national honor, was the highest of the natural virtues, that the prince of philosophers of antiquity, Aristotle, had held disinterested service to the state to be the very ideal of human duty, that the religion of Christ had made patriotism and self-sacrifice for country a positive law, and that there was no perfect Christian who was not also a perfect patriot. His famous pastorals during the World War only repeated what he had for many years before been inculcating.

And whilst emphasizing in his lectures and writings that the sublime philosophy he taught had developed under Christian influences and should in consequence properly be called

Christian philosophy in contradistinction to Pagan or Judaic philosophy, Cardinal-Mercier always instructed his pupils, as he sternly admonished his clergy and people during the invasion of Belgium, that they should bear in mind that Christianity had no monopoly of moral virtue, or constancy, or philanthropy, or patriotism in any of their several manifestations, that modern thought owed an immeasurable debt to Paganism and Judaism, that before the Christian era the *pietas* of the Romans had been a beneficent and holy motive force, that the foundations of Christian philosophy had been laid by the Hebrews even more than by the Greeks and the Romans, and that Christ had been reared in accordance with the Mosaic Laws, and had built upon the Ten Commandments of Mount Sinai, whose authentic record was to be found in the Old Testament of the Jews. Equally elevating was his refutation of the alleged conflict between science and religion, which has ever been a subject of controversy, and is as old as Christian theology; but he insisted that in essentials there was no conflict, that each occupied quite its own, that whilst on the one hand religion had its mysteries which pass human understanding and are believable only through faith, on the other hand nature, the domain of science, has its mysteries likewise which in the providence of God had long remained undisclosed, or were being but slowly discovered, and yet seemed at first to be insoluble and inexplicable. And finally he loftily preached that charity, tolerance and reverence made up the master-key of the human mind. Truly, Cardinal Mercier taught as a philosopher not only of the grove or of the chair or of the pulpit, but of life in all its aspects and complexities, amidst all faiths, and among those who disagreed as well as those who agreed with him.

Nowhere will there be found a truer exposition of the essential underlying principles of international law and jurisprudence than in the immortal pastorals that Cardinal Mercier during the German invasion addressed to the Belgian people and through them to the world under the titles of "Patriotism and Endurance," at Christmas, 1914, "An Appeal to Truth," written to the Cardinals and Bishops of Germany, Bavaria and Austria-Hungary on November 24, 1915; "For Our Soldiers," delivered from the pulpit of the famous Church of Sainte Gudule at Brus-

sels on the National Fete, July 21, 1916; "Belgium Enslaved," on October 19, 1916, indignantly protesting to the German Governor-General von Bissing; "Christian Vengeance," on January 29, 1917, sent to the deans of his archdiocese for their guidance; and "Courage, My Brethren," read on Sexagesima Sunday, 1917, on the eve of our intervention, in which he spoke so stirringly of the moral grandeur and uncompromising patriotism of his nation. These pastorals are now part of the evidences of international and municipal law, and among the classics of those fundamental juristic conceptions which should always govern the rights and duties of men and of nations.

Cardinal Mercier's fame as a teacher of philosophy at Louvain early became world-wide, and thirty odd years ago, the Catholic University in Washington made every effort to induce him to take the chair of philosophy there and bring to America his learning and the inspiration of his philosophical teaching. But the then Professor Canon Mercier and his colleagues felt that, however great might be the service he could render in America, his duty was to remain at his post in Louvain and continue his task there, and he did so. No one conceived of the splendid service that he would be called upon to render in the greatest and most destructive of all catastrophes that ever befell his country, greater even than during the conquest by the Romans two thousand years ago. Providence had wisely decreed that this great teacher of moral philosophy should become the very incarnation and personification of the heroic virtues of the Belgians and the Allies and the instrument of the complete vindication to all on earth of the spirit of patriotic sacrifice and of the truth and comfort and sustenance of moral philosophy and religion, incidentally teaching anew, of his own heroic country, as Caesar had taught the Romans—*Horum omnium fortissimi sunt Belgae*.

When Cardinal Mercier visited America in September and October, 1919, he was acclaimed by all classes and all religions as the dominant personality as well as the foremost spiritual figure of the World War. His reception in New York surpassed in heartfelt testimonial of admiration and esteem that ever given before to any visitor. All revered and sought to honor him. Judge Hughes was selected to be the spokesman of the City of

New York at the great banquet given on October 7, 1919, by the Merchants Association, and with surpassing nobility of diction and elevation of spirit he expressed the veneration of the whole city. I shall read you a few extracts from his uplifting address, which made a profound impression upon all who were so fortunate as to have the privilege of hearing him.

"With unanimity of sentiment which effaces all differences of race or creed, with a profound sense of obligation as well as with esteem and sincere affection; we pay this tribute to this champion of humanity, this exponent of invincible courage and undying faith. We have met here not merely to recognize achievement, but to pay our tribute to heroism, to the victory of an intrepid spiritual leadership.

"It is the moral strength of Belgium that furnished one of the greatest resources at the command of the Allies in the late war. That moral strength was not an abstraction; it was the strength of men and women willing to endure and to suffer. It was the strength of a people willing to die rather than be dishonored. But that strength needed a voice in the midst of the reign of brute force; justice needed a voice in that awful carnival of lust and rapine; humanity needed a voice. At a time when wickedness was doing its worst, religion needed a voice. It was Cardinal Mercier who spoke for justice and humanity. The guns of the Huns could silence Antwerp but they could not silence Mercier. Physical force can meet and overthrow physical force, but physical force cannot meet and overthrow spiritual force deriving its sustenance from faith in an everliving God who makes for righteousness."

The tributes paid to Cardinal Mercier by Root, Milburn and Hughes verily expressed our own deep sentiments, and raised high and noble standards to which all could repair and which all would want to emulate. Proud was the bar of this great city, state and nation to have such eloquent and high-minded spokesmen to voice the admiration, gratitude and affection of the American people.

This building is dedicated to justice, the supreme interest of mankind. Cardinal Mercier's visit was its consecration and benediction. It deeply and indelibly impressed upon our minds the immeasurable splendor and glory of the principles of human

conduct and duty which this great and renowned spiritual leader and prelate, whose passing we mourn tonight, had fearlessly preached amidst the horrors and desolation of war and in defiance of powerful and ruthless invaders of his country. We all reverently bow our heads—many would kneel—in veneration of the memory of the noblest and most heroic teacher of moral philosophy and of the ruling principles of universal justice that the world has yet known, who emerged triumphant and immortal from darkness and misery of one of the greatest catastrophes and cruellest subjugations recorded in history.