

Simposio

“Giù le armi! Impariamo dalla storia della Prima Guerra Mondiale – Pace tra realtà politica e utopia”

8 ottobre 2014



**“The Holy See, International Law and the Peace Initiatives
of Pope Benedict XV”**

Lecture of Stefan Schima, Vienna

A. The Term “Holy See”

The term “Holy See” is derived from the Latin term *sancta sedes* which can be equated with *sedes apostolica*.¹ Primarily, this term was probably applied to every bishop's see which was considered as the foundation of an apostle or a pupil of an apostle. During the late fourth century *sedes apostolica* became an exclusive term for the Roman Church. Afterwards, the estates of the Roman See took a form of a territory with state-like structures. It is not easy to explain the nature of a medieval state. Therefore it should be enough to refer to the independence of the so called Papal States during the medieval ages. This independence was damaged often, but basically it has been respected by the rulers of the European countries.

The meaning of the term “Holy See” is not synonymous with the Papal States or the Vatican or the Vatican City State: The Significance of “Holy See” avoids the unconditional link between the papal authority and Rome. This conjunction is not subject of any catholic dogma, but even in the 20th century church dignitaries maintained that Rome was the chosen city of God and some could notice a reference to a *character indelebilis* of God's choice. The terms “Holy See” and “Apostolic See” were often used as synonyms. For instance Cardinal Pietro Gasparri, Cardinal Secretary of State from 1914 to 1930, used the terms in alternative way. Usually he used the term “Ap-

¹ I would like to thank Mag Wilhelm Pfeistlinger (Federal Ministry for Europe, Integration and Foreign Affairs) for having improved the English diction of this manuscript. For the following remarks see *R. J. Araujo*, The Nature and Role of the Catholic Church and the Holy See in the International Order, <http://www.e-ir.info/2013/09/24/the-nature-and-role-of-the-catholic-church-and-the-holy-see-in-the-international-order/> [12. 10. 2014]; *H. E. Cardinale*, The Holy See and the International Order (Gerrards Cross 1976); *G. De Rosa*, Benedetto XV, in *Enciclopedia dei Papi* (Roma 2000), [http://www.treccani.it/enciclopedia/benedetto-xv_\(Enciclopedia_dei_Papi\)/](http://www.treccani.it/enciclopedia/benedetto-xv_(Enciclopedia_dei_Papi)/) [12. 10. 2014]; *O. Chadwick*, A History of the Popes 1830–1914 (Oxford 1998); *J. D. Holmes*, The Papacy in the Modern World 1914–1978 (London 1982); *C. Fantappiè*, La Santa Sede e il Mondo in prospettiva storico-giuridica, *Rechtsgeschichte – Legal History* 20 (2012) 332–338; *S. Gatzhammer*, Der Souveränitätsanspruch des Apostolischen Stuhles in päpstlichen Lehraussagen und in der Kanonistik von 1846 bis 1978 (=Annotaciones in ius canonicum 21; Frankfurt am Main 2001); *J.N.D. Kelly*, Oxford Dictionary of Popes (Oxford 2005); *H. F. Köck*, Die völkerrechtliche Stellung des Heiligen Stuhls. Dargestellt an seinen Beziehungen zu Staaten und internationalen Organisationen (Berlin 1975); *R. Morozzo della Rocca*, Benedikt XV. Der Papst und der Erste Weltkrieg, in *M. Matthaeus/L. Klinkhammer* (Eds.) *Eigenbild im Konflikt. Krisensituationen des Papsttums zwischen Gregor VII. und Benedikt XV.* (Darmstadt 2009) 187–2010; *J. F. Pollard*, The unknown Pope. Benedict XV (1914–1922) and the Pursuit of Peace (New York 2000); *idem*, Money and the Rise of modern Papacy. Financing the Vatican 1850–1950 (Cambridge 2005); *R. Rill*, Die Störung der Translation des Leichnams Papst Pius IX. nach S. Lorenzo fuori le mura am 13. Juli 1881 und die politischen Folgen, *Römische Historische Mitteilungen* 30 (1988) 327–380; *R. Rotte*, Die Außen- und Friedenspolitik des Heiligen Stuhls. Eine Einführung (Wiesbaden 2007); *S. Schima*, „Favoriten haben noch größere Chancen ...“ Beobachtungen zur Entwicklung des Papstwahlrechts des 20. Jh unter dem Blickwinkel der „Nachfolgesouveränität“, *Österreichisches Archiv für Recht und Religion* 52 (2005) 424–492; *idem*, Der Heilige Stuhl und die Päpste, *M. Gehler & R. Rollinger* (Eds.): *Imperien und Reiche in der Weltgeschichte – Epochenübergreifende und globalhistorische Vergleiche I* (Wiesbaden 2014) 725–760; *A. Wynnen*, Die päpstliche Diplomatie. Geschichtlich und rechtlich dargestellt (=Das Völkerrecht. Beiträge zum Wiederaufbau der Rechts- und Friedensordnung der Völker 10; Freiburg im Breisgau 1922); *A. Zanotti*, Benedetto XV e il Codex Iuris Canonici, in *L. Mauro* (Ed.), *Benedetto XV. Profeta di pace in un mondo in crisi* (Bologna 2008) 167–179.

