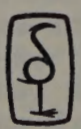
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THE HOLY SEE AND THE INTERNATIONAL ORDER

Hyginus Eugene Cardinale
titular Archbishop of Nepte
Apostolic Nuncio to Belgium, Luxembourg
and the
European Economic Community



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General Notions on Papal Diplomacy

1. Definition of Papal Diplomacy

Two factors are to be taken into account when speaking of papal diplomacy. On the one hand, a papal envoy is entrusted with an ecclesiastical mission to the local Church; on the other hand, he is charged with a diplomatic mission to the State to which he is accredited. Because of the specific object of this treatise, it is the latter mission we shall endeavour chiefly to explore in the following pages.

Papal diplomacy may be defined as the system which, in accordance with the rules of both ecclesiastical and international law, governs the relations between Church and State with a view to ensuring their harmony and co-operation and thus promoting lasting goodwill, understanding and peace among all peoples.

Papal diplomacy is described both as a science and an art. As a science, it is based upon theological and juridical principles, which are drawn from the teachings of the Church, the Apostolic Primacy and the consequent necessary relationship of the Pontiff to the universal Church, as well as from the general principles of politics and of natural, internal and international law, to the basic precepts of which, in its own way, it closely conforms. As an art, it implies the application of intelligence, experience and tact on the part of the papal envoy to the conduct of official relations between the Holy See and the different States and international Organisations. In other words, all the training and skill of the papal diplomatist is called upon to secure the promotion of the common good by harmonising the temporal claims, concerns and needs of the subjects of international law with the divine teachings of the Gospel, the spiritual and moral ideals of religion and the inalienable rights of man.

2. Aims of Papal Diplomacy

The Code of Canon Law, published in 1917, gives priority of place to

the papal representatives' relationship with the secular powers. This in fact had assumed special importance over the previous centuries, when papal emissaries carried out their activities principally with the political authorities. Though contact with the secular power still remains one of their main functions, there is increased emphasis in present times, as we shall see in detail later on, on their relationship with the local Church, corresponding better to the earlier spirit of papal legation. Thus it is that Paul VI's *motu proprio* on the duties of representatives of the Roman Pontiff, *Sollicitudo omnium Ecclesiarum* published on 24 June 1969,[1] establishes that

> The primary and specific purpose of the mission of the pontifical representative is to render ever closer and more operative the ties that bind the Apostolic See and the local Churches. (Art. IV §.1).

It then adds:

> Upon the Pontifical Representative also falls the duty of safeguarding the interests of the Church and of the Holy See in his relations with the civil authorities of the country where he exercises his office.

It is not so much a question here of establishing a hierarchical order of functions, but of stressing the Pope's pre-eminent position as the visible head of a spiritual society.

Within the range of papal diplomacy come all those questions in which Church and State, though from a different angle, have a common interest. It aims above all at ensuring respect for the rules and requirements of divine law and ecclesiastical order so as to guarantee the freedom of action indispensable to the Church for the accomplishment of her universal mission on behalf of all mankind. Thus the problems regarding the situation of the Church in a given country call for the primary attention of the papal envoy. His mission however also includes the moral, cultural and social problems which belong to the major interests of mankind such as the respect for human rights, the promotion of international order, the development of friendly ties among all nations through peaceful co-existence, through respect for justice and the promotion of human progress.

In its broadest outlines and essential function, papal diplomacy is thus in agreement with the general aims of diplomacy which, according to the International Diplomatic Conference of Vienna (1961),[2]

1. See app. no. 1, p. 314.
2. See app. no. 8, p. 397.

tends ultimately to secure the reconciliation and unification of the world through the peaceful and prosperous growth of individual States, solidly held together in the family of nations by rational, humane and juridical relationships. Papal representatives however do not limit the exercise of their diplomatic function to the ecclesiastical and political spheres. Their commission extends to the fields of development and ecumenism, where their activity is no less conducive to the attainment of peace among all peoples.

The Holy See is the only Organisation which can authoritatively entrust its diplomatic agents with a mission which, being at once religious, political and social is entirely dedicated to peacemaking at the principal levels of human activity. It is their duty to set in operation the whole machinery of the Church's teaching, action and membership in their respective areas for the good of mankind. This is why the Church has from time immemorial made use of diplomacy as a medium of communication and collaboration with individual States and international Organisations. In fact, the papal system of diplomacy is the most ancient in existence in our day. While working over the centuries side by side with secular diplomacy in the political arena, it has left its evangelical imprint on the latter by orientating it towards, and strengthening it in, the pursuit of universal peace, based on justice and charity as the prerequisites of international harmony, order and co-operation.

Most of the nations of the world, from their early beginnings, have judged it useful and opportune to maintain diplomatic relations with the Holy See. This practice finds its justification in the fact that they agree with the Church that such relations really serve the common good of society. Church and State have thus experienced mutual advantage in making use of the reciprocal official representation of competent agents in order to co-ordinate their efforts in advancing the great cause of mankind.

As Paul VI told the members of the diplomatic missions accredited to the Holy See at the presentation of their New Year greetings to him in January 1969, Church and State exercise their activities at different levels. The State pursues interests of the temporal order, while the Church pursues goals which are mainly of the spiritual order. Here we touch upon a characteristic aspect which is found only in the Church–State relationship, namely the encounter of the temporal and the spiritual. This difference of levels, rather than compromising, guarantees the chances of a happy collaboration, because the two parties involved complement one another when, far from pursuing constrasting or divergent interests, they find themselves in agreement on the essence of the goals to be attained. These goals are of two kinds: the good of each nation, taken indi-

vidually; and the common good of mankind. The Holy See does not seek any personal advantage in its relationship with an individual State, but rather the spiritual good of the people themselves whose temporal welfare is principally the concern of political leaders. The spiritual and temporal good of mankind are not opposed to each other. Rather, they are harmonised within the overall vision of the person and of a well-ordered society. Church and State therefore normally ought to find it easy to establish the terms of a harmonious collaboration. As regards the common good of all humanity, the problems which confront the modern world are indeed too grave not to call for the concerted action of all men of courage. It is a question definitely of guaranteeing the human rights of all men, of promoting the interests of the weak and unprotected, of educating people to collaborate with one another, of achieving disarmament, of causing liberty and justice to reign everywhere, and especially of establishing and preserving peace and brotherly love among all members of the international family.[3]

Anyone who is familiar with the great work for peace achieved by the Holy See in recent times, from Benedict XV (1914-1922) to Paul VI, will be easily persuaded that there is much need for a disinterested witness of word and action, such as only the Church of Christ can bring, in the difficult sphere of diplomatic activity.