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ostolic See” when he made a written report to the pope and he used the term “Holy See” when he corresponded with secular powers.

B. Some Remarks on the early History of Papal Diplomacy

In a way we can say that the earliest traces of papal diplomacy can be found in the late fourth century and therefore before the exercise of temporal power. Then for more than two hundred years the popes made use of so called *apocrisarii* as their resident agents at the Court of Byzantium.

But from the earliest times the popes were represented by *legati* at great church meetings as the first Council of Nicaea in 325. The title “legate” has been applied to an envoy charged with a special mission. Towards the end of the 9th century the popes began sending envoys to local civil authorities. Those envoys were called *legati missi*. The sending of legations became a characteristic of a papacy which claimed supra-regional power. Pope Gregory VII who ruled in the late 11th century and was famous especially because of the so called “Investitur-Streit”, very often sent his legates to secular and ecclesiastical powers. In his correspondence he uses the words *nuntii e latere Apostolicae Sedis*, which means “nuntii from the side of the Apostolic See” and *nuntii ex latere nostro*, which means “nuntii from our side”.² Though these emissaries fulfilled special diplomatic functions, Gregory VII made the institution of legates an essential tool of the government of the Roman Church.

When a mission was entrusted to a cardinal of the entourage of the pope, this cardinal was called *legatus a latere*. This nuncio was seen as the *alter ego* of the pope. The last cardinal who has borne this title and was sent to a head of a State was Giambattista Carprara. He was sent to Paris, especially to the First Consul Napoleon Bonaparte, in the context of the fulfillment of the concordat of the same year.

It is not possible to specify all types of papal representatives within the framework of this lecture. Only in a short way I can mention the creation of permanent missions at the papal court during the 15th century. The first permanent ambassador of France to the Roman Court was appointed in 1465. Some years later there was appointed a permanent ambassador by Ferdinand of Aragon to Sixtus IV who died in 1484. In 1488 the Venetian Republic established a permanent embassy at the Papal Court.

I also can mention the beginning of the permanent delegation of papal nuncios in a short way. In 1513 a nuncio was sent to Paris by Leo X and in the same year Vienna received a nuncio. In literature there was pointed out, that Leo X was the founder of the modern papal diplomacy. It was Gregory XIII who has become famous for the establishment of the Gregorian Calendar, who transformed the papal legacies in a well-defined organism in 1584.

² *Cardinale*, Holy See 65.

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Now, with Your permission let me enter the Napoleonic Area for two minutes.

C. Napoleonic Area, the papal accentuation on the Sovereignty of the Holy See and the Congress of Vienna (1814/1815)

Regarding the Holy See as sovereign, for the pope it was possible to cultivate diplomatic relations with states even during hard times, when there was not any territorial substrate of the papal reign. After the French Revolution the Papal States were threatened repeatedly. In 1798 they were invaded by French forces and in Rome there was proclaimed republic. Pope Pius VI was brought to France and died in Valence one year later. After the restoration the Papal States in 1800 French troops again invaded in 1808 and remaining territories were annexed to France. Now pope Pius VII was brought to France. In 1809 this pope underlined the necessity of the *temporalis Principatus* which he regarded connected with the liberty of exercising the spiritual power of the head of the church.

The imprisonment of Pius VII was mainly caused by his refusing of the recognition of the so called “Continental System” of 1806. This Napoleonic measure which had consisted in many decrees aiming the reducing of the power of Great Britain by suppressing its trade had been ignored by the pope who had insisted on the independency of the Papal States. We should not undervalue this papal position: At that time the pope was highly esteemed especially by the non catholic powers Great Britain and Russia.

After the defeat of the Napoleonic troops in 1814 the Papal States were restored nearly completely at the Congress of Vienna (1814/15; there was the exception of Avignon and the Comtat Venaissin, which remained part of France). Basically this was a success for the papacy. And the Reglement of Vienna, which was concluded at the Congress in 1815, established an international system of diplomatic ranks. Partially customary international law was transformed into writing. Concerning the ranking of papal representatives, in the Reglement the position of the nuncio as Doyen of the diplomatic body was confirmed. This had been a traditional position within the diplomatic bodies of catholic states. Now also non catholic states recognized this prerogative, which is completely independent from the length of service of the members of this body.

After the Congress of Vienna the formerly preserved neutrality took further joyful effects for the papacy: There were concluded concordats with several states, including Orthodox Russia in 1818 and Protestant Prussia in 1821. But on the other hand Pius VII had refused to join the Holy Alliance of 1815, because he didn't want to subscribe a religious manifesto which also would be subscribed by heretic, respectively schismatic powers.

But altogether the attitude of pope Pius VII during the Napoleonic threat, when the Roman Pontiff had demonstrated his willingness to risk his secular power and had underlined the spiritual accentuation of his exertion of governance, took further positive effects on the papacy: The Cath-

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olic Emancipation which took place in Great Britain in 1829, for a great part was a fruit of papal policy during the Napoleonic Area.

D. The long Pontificate of Pius IX (r. 1846–1878), the loss of the Papal States and the Italian Law of Guarantees of 1871

In 1848 revolts of national and liberal movements broke out and when in 1849 republic was proclaimed pope Pius IX fled to Gaeta, 120 km south of Rome. The pope was able to return to Rome after one and a half year. During the time of political collapse he had often repeated to claim the necessity of the *temporalis Principatus* and quoted his antecessor Pius VII repeatedly.

Pius IX also repeatedly underlined the character of the Church as *societas perfecta*. Following this doctrine, one can see the Church as a self-sufficient community which possesses all the necessary resources to achieve the universal salvation of mankind. This doctrine was regarded as an instrument to explain church-state relations. In the ecclesiastical sphere this doctrine takes root in the works of Thomas of Aquino and Roberto Bellarmino. Amongst others the doctrine was seen to be adequate to justify the existence of permanent papal representations.

After the defeating of the papal army in 1860 at the Battles of Castelfidardo and Ancona, Vittorio Emmanuele took all remaining papal territories except Latium and its capital Rome. In 1870 Rome and the Region of Latium were annexed by Italy and during the following decades the so called “Roman Question” became the predominant theme in the discussions dealing with the position of the papacy. Pope Pius IX considered himself as “prisoner in the Vatican”. His successors Leo XIII (r. 1878–1913), Pius X (1903–1914) and Benedict XV considered themselves in a similar way.