But the Church's work for peace is not limited to the political area. It also extends to the socio-economic and inter-religious spheres.

In fact, it is impossible to achieve peace in the political order without first solving the problems connected with the development of peoples and the equitable distribution of riches in the world. Mankind has never been more aware of this need than at our present time. Before the First World War countries known as colonies were often considered mainly as objects of exploitation. Little effort was made to raise their standard of living. The prospect of their independence was a far way off. Two world wars have brought nations closer than ever to one another. Countries which were considered of a lower international status made a notable contribution in manpower and natural resources toward the triumph of the cause of justice and freedom. Their true cultural values and potentialities became progressively better known and appreciated by independent nations. All this contributed to the recognition of their natural right to independence, which they have been gradually granted. But sometimes a blind eye was cast upon their natural right to live with at least a minimum of the welfare with which other countries are blessed. Meanwhile independent nations with well-exploited indus-

3. *Insegnamenti di Paolo VI*, Vatican City, 1970, vol. VII, pp. 22–23.

trial and agricultural resources have become increasingly richer to the point of owning more than three-fourths of the world's wealth. The differences entailed by such imbalances are so divisive that the poor countries have been cut off from the other 'two worlds' of the privileged by the unhappy denomination of 'third world'.

The problems of development in the poor countries have absorbed the attention and efforts of the Holy See ever since Pope John XXIII (1958-1963) placed the Church in the forefront of the war on moral and material want. Accordingly the Holy See has undertaken an unprecedented campaign aimed at awakening the consciences of the privileged nations and stimulating them to responsible action, in order to remove the economic and social inequities of the developing countries. For there can be no possibility of a lasting peace while those glaring international imbalances continue to exist. Pope John's initiatives were carried further both in word and deed by Pope Paul VI. In his great encyclical *Populorum progressio* (1967)[4] he pleaded for the needs of the developing countries. He appealed for the setting-up of a world fund for their development to be drawn from contributions made possible by a progressive and reciprocal reduction of armaments. He established a special Commission for Justice and Peace to study further ways of assisting them and is setting an example by providing those countries with direct assistance in financial aid and trained manpower. He instructs his representatives throughout the world to awaken the awareness of men as individuals, and as national groups, to unite and work for the shaping of a happier world for all peoples, based on social justice and mutual assistance. For their part, the developing countries have shown their confidence and appreciation of the Pope's concern. Among them the majority of Afro-Asian countries have established diplomatic relations with the Holy See at the ambassadorial level. In their struggle against underdevelopment everywhere and always, and especially in time of crisis, they look to the Holy See as an ally, who is willing to speak out for them and to protect and help promote their national interests, as Paul VI has repeatedly said in public utterances during the many trips he has undertaken to Africa, Asia, America and Oceania.

A third area of diplomatic activity, which is specifically reserved to the Church, is that of ecumenism. Until recently ecumenical activity was conceived as something internal to the different ecclesial communities concerned with solving problems of doctrine and discipline in view of attaining organic communion in one universal Church. It is now clear that ecumenical activity cannot ignore the

4. *Insegnamenti, etc., Encicliche*, 1974, pp. 81–119.

broader problems which confront the world today, especially those related to social justice and peace.

Generally speaking, the Catholic Church has been conspicuous for her absence from the ecumenical scene until the advent of John XXIII to the papacy. His inspiring evangelical example of brotherly love and his courageous breakthrough, the Second Vatican Council's clear and balanced teachings about Christian unity, and Paul VI's imaginative and tenacious ecumenical initiatives have at long last brought the full strength of Catholicism into the orbit of the ecumenical movement.

In Paul VI's words, 'ecumenism is a good work for peace and unity' in the world. The Anglican-Catholic common declaration, signed by the Pope and the Archbishop of Canterbury in 1966, expresses the hope that with progress towards unity there may be a strengthening of peace in the world.[5] While ecumenism considers the unity of Christians as its ultimate goal, it also strives to create the conditions in which men of good will may peacefully live and collaborate regardless of their religious convictions. Hence the setting-up of the Secretariats for non-Christians and for non-Believers side by side with the Secretariat for Christian Unity. Through the constant penetration of the idea of religious peace into different cultures, it is hoped that awareness may be restored to the human family of its common origin and destiny and an end may be put once and for all to the horrors of religious wars, the seedbed of which were the religious differences and intolerance of the past.

The promotion of the common good and of the unity of the human family, allowing all nations, social groups and individuals ready access to their own fulfilment, belongs to the innermost nature of the Church's activity. Papal teachings therefore encourage all sound initiatives in the ecumenical area that, by developing social relationships and collaboration with all men, lead to the establishment of an organic order of society in every country whereby citizens enjoy the maximum benefit with a minimum of inconveniences. A greater solidarity among Christians is called for by the decree on Ecumenism of the Second Vatican Council which states:

> Since modern times are the witness of the commencement of extensive co-operation in social work all men are called to a community of labour. All the more reason then for those who believe in God to co-operate, and most of all Christians, since they carry the special distinction of Christ's name. The co-operation of all Christians is the living expression of the attachment which

5. H. E. Cardinale, *Signs of the Times and Ecumenical Aspirations*, London 1967, p. 18.

> already connects them. . . . This co-operation has already been initiated in many countries; it must be increasingly perfected, especially in areas where social and technological evolution is the order of the day: co-operation in the correct evolution of the dignity of the human person, in the promotion of peace, in the application of gospel sociology, in securing the advance of the sciences and the arts in a Christian spirit, in the provision of every kind of cure for the troubles of our day – famine, disasters, illiteracy, want, house shortage, inequality on the distribution of goods.[6]

As Pope Paul VI said in his 1966 Christmas message:

> Peace is not an independent good, but a resultant and derivative that presupposes and calls for an antecedent good which is none other than order, justice, and harmony of things.[7]

Peace is not built up only by political means. The Holy See therefore mobilises its representatives to partake in all those international activities that, in conformity with its mission, are conducive to bringing about the context in which true peace can spring and flourish. By its activity in the political area, it seeks to help States to regulate their mutual relations by reason, justice and law, and not by force, deceit or fear. By contributing to the solution of social and economic inequities, it does its best to serve the world in need. By establishing a fruitful dialogue in truth and love with all believers, it aspires to make this world a better one to live in under every aspect. This is the spirit that the Holy See desires its official agents to be prompted by as they work in the different areas assigned to them 'for the good of the world, for its interests and for its salvation' as builders of bridges of communication at the highest level between the Church and the world.[8]

The specific aims of papal diplomacy have been defined several times by Pope Pius XII, since his first message to the world on 3 March 1939, in which he said:

> We invite all men to enjoy the peace of a tranquil conscience in the friendship of God, the peace among nations brought about by mutual brotherly help, by friendly collaboration and by cordial

6. *Decree on Ecumenism*, C.T.S., London, 1965, p. 19–20. //12.
7. *Insegnamenti, etc.*, 1967, Vol. IV, p. 647.
8. H. E. Cardinale, *The contribution of the Holy See to World Peace in the Areas of Diplomacy, Development and Ecumenism* in *The Vatican and World Peace*, Gerrards Cross, 1970, pp. 79–121.

agreements for the sake of the higher interests of the great human family.[9]

Addressing the journalists of the Foreign Press Association in Rome, 12 May 1953, the same Pope declared:

> The Holy See is the supreme authority of the Catholic Church and hence of a religious society whose goals are to be found in the supernatural and in the world beyond. Nevertheless, the Church lives in this world. Each of her sons and daughters, 400 million Catholics, belongs to a particular State and people.[10] It is always one of the essential tasks of the Holy See to see that, throughout the entire world, normal and if possible, friendly relations may reign between Church and State, so that Catholics may live their faith in tranquility and peace and that the Church may at the same time, provide for the State that solid support which it constitutes wherever it is allowed to carry on its work.
>
> Consequently political events have their repercussions also on the Church and on the Holy See, but only indirectly in the measure in which, often in a sudden and radical way, they alter the situation of the Church in a country. Yet the Church does not wish to be and is not a political power using political means for political ends. It is a religious and moral power, whose competence extends as far as the bounds of the religious and moral sphere, and this in turn includes the activity of free and responsible man, both as an individual and as a member of society.[11]

The ideals which inspire papal diplomacy were further described in the following terms by Pope John XXIII, when thanking the members of the Diplomatic Corps accredited to the Holy See for their congratulations on the occasion of his 80th birthday (4 November 1961):

> Permit Us also to take this opportunity of telling you once more how much We esteem you all personally and how much We appreciate the lofty mission which you fulfil before Us.
>
> This mission, we still consider more than ever, is to work in collaboration with the Holy See, in the name of your governments,

9. *Discorsi e Radiomessaggi di Sua Santità Pio XII*, Tipografia Poliglotta Vaticana, 1955, vol. 1, p. 6.
10. The latest statistics (1972) give the number of 683 million baptised Catholics in the whole world. Cf. *Annuarius Statisticuu Ecclesiae 1972*, Typis Polyglottis Vaticanis 1974, pp. 44–56 and 128–137.
11. *Discorsi e Radiomessagii, etc.*, vol. XV, pp. 141–142.

in order to promote the true welfare of your respective nations. In the light of current events this collaboration seems to Us to be increasing in importance.

Indeed, there is no lack of reasons which cause Us to fear for the future of mankind, as your Dean has discreetly hinted in his address. But he also very rightly reminded Us of the duty, incumbent upon all men, to make the best use of the time given them to work in the cause of peace, civilisation and true progress. For Our own part, We try to work for these ideals with all the means at Our disposal, knowing that in so doing We are only following the age-old tradition of Our predecessors. In fact, as you know, the Holy See has always been at the service of souls. The Roman Pontiffs, by virtue of their spiritual mission, consider themselves the guardians and promoters of all those values which contribute to the moral elevation of mankind, and to the reign of peace in the world. It is towards this end that they have ceaselessly directed their own labours throughout history, and those of the Church's children scattered all over the world.

They have always acted so with a clear perception of the incomparable dignity of man – this privileged being who bears the reflection of divine light on his forehead – and with the desire of helping him to accomplish his sublime destiny.

As We see you before Us today, representing so many States, Our heart fills with joy at the thought that so many great powers in this world intend to support the efforts of the Apostolic See towards this end. This is for Us, we say most sincerely, a profound satisfaction and a solid reason for confidence in the future.

May this helpful collaboration between the Holy See and your Governments ever increase, in extension and in depth, so that more and more justice, liberty and brotherhood may reign among men.[12]

3. Necessity of Papal Diplomacy

It would be wrong to conclude from the above that the practice of diplomacy is considered essential to the accomplishment of the Church's mission. There should indeed be no reason for retaining such a practice, if it could be replaced by some other equally lawful

12. *Discorsi, Messaggi, Colloqui del Santo Padre Giovanni XXIII*, Vatican City, 1963, vol. IV, pp. 15–16.

but more useful and efficient means of communication with State leaders. But the fact is that the practice of diplomacy, appropriately adapted to the needs of the present age, still remains one of the most effective means to be used in the interests of peace and collaboration among all peoples. Thus the Church continues to make use of the diplomatic art not because she considers it to be indispensable, but because experience has taught her that it is a valuable instrument for the promotion of her mission in the world. It would be a loss for diplomacy in general if papal diplomacy were to disappear from the international scene not so much because of any technical proficiency that the Church might display, or any success attending its efforts . . . as because of the ideal from which it takes its departure and towards which it tends, the universal brotherhood of men.[13]

Papal diplomacy is a human institution to be used in so far as it may be helpful in attaining the Church's ends. Its abolition would not involve the transgression of any canonical or theological principles, since the Pope would always retain his divinely founded right to send official representatives to the local Churches in the whole world, which is quite different from the dispatching of diplomatic envoys to States and governmental Organisations.