In the Law of Guarantees of 13 May 1871, passed by the Italian parliament, there were expressed rights of the Holy See, including the right to send and receive ambassadors, to whom was granted full diplomatic immunity. In the Law the pope was treated as a ruler of a state. Moreover it contained the offer of an annual financial payment to the respective pope. But the interpretation of the character of the Law of Guarantees was controversial. There are to be mentioned two essential opinions concerning the character of this Law. The famous Italian jurist Pietro Esperson and his followers meant that the Law of Guarantees was only of intrastate importance and therefore the guarantees were revocable by the Italian parliament. This view was also hold by the left liberal government which came to power in 1876. The followers of the other opinion argued that in spite of the intrastate character of the Law of Guarantees it could not take influence on the position of the Holy See. According to this view in the Law of Guarantees there was recognized the sovereignty of the pope, but this recognition could not influence the position of the Holy See. The sovereignty of the Holy See would be part of customary international law. In that way the Law of Guarantees could not be seen as an act of grace granted by the Italian parliament.

E. From Leo XIII (r. 1878–1903) to Benedict XV (r. 1914–1922)

In 1878 Pius IX died and was succeeded by Leo XIII, who seemed to be the contrary to his immediate successor, but I think that there are many reasons to doubt this impression. Of course Leo was far more polite in his contact with secular powers, but in fact on the merits he could be as uncompromising as Pius IX. This characteristic of Leo XIII is for instance manifested in his attitude with regard to the construction of the statue of Giordano Bruno at the Roman Campo deE Fiori in 1889. In his encyclical *Ad apostolici*, published in 1890, the Pope denied Bruno scientific qualifications and called him a malicious person without saying a word of any regret concerning the torturous execution of Giordano Bruno.

We can receive an impression of the “Hardliner” Leo XIII also by glancing at his encyclical *Immortale Dei*, published in 1885. As his immediate predecessor Leo XIII can be regarded as Thomistic revivalist, too. Leo XIII not only affirmed the *Societas-perfecta*-Doctrine by regarding the Church as similar to the state and moreover accentuated the permanent superior position but also continued the serial of popes who gave their critical opinion on Freedom of Religion.

During the reign of Leo XIII there were several practical opportunities to receive an impression of the interpretation of the Law of Guarantees of 1871 by Italian courts and by the government. Indeed there were some practical cases which can be connected with the answer to the question for the characters of the guarantees. The first case to be mentioned is the so called Martinucci-case of 1882. In 1879 the architect Vincenzo Martinucci had done renovation works in the Apostolic Palace. But then he was dismissed by the competent office of the Roman Curia. In this case an Italian national court of appeal held itself competent to adjudicate on a matter concerning the internal administration of the Vatican. Any exception of incompetence would contravene the character of the Law of Guarantees. In this decision there was not denied the sovereignty of the Holy See completely. The national court pointed out the honorary sovereignty of the Pope (“una sovranità esclusivamente onorifica”).³ The court recognized the immunity of the Pope, but it remarked that the exception of lack of jurisdiction raised by the Vatican authorities was inadmissible.

The second case to be mentioned is the moving of the body of Pius IX to the Basilica of Saint Lawrence outside the Walls in 1881. In a night procession the cortege approached anticlerical people who wanted to throw the coffin into the Tiber. The procession had been authorized by the public authorities. There were riots in the streets and for a long time the present militia did not intervene. Only a few exponents of the anti curial demonstration were brought to justice and punished in a mild way. One week after the Roman tumults Ludovico Jacobini, the Vatican Secretary of State, sent a note to the ambassadors of the states in which he remarked that the so called guar-

³ Quoted in *Köck*, Heiliger Stuhl 108.

antees of 1871 were toothless. In Rome the pope would be endangered and he would think about the opportunity of leaving Italy. The Italian government reacted with a circular in which it tried to justify its behavior. Heribert Franz Köck has remarked that this circular indicates that the Italian government considered the tumults of 1881 as a problem which stroke not only the matters of one state and that the position of the Holy See was not only dependent on the unilateral pleasure of Italy.⁴ As a result Heribert Franz Köck asserts that even the Italian practice was influenced by the idea of the international status of the Holy See.⁵