During the pontificate of Pius X, when the diplomatic system of the Holy See was under considerable constraint, the suppression of papal diplomacy appears to have been urged in some Catholic quarters, even with a view to underlining the eminently religious character of that saintly Pope's reign as compared with the allegedly more political aspect of his predecessor's pontificate. But it was soon clear that such a measure would have been inopportune in itself and also in the impression it would have conveyed of a surrender on the part of the Church to the unlawful claims of some States in the grave spiritual issues which were at stake in the conflict between the two parties. It was in fact thanks especially to the work of Church diplomats that many of those very issues found an acceptable solution once relations were resumed on a regular basis. It is known that even the London *Church Times* in its issue of 21 August 1914 censured the recent policy of Pius X, who had only just died, for having recourse to the 'worldly methods of diplomacy' in lieu of 'evangelical directness'. Viewed at a distance of some sixty years, history's appraisal of that hectic period is much fairer than that of the Anglican weekly's editorial.

13. See Mgr. G. B. Montini's speech to the Pontifical Ecclesiastical Academy in Rome (25 April 1951), pp. 295–305.

4. Relevance of Papal Diplomacy

The relevance of papal diplomacy is better shown in a negative way, by expounding and replying to the objections raised against it.

Controversy over the papal nuncios and other representatives is not a distinctive phenomenon of our times. It has often resounded over the centuries, and as astonishing as it may seem, it was often originated by leading prelates themselves. The stand then taken by them, beginning with the controversy which flared up in Germany, Austria and Switzerland in the last quarter of the XVIIIth century, was that the presence of a papal nuncio, armed with Church power, was in violation of the rights and privileges of the local Catholic Church in the different countries. Other objections were raised, especially during and after the celebration of the Second Vatican Council. As Pius VI's brief *Responsio . . . super nuntiaturis apostolicis* of 1789[14], so Paul VI's apostolic letter *Sollicitudo omnium Ecclesiarum*[15] did not appease the objectors of 1969 and thereafter.

The objections to papal diplomacy, as they are raised today, for the greater part reflect the objections of old. They come under various headings. They may be classified as theological, juridical, structural, ethical, historical and ecumenical. We shall go through them in some detail, not with the intention of engaging in a useless polemical exercise or construing an apologia for papal diplomacy, but in an effort to give a satisfactory reply to the various objections. And to start with, we should like to pay tribute to those good and loyal Catholics who, bearing in mind the supreme good of the Church, have voiced their reservations, and have thus helped those responsible for the papal diplomatic system deepen their reflection on the practice of diplomacy by the Church and place it even more in the context of the Gospel and of the doctrine of collegiality, emerging from the conciliar documents.

a) The theological aspect

We shall start with the objections based on theological considerations.

The relationship between the Pope and the bishops, Rome

14. *Sanctissimi Domini Nostri Pii Papae VI responsio ad metropolitanos Moguntinum, Treverensem, Coloniensem et Salisburgensen super nuntiaturis apostolicis*, Rome, 1789.
15. See app. no. 1, pp. 309–318.

and the local Churches is one of the main topics of the conciliar documents. It was precisely in view of the pastoral office proper to bishops that the Fathers of the Council requested that the duties of papal legates be more clearly defined.[16] The whole decree *Christus Dominus* was intended to provide a pastoral and practical statement on the office of bishops in the Church according to the theological principles laid down in Chapter III of *Lumen Gentium*.[17] It is the opinion of some objectors that the papal system of official representation, diplomatic or otherwise, does not take this theological approach sufficiently into account.[18]

It is in this sense that it has been said that there is a pressing need for the study of an adequate theology of the relationship between primacy and collegiality, especially with regard to the function of nuncios. This raises in concrete, it is added, the whole problem of the relations between Rome and the episcopal Conferences. What is required is a more balanced theological perspective in this connexion. It is regretted accordingly that the presence of the Pope in the local Churches is envisaged as bound primarily to the presence of the nuncios, while it actually occurs at a deeper level, such as that of the eucharistic celebration, the communion of the local Churches with each other and with the See of Rome and their participation in universal concerns.[19]

Undoubtedly the correct collegial understanding of church government is essential. But it is not fair to say that the apostolic letter *Sollicitudo omnium Ecclesiarum* virtually takes no account of collegiality. It may not mention the term, but it certainly contains its fundamental concept which consists in 'an intense exchange of relations' between the Pope and the bishops and the local Churches entrusted to them. This is achieved, the Pope says, not solely by correspondence, but by his own visits to various parts of the world, a larger representation in the Roman Curia of persons coming from various nations, by the Synod of Bishops offering the Pope the aid of episcopal counsel in the whole world, by the bishops' own regular visits *ad limina* to the Pope, and finally the dispatch of papal representatives to the local Churches. These envoys are repeatedly directed to provide a valuable service to the local bishops, the priests,

16. *Christus Dominus, Decree on the Pastoral Office of Bishops in the Church*, C.T.S., London 1966, p. 11, 9.
17. *Lumen Gentium, Dogmatic constitution on the Church*, C.T.S., London 1965, pp. 27–46.
18. See, among others, Lukas Vischer, *The Holy See, The Vatican State, And The Churches' Common Witness: A Neglected Ecumenical Problem* in the *Journal of Ecumenical Studies*, May 1975, pp. 617–635.
19. *The Suenens Dossier* edited by José de Broucker, Indiana, 1970, p. 257 and *passim*.

the religious and all the faithful, who should find in him a support and safeguard. It is stated that his mission does not put itself above the exercise of the power of the bishops, nor does it take its place or hamper it, but respects it and even re-inforces it and sustains it with brotherly and discreet counsel. Furthermore, one must be wary of pushing the theology of the local Church too far, as Paul VI warned the bishops gathered at the Synod in Rome in October 1974, when he said:

> We sincerely rejoice at the increasing vitality of the particular Churches and of their ever more manifest will to assume all their proper responsibilities. At the same time we hope that proportionate care will be taken so that . . . no harm will come to the firmness of the "communion" with other particular Churches and with the successor of St. Peter . . . the foundation and sign of the unity of the Church.[20]

A theology of the local Church which does harm to this organic communion could, in the long run, threaten the position of the Universal Church as a subject of international law, by placing her on the same level as the Churches of other traditions, which because of their national structure do not enjoy international juristic personality. It could thus deprive the Catholic Church of the capacity it now possesses to carry the Gospel message authoritatively to the whole world from a plane which is not inferior or subject to that of the States.

b) The juridical aspect

The papal diplomatic system, it is adduced, makes the local Churches appear as administrative departments, with a certain autonomy but under the supervision of a centralised network constituting a parallel hierarchy, as if local churches were subdivisions of the universal Church directed from above.[21] Furthermore it confirms the approach to the Church as a *perfect society,* while present day theology is developing in the direction of a 'profoundly different outlook on the relations between the spiritual and the temporal'.[22]

20. *Acta Apostolicae Sedis,* LXVI, 1974, p. 636.
21. *The Suenens Dossier,* p. 258.
22. Yves Congar, O.P., *The Role of the Church in the Modern World,* in V. Vorgrimler, New York, 1969, pp. 202–223.

The whole system, on the other hand, diminishes the prestige of the episcopal Conferences and legitimate electoral bodies, not making it possible for the bishops to direct their dioceses freely 'under the authority of the Pope as their proper ordinaries and immediate pastors'.[23] A papal representative can, in fact, intervene at any moment in the name of the higher authority not only in their debates, but also in their decisions. An instance often stressed is the nomination of bishops, which remains an essential function of nuncios today.[24]

A careful study of the *motu proprio* on the functions of papal representatives will easily dissipate such fears as those of seeing the local Churches as subdivisions of the universal Church, whose head would use his envoys to cripple the legitimate authority of the bishops. As for the traditional concept of the Church as a perfect society, this has to be seen and understood in a juridical context of the relations of the Church with the State. It constitutes the Church's ultimate defence against the interference of the State in its affairs. We shall deal with the subject later on.

Finally, no one who has read the *Norms on the appointment of bishops in the Latin Church,* published in 1972, could sensibly believe that papal representatives possess despotic powers in this connexion.[25]

c) The structural aspect

'It is time to put the representation of the Holy See in the various countries in the hands of patriarchs and bishops designated by their respective national Synods and Conferences. They would have a better knowledge of the language, history and social, political and religious life of their respective countries.'[26] This objection, raised at the Vatican Council, was further voiced and developed by other ecclesiastics, calling for a profound adjustment of the papal diplomatic system. The distinction was advanced between the two functions of a nuncio, one diplomatic as an ambassador of the State of the Vatican City, the other religious, as a decentralised member of

23. *Christus Dominus, etc.,* //2, 3 and *passim.*
24. *The Suenens Dossier,* pp. 40, 182–184, 191–195.
25. *A.A.S.,* LXIV, 1972, pp. 387–391.
26. The Bishop Joachim Ammann at the Second Vatican Council. See Floyd Anderson, *Council Daybook Vatican II,* Washington 1964, p. 187.

the Curia whose task it is to watch over the carrying out of canonical regulations and to supervise bishops.

It was accordingly suggested to dissociate the two functions by entrusting the diplomatic duties to a layman and the religious ones to a native of the country who knows its customs and its language, and with a merely temporary mandate. The native would be more welcome to the bishops, who would be ready to accept a measure of supervision, provided it was exercised in the right manner.[27] According to some, the nuncios' tasks could be taken over by the episcopal Conferences themselves; and to others, the president of each Conference could assume the function of nuncio, including representation of the Church to the Government of his country.

Here again we are confronted with an old objection, rehashed for modern usage.

John Carroll, the first bishop in the United States and Archbishop of Baltimore (1789-1815), expressed the view that the only connexion the Church in the United States was to have with Rome was to acknowledge the Pope as spiritual head of the Church, without interference; if there need be an intermediary, he would be an ordinary national bishop, 'in whose appointment Rome shall have no share.'[28] John Lancaster Spalding, Bishop of Peoria, spoke of 'the fixed and strongly-rooted desire, which exists throughout the whole English-speaking world, to manage as far as possible one's own affairs.'[29] This view was also held by Cardinal Henry Manning, Archbishop of Westminster (1865-1892), whose firm opinion it was that there is nothing a nuncio could do for the Church which the humblest priest on the spot could not do, and that more safely, surely and directly, without provoking suspicion or fear.[30]

The distinction between the two functions of a nuncio, the ambassadorial and the religious one, is correct, but it is wrong to present the nuncio uniquely as an ambassador of the Vatican State. He is primarily an ambassador of the Holy See, as we shall see further on.