Pius IX had rejected the Law of Guarantees. He and his successors until Pius XI avoided setting their feet outside the walls of the Vatican. We must not ignore the fact that the so called “imprisonment” stimulated a phenomenon which we call “ultramontanism”, takes root in the early nineteenth century. North of the Alps many Catholics had looked into the direction of Rome. One of the reasons was the growing power of national states in Europe. If there was a strong papacy, the local churches would be more immune from interference by their national governments. But above all ultramontanism was a reasonable way of intellectual Catholics to save a free space. In some extent ultramontanism was also an instrument to limit the power of local bishops. To save the own rights it was very easy to follow a power which was far away and this is one reason to say that the Pope had ultimate authority in the Church.

When the pope became “prisoner” of the Vatican in 1870 he in truth became a “martyr” – at least in the view of ultramontane Catholics. Pilgrimage to Rome became much more important, because god-fearing Catholics could visit not only the tombs of the deceased martyrs but also a dungeon with an alive martyr in it, a martyr who always seemed to be in good spirit – assumed that the pilgrims faced Leo XIII, who reigned for a quarter of a century.

Despite the absorption of the Papal States into Italy the sovereignty of the Apostolic See did not cease to exist. During the reign of Leo XIII a number of Catholic and Non-Catholic states requested the services of the pope who had to act as an impartial arbitrator. It was the German Chancellor and devout pietistic protestant Otto von Bismarck who initiated the papal arbitral verdict of 1885, which concerned the Caroline Islands. For the most part the pope decided in favor of Spain. Bismarck had acted the main part in the anti-Catholic “Kulturkampf” (“culture struggle”) which had begun in Prussia in 1871. It is remarkable that one of the most prominent opponents of Pius IX was able to deal with PiusE immediate successor in such a pragmatic way.

With respect to many achievements of Leo XIII someone can say that the sovereignty of the Holy See became more important than during the reign of Pius IX. Leo established 248 sees, 48 vicariates respectively prefectures and two patriarchates. In 1892 he appointed the first Apostolic Delegate to the USA. Though he was able to improve the international prestige of papacy, it was a great disappointment to him that the Holy See was excluded from the First Hague international

⁴ Ibidem 114 f.

⁵ Ibidem 120 f.

Peace Conference in 1899. This conference had been proposed by the Russian Tsar and the Hague Convention of 1899 was the first multilateral treaty which referred to the conducts of warfare. It was the Italian government who intervened against a participation of the Holy See at that peace conference.

In 1903 Pius X succeeded Leo XIII. He adopted this name in remembrance of recent popes who, from his point of view, had bravely resisted persecution. Without question Pius IX had been an example for the new pope who was not willing to continue the policy of appeasing secular governments. This led to a diplomatic break with France in 1904. Pius X protested against the limitation of church influence in Portugal in 1910 and offended the public opinion in the USA when he refused to receive ex-President Theodore Roosevelt after the latter's lecturing in the Methodist church in Rome. On the other hand he succeeded in irritating the Russian and British governments in the way of supporting Catholic requests in Poland and Ireland. In his self-conception Pius X was a religious rather than a political pope. There is no time to specify the measures of this pope taken against the followers of the so called "Modernism", but it is quite clear that those measures neither were convenient to any improvement of the relationship to secular powers.

F. Benedict XV (r. 1914–1922): Success and failure of a pontificate

1. The diplomatic Career of Giacomo della Chiesa

Giacomo della Chiesa, who was elected Pope on 3 September 1914 and therefore only a few weeks after the outbreak of the First World War, had entered in the diplomatic service of the Vatican in 1882. During the eighties he worked together with the latter Cardinal Secretary of State Rampolla who was nuncio to Madrid at that time. Della Chiesa assisted Rampolla in the papal mediation between Germany and Spain on the Caroline Islands. When Rampolla reached the top of his career, Giacomo della Chiesa remained with him. In 1901 della Chiesa became undersecretary of state. Pius X, who was far from being a friend of Rampolla, appointed della Chiesa archbishop of Bologna and this promotion can be seen as an act to get rid of this follower of Rampolla. For a long time Pius X was reluctant to invest della Chiesa with the cardinalate and unwillingly he did so in 1914, three months before his death. This was a remarkable step, because the last non-controversial papal election from which had arisen a person who had not been a cardinal had taken place in 1362. The result of the papal election of 1914 was surprising, but in a way coherent, because the church needed an experienced diplomat for this office.

2. Unquestionable success: The extension of the diplomatic network

In 1913 fourteen states were represented at the Holy See. When Benedict XV died in 1922 twenty five states had established regular diplomatic representation at the Holy See. In comparison with

those numbers there should be remarked that in 1870 fifteen papal representatives were accredited to the Holy See and as much papal representatives were active throughout the world.

Never before had been accredited so many foreign diplomats to the Holy See and vice versa. This considerable increase did not only result from the ruin of the Danube Monarchy and the rising of new states but is also the outcome of a successful papal policy. The countries represented at the Holy See were France, Britain, Germany, Austria, Holland, Belgium, Spain, Portugal, Hungary, Czechoslovakia, Poland, Yugoslavia, Estonia, the Ukraine, Japan, Finland and most of the countries of Latin America.

At the beginning of the War there had not existed any diplomatic relations between the Holy See and France and the Holy See and Britain. When Benedict XV was elected on 3 September 1914, most of European states were unrepresented and some had broken off diplomatic relations with the Holy See a short time ago. The Central Powers however were represented at the Holy See during the whole War. It was logically consequent, that in allied sources the pope was accused of supporting the Central Powers. But on the other hand, Austrian diplomats in Rome maintained that Anglicans, Freemasons and atheists who were citizens of the allied countries were received in a far more polite way than Catholics of the Central Powers.

3. Not very much political scope for the Holy See during World-War I

This development cannot hide the fact, that during the First World-War the political scope for the Holy See was a little one. There was not any other alternative to the adopting of a neutral position. For instance, taking position against the Danube Monarchy would have offended the sensibilities of millions of Catholics, living in a country which was to be seen as a stronghold of Catholicism. Regardless of the ecclesiastic-political tensions which had taken place during the late nineteenth century both in Hungary and in Austria, the pope had to act in a sensitive way. Neither in Hungary nor in Austria this tensions had been as grave as the so called “Kulturkampf”, which had taken place in Germany, and in fact the Danube Monarchy was to be regarded as a faithful daughter of the Church.

There had for instance also to be considered the sensibilities of the Italians, in particular after the entry of Italy into the First World War in May 1915. With regard to this country we should not ignore the diplomatic efforts to baffle the pope’s ambitions against the background of the Roman Question. At April 26 1915 the Treaty of London was signed.⁶ In this secret agreement between

⁶ See Treaty of London 1915, History Database Search, <http://www.fofweb.com/History/HistRefMain.asp?iPin=treaties00097&SID=2&DatabaseName=Modern+World+History+Online&InputText=%22Montenegro%22&SearchStyle=&dTitle=Treaty+of+London+%281915%29&TabRecordTy=pe=Historical+Document&BioCountPass=35&SubCountPass=78&DocCountPass=12&ImgCountPass=1&MapCoun>

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France, Russia, Britain and Italy, the last-mentioned was promised the Trentino, the South Tirol, Istria and a part of the Dalmatian possessions of the Austro-Hungarian Empire. Italy should declare war on Austria-Hungary, which was executed at May 23 of the same year. In this treaty there was also settled the role of the Holy See during peace negotiations. Under article 16 France, Great Britain and Russia committed themselves to “support such opposition as Italy may make to any proposal in the direction of introducing a representative of the Holy See in any peace negotiations or negotiations for the settlement of questions raised by the present war.” The Treaty of London was a secret document. But the Russian Bolsheviks published the text of all the secret treaties they could find in archives of Petrograd in December 1917. We can suppose that article 16 was intended to prevent the Holy See from trying to approach the Roman Question during such negotiations. At the Paris Peace Conference of 1919 the Holy See was only represented by an “observer”.