It would be unwise to entrust these two functions to different representatives. Apart from the needless multiplication of personnel that would entail, it would emphasise beyond need the exercise of the papal right of external legation. Whether acting as a representative to the State or to the local Church, the nuncio is exercising, above

27. *The Suenens Dossier*, pp. 39–40.
28. *John Carroll to Charles Plowden, 10 April 1784*, in Thomas Hughes S. J., *History of the Society of Jesus in North America, Colonial and Federal*, London 1917, Doss. 1, 11, 619–620.
29. See James Hennesey, S. J., *Papal Diplomacy and the contemporary Church*, in *Thought*, New York, March 1971, p. 63.
30. Edmund S. Purcell, *Life of Cardinal Manning*, London, 1895, vol. 11, p. 743.

all, a pastoral mission at different levels. These two representations are intimately connected, since the aim of the diplomatic function in the Church is always, ultimately, religious and spiritual. There have been instances when the two functions were separated, and the ambassadorial duty was entrusted to a layman. Experience however persuaded the Holy See of the non expediency of such a practice. On the other hand, as Henri de Riedmatten writes, the world of international relations accepts without difficulty the idea of official representatives acting on behalf of a spiritual authority responsible for transmitting the Christian Message with all its continuing relevance. But it is also true that, although it welcomes the Catholic laymen who are often members of the missions of the Holy See, it expects these missions to be composed, at least in part and at a responsible level, of priests. The reason is that everyone knows that the Holy See is different in kind from other governments represented and expects papal delegates to appear and to act in a way which transcends the horizons of their colleagues.[31]

Furthermore, the ambassadorial function requires professional training and special skill and experience for the kind of problems nuncios are likely to be confronted with. A local ecclesiastic, who is an outsider to the diplomatic service is not always equipped with those qualities; even granted that he were, he would be more exposed to the danger of undue influences and could not easily place himself completely above national and party politics. Even more, he would lack the protection of diplomatic status, since as a national, he would remain within the jurisdiction of the law of the land: as a result the State could intervene in different ways to paralyse his action. History shows that at all times, and even more during the two World Wars and their aftermath, the voice of papal nuncios was the last to be silenced by the expulsion of the envoy from those countries where religious freedom and other human rights were trampled upon.

The nuncio, it has been rightly said, is not always an obstacle. Sometimes it is he who fills the place which conservatism, or fear, or simply the bishop's political incapacity has left vacant.[32] The voices raised in some countries, as another critic-commentator observes, draw attention to the helpful role of a nuncio in stimulating a phlegmatic or timorous bishop and in pressing through certain pastoral or social ventures encouraged by Rome against the immobilism of a traditionalist milieu.[33] The same author feels the need to

31. Henri de Riedmatten, *The part played by the Holy See in International Organisations*, in *Concilium*, October 1970, pp. 92–93.
32. Hector Borrat, quoted in *The Suenens Dossier*, etc. p. 178.
33. *Ibidem*, Roger Aubert p. 178.

warn against idealising the local Church in contradiction to the admitted excesses of centralisation. Local Churches, he says, are not always equal to the situation. An external control can sometimes be desirable for the greatest good of their religious growth. A stimulus from above can sometimes help local Churches resist some more or less open governmental pressures, opposing truly religious interests, or even help to arbitrate between conflicting tendencies in favour of a more open approach.[34]

d) The ethical aspect

It is a source of shock and of scandal, according to some critics, that the supreme head of the Catholic Church should desire to maintain with governments – some of which are professedly atheistic – the same sort of relations that the temporal powers maintain between themselves. Papal diplomacy, in their view, is an abuse calculated to lead the Church to compromise its spiritual mission by involvement in the political affairs proper to the States. It may even serve to bring religious matters under the direct supervision and control of the State; in fact, in order to survive, it may be advisable not to take a firm stand in defence of the rights of the Church and of man. It is a travesty of secular diplomacy, a mockery, an impossible combination of religion and hypocrisy, which does harm to the Pope's role as a moral and religious leader.[35] It is a heavy financial burden, that the 'Church of the Poor', on which much emphasis is laid today, cannot afford. Many are disturbed when the religious representative of the Holy Father to the local Church, being also a diplomat, lives with a life style definitely affected by this role, regardless of the witness of the Gospel in the world. The nuncio's day to day work has certain analogies with that of a government secret service. He is the man people complain to, the 'letter box' for denunciations, the confidant of malcontents, which all seems very sly and unloyal to the local hierarchy.[36]

Much of the criticism under this heading issues from an outdated idea of diplomacy as a craft which uses language to conceal and not to reveal thought, as wrapped up in pomp and ceremony and bathed in champagne. It is obvious that if such were the case, the Pope

34. *Ibidem*, p. 184.
35. Hennesey, *op. cit.*, pp. 70–71.
36. *The Suenens Dossier*, p. 10.

should immediately dissociate himself from a similar system so as to make the Holy See emerge spiritually and temporally as a healthier institution. But that is not the case, as anyone with a small measure of experience can testify.[37]

The ultimate purpose of the papal system of representation is not political but pastoral and spiritual. There is no valid objection to the use by the Church of legitimate temporal means to reach a legitimate end. The course of papal diplomacy has been a steady and unremitting insistence on justice and charity as the prerequisites of international harmony and peace. The Pontiffs have repeatedly recommended that the life style of papal nunciatures be one of austerity and evangelical simplicity even when they cannot completely subtract themselves from certain social duties. It is true that some malcontents turn to the nuncios to place their complaints with the Holy See, but nuncios are directed to probe such grievances and, with the consent of the plaintiffs, to bring the matter to the attention of the local bishops before taking any action whatsoever.

e) The historical aspect

The nunciature, we are told, in its present form dates back to the sixteenth century, when the Pope was a sovereign of an Italian State and had important political interests to defend across the European borders. It was also a time when the majority of religious questions had to be dealt with on the governmental plane, because of the close bond between throne and altar throughout Europe. Direct communication between Rome and the various local Churches was slow and difficult, often complicated by strict government controls. The nuncio's diplomatic immunity permitted him to ensure first hand exchange of communications between the Holy See and the periphery.[38] The papal diplomatic system seems to conceive the modern world as a new version of the Holy Roman Empire on a vaster scale, which it should keep firmly within its grip. It is inexplicable that any State in turn should wish to support this anomaly in its system. Papal diplomacy no longer has reason to exist after the fall of papal temporal power and the separation of Church and State. In a word, papal diplomacy is an anachronism, and should be suppressed.