4. Papal Appeals to cease the War, Suspicions of the belligerent States and humanitarian Achievements

On 8 September 1914 the new Pope directed his first message to the world and denounced war as “the scourge of the wrath of God”.⁷ On 1 November 1914 he published his first encyclical, *Ad Beatissimi* and repeated his denunciation of war.

Already in December 1914 the Pope proposed the discharge of all prisoners of war who were incapable of further military service. One month later the pope proposed that women and all persons under seventeen and over fifty-five, all medical practitioners and all ministers of religion should be returned to their home countries. Until November 1916 almost two and a half thousand German and almost 9.000 French disabled prisoners were repatriated. But also more than 3.000 Belgians were allowed to return to their homes and around 20.000 interned French civilians were released. It was clear that the pope’s requests had been of particular importance. This fact was mentioned in many newspapers. Even after this success it was possible to initiate the release of sick Italian prisoners of war and of German and French fathers of large families.

There must also be mentioned the papal Peace Note of August 1917. Benedict XV demanded disarmament, the omission of any demand for cession of territories and the inauguration of an international arbitral jurisdiction. But these efforts remained without results.

During the World War the Holy See was accused of being in favor of the Central Powers when the Secretariat of State tried to prevent Italy and the United States from entering the war. But on the other hand the Pope publicly expressed his sympathy for the attacked and occupied Belgium –

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⁷ Quoted in *Holmes*, Papacy 3.

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however without any official condemning of the German violation of Belgian neutrality in a public way – and he avoided to express sympathies for the Irish fight for independence. In 1915 the pope condemned the sinking of the British ocean-liner Lusitania, which was torpedoed by a German U-boat.

Benedict XV was often denounced as “Maledetto XV”, the “Boche Pope” and the “Franzosenpapst”.⁸ In a way this can be regarded as a proof of an active policy of neutrality.

But we must not forget that the line of active neutrality sometimes nearly was crossed. By trying to prevent Italy from entering the war, the Holy See tried to achieve an agreement between the Austrian-Hungarian Monarchy and Italy on the base of territorial compensation. This attempt of mediation was part of an active policy to save Catholic interests in both countries. Such policy was appropriate to make waves and of course was criticized by the Allied. At that time many people regarded the World War as a conflict between the freemasonic ruled France, the Anglican Britain and the Orthodox Russia on the one hand and catholic powers – especially Austria-Hungary and the by then neutral Italy – on the other hand.

During the spring-time of 1916 the Roman Curia called upon the German Emperor William II to prevent the advance of Russian troops to Constantinople. This measure was motivated by the curial fear, that the Second Rome and the Third Rome would be allied against the First Rome, which means the papacy. Though of course William II was a Protestant, this step is to be seen in front of the religious, respectively denominational, background of that time.

Even in September 1918 and therefore a few weeks before the end of war the pope encouraged the Emperor Charles I to initiate peace negotiations in order to save the Danube Monarchy. Two months later the same pope asserted not to regret the end of the Habsburg Empire. Being a diplomat Benedict XV was down-to-earth and he realized the necessity of coming to an arrangement with the new states.

By lecturing on the situation of the Holy See during World War I, I should not forget to point out the character of the Vatican as platform of secret agents. At the beginning Benedict XV was faced by the so called “Gerlach Affair”. The Bavarian priest Msgr. Rudolph Gerlach was papal secret chamberlain and one of BenedictEs closest assistants. Gerlach was accused of having maintained contact with heads