Cardinal Manning himself, though trained at the Pontifical Academy in Rome, was sharply critical of the *'tableaux vivants* of diplo-

37. See preamble and article IV, //4 of *Sollicitudo*, etc., app. no. 1, pp. 309–313, 314.
38. Johannes Neumann in *The Suenens Dossier*, p. 183.

matic relations, which were realities in the Middle Ages but now, with nations estranged from the faith, are a mere pageant, intensely provoking to a nation in schism and proud of its independence.'[39] But one can hardly believe that papal diplomacy is an anachronism when one observes how lively and adapted it is to modern needs and concepts, especially in the field of world harmony where the Popes have often taken the initiative to establish peace between war-torn countries. The fact that the exchange of diplomatic representatives on the part of the Holy See with sovereign States and the accreditation of papal envoys to intergovernmental Organisations has more than doubled in the last twenty years is a sign that the modern civilised States do not consider papal diplomacy as a historical relic to be consigned to the archives. The presence of diplomatic missions at the Holy See from countries so broadly diversified in their political allegiances and beliefs, the cordial welcome extended to papal representatives by these countries and by many intergovernmental Organisations abundantly prove that the existing system has succeeded in establishing useful lines of communication and equilibrium in favour of world peace and collaboration and that its suppression in the present historical context would induce confusion rather than clarity in the relations between the interested parties.

It is here worth recalling what Adolf Hitler said in July 1942, in reference to the national-socialist policy concerning diplomatic relations with the Holy See in the post-war Germany of his dreams:

> It will be the duty of the Reichs-Statthalter to make it quite clear after the war that he will deal with the Church in exactly the same way as he deals with any other national association, and that he will not tolerate the intervention of any foreign influence. The papal nuncio can then return happily to Rome, we shall be saved the expense of an embassy at the Vatican, and the only people who will weep tears over the jobs that have been lost will be the foreign office!

Graham comments in this connexion:

> I don't know any briefer and more effective way of illustrating what Vatican diplomacy means for the liberty and unity of the universal Church. This is the voice of the persecutor; his name is legion and he will not be without imitators tomorrow. If we wish to cut off the Pope's right arm, we might as well begin with Vatican diplomacy.[40]

39. See note 30.
40. Robert A. Graham, *Another Point of View*, in *America*, 4 Dec. 1969, p. 711.

If papal diplomacy is of no historical importance in the XXth century, would Hitler have feared it as he did?

f) The ecumenical aspect

According to a number of critics, the papal system of representation, based on the ecclesiological practice of the last century from the time of Pius IX (1846-1878) to that of Pius XII, neglects the communion of the local Churches and their direct exchange with Rome and presents 'central administration' as a 'safer' method of communication. From the ecumenical point of view, especially with regard to the Eastern Churches, one need not dwell on the extent to which the underlying concept of central administration hides the real sense of episcopal collegiality as proclaimed in the conciliar texts. The nuncio's precedence over archbishops and bishops, even in the latter's own dioceses while the former is only a liaison man, reinforces this unhappy picture.[41] Genuinely ecumenical dialogue can be based only on a theology of ecclesial communion, where there is hardly a place for nuncios.[42]

In reality, papal representatives have always been active in the ecumenical area, especially in the Eastern regions. There was a time when they were the only contact between the local non-Catholics and the Holy See. The former have always had direct access to them and have not experienced the difficulties which are mentioned. The apostolic letter *Sollicitudo omnium Ecclesiarum* stresses the Pope's desire to stretch his thought and pastoral care to non-Catholics, to announce to all 'incessantly Christ, who is the way, the truth and the life' and to work that 'there may be one flock and one shepherd.' He therefore directs his representatives to promote, in accordance with the instructions he receives from the competent offices of the Holy See and in agreement with the local bishops and particularly with the patriarchs in Eastern territories, opportune contacts between the Catholic Church and the other Christian communities, and to favour cordial relations with the non-Christian religions as well.[43]

5. Conclusion

The papal diplomatic system has a firm basis in the Church's long

41. Johannes Neumann, in *The Suenens Dossier*, p. 182.
42. *The Suenens Dossier*, p. 40.
43. *Sollicitudo, etc.*, app. no. 1, p. 314, art. IV, //4.

history and in international law. With all its faults, it has been an effective instrument for the good of the Church's mission in the world. The Church cannot ignore the State in which the faithful exist and live, and must be ready to ensure to the faithful all the means necessary to practise their faith in freedom and peace. The Vatican Council has stressed that:

> The political community and the Church in their respective fields are independent and autonomous; but under different titles they are both helping the same men to fulfil their personal and social vocation. The more they co-operate reasonably, with an eye on the circumstances of time and place, the more effectively they will perform this service to everybody's advantage. . . . Certainly, the things of this world and those which in the human sphere go beyond this world are closely bound up, and the Church uses temporal things so far as her mission requires. But her hope does not lie in the privileges offered by civil authority; indeed she will give up the exercise of lawfully acquired rights where she is satisfied that to continue to use them will call in question the sincerity of her witness, or where new circumstances of life call for new arrangements.[44]

There is no doubt that the objections mentioned above may contain even more than a grain of truth. Therefore they should be taken seriously and papal representatives should do their best to dissipate any distrust in this connexion. It is obvious that Paul VI bore them in mind when speaking to his envoys in Asia and Oceania at Manilla on 28 November 1970. He thus spelled out his thought on the need of nuncios to adapt themselves to the evolving role of diplomacy, in the light of new theological insights:

> The nuncio's rôle is also evolving. Until now, the nuncio was little more than the Pope's representative to Governments and Churches. Above all his activity was of a hierarchical and administrative nature; in a certain sense he remained a stranger to the local Church.
>
> Today, the nuncio must place a more pronounced pastoral accent on his work. He too is in the service of the Kingdom of God as it goes forward in the land.
>
> Collegiality means love and shared responsibility, as we said at the opening of the final session of last year's meeting of the Synod of Bishops. You, the representatives of the Pope, must be for the

44. *Gaudium et spes, etc.*, p. 79 Chap. IV, //76.

local hierarchies the living sign of this communion and this solidarity, sharing as far as you can their pastoral preoccupations. Coming from the heart of Christianity, you are the witnesses of the catholicity, that is, the universality of the Christian Message. Sharing as you do in the special charism of Peter, you represent in a privileged way the demands of unity in the desired diversity of expressions of the same faith. By reason of your close attachment to the See of the Head of the Apostolic College, you constitute to some extent a link between the individual Churches of the entire world.

This cannot be conceived without a more fraternal approach to the life of the local Churches. It is your task to find, for each individual case, the practical modes of that approach, in a spirit of service and above all with the consciousness of being the bonds of love.'[45]

45. *Insegnamenti, etc.*, 1970, vol. VIII, pp. 1235–1236.

f) The 'supra-national' character of the Church and the Holy See

Equality and independence are fundamental rights of States in the modern legal conception. Whatever may be the factual situation of inequality in means of existence or extension of territory, all States are equal in international law, since all are endowed with perfect equality of legal rights, equality of voice in the exercise of those rights and equality of protection for them.[31]

The general trend today is towards the according of more rights to well organised combinations of States, which creates the political problem of equalising the individual State with such international Organisations representing a concentration of people, means and power. These developments point increasingly not only towards the equation of organisation of States in the future, but also towards a pre-eminence of such entities over the individual States themselves, so as to give rise to supra-national Organisations.

The concept of supra-national goes beyond the state of co-ordination to that of subordination of States.

The term is generally used in a political context to qualify a body composed of different States and invested with the capacity of imposing its own will on the member States, independently of the consent of the latter.[32] The rulings enacted by such an entity are immediately binding under the internal law system of the member States. Typical examples of supra-national Organisations are the European Coal and Steel Community and the European Economic Community. Article 189 of the Treaty of Rome establishes that 'a directive shall be binding as to the result to be achieved upon each member State to which it is addressed.'[33]

In recent years one finds the term supra-national often used as an attribute of the Church and the Holy See. This is to be understood in an entirely different sense from the meaning of the word used in a political context, where it is perfectly homogenous. For this reason such an attribute should be applied sparingly and cautiously to religious bodies. When applied, the sense is that the Catholic Church and the Holy See, because of their origin and their ultimate aims, occupy a distinct and pre-eminent position in relation to the

31. O'Connell, *op. cit.*, vol. 1, p. 344.
32. For further information on the subject see: Francis Rosentril, *Le principe de supranationalité – Essai sur les rapports de la politique et du droit*, Paris, 1962; J. L. Kunz, *Supranational organs*, in *American Journal of International Law*, 1952; R. Monaco, *Le comunità sopranazionali nell 'ordinamento internazionale* in *Rivista di diritto internazionale*, 1958.; *The Open Society of the Future*, Report of a Seminar to reflect on the network of international associations, Brussels, 1974, pp. 35–36 and *passim*.
33. *Treaties establishing the European Communities*, Luxembourg, 1973, p. 305.

other members of the international community which belong to the temporal order. The Catholic Church and the Holy See are often referred to as supra-national rather than international entities in the sense that by their very nature they are not tied to any particular people, nation or form of political government but carry out a spiritual mission that is universal, i.e. directed to all mankind without distinction. Their strength derives from this diversion of being "supra", i.e. above, all cultural and political forms and open to all peoples and nations. It is in this sense that the term has been used above.

In his 1944 Christmas message, Pius XII explained the supra-national character of the Church as follows:

> The Catholic Church, of which Rome is the centre, is supra-national by its very nature. This is understood in two senses, one negative, the other positive. The Church is a Mother – *Sancta Mater Ecclesia* – a true mother, the mother of all nations and peoples, no less than of all individuals; and precisely because she is a mother she does not and cannot belong exclusively to this people or that, nor even to one people more than to another. She belongs equally to all. As she is mother to all, she neither is nor can she be a stranger anywhere; she lives, or at least by her nature she should live, among all peoples. Moreover, as a mother, together with her husband and children, forms a family, so the Church, by virtue of an incomparably closer union, forms something greater and better than a family, the mystical Body of Christ. The Church is therefore supra-national, in as much as she is an indivisible and universal body.[34]

> In times as troubled as our own the Church, in her own interests and for those of mankind, must do all she can to express her indivisible integrity. Now more than ever before she must be supra-national. This spirit must penetrate and inspire her visible Head, the Sacred College of Cardinals and all the activity of the Holy See which, especially today, is burdened with important duties which concern not only the present but, even more, the future.
>
> This is above all a spiritual question: it is necessary to have the right concept of this supra-nationality, and not to measure or determine it according to mathematical calculations or rigid statistics on the nationality of every individual person. During the long periods of time when, by the disposition of Providence, the

34. *Discorsi, etc.*, vol. VII, pp. 306–307.

> Italian nation, more frequently than any other, gave the Church her Head and many collaborators in the central government of the Holy See, the Church as a whole always preserved intact her supra-national character. And indeed many circumstances, precisely through this means, have helped to preserve her from the dangers which otherwise might have weighed more heavily upon her. We may remember, for example, the struggles for political domination between the national States of Europe and the great dynasties in past centuries.[35]

Although international juridical regulation holds fast to the fundamental principle of the absolute equality before the law of all members of the international community, the Catholic Church and the Holy See are by courtesy generally accorded a special consideration because of their spiritual mission and of the moral values which they proclaim, promote and defend. It is obvious that the granting of *de jure* deanship in the respective resident diplomatic Corps to papal nuncios is based on such a recognition.

g) The terms international, transnational, multinational and extranational, and their applicability to the Church and the Holy See

The above having been said about the usage of the word *supranational* with regard to the Church and the Holy See, we shall now examine the applicability of the terms *international, transnational* and *multinational* to the same.

The term *international* was coined by Jeremy Bentham in 1780 with reference to the branch of law going under the name of 'law of nations.' The use of the term in titles of congresses and associations dates from 1855. The expression 'international organisation' was first employed in 1867 by Lorimer. The appellation itself was accepted by the Académie Française only in 1877 and has long since been assimilated by the general public.[36]

The term refers primarily to a system of relations existing between States as subjects of international law and members of the international community. It also applies to institutions where, as Marcel Prélot explains, it describes 'new collectivities resulting from per-

35. *Ibidem*, pp. 308–309.
36. *The Open Society, etc.*, p. 35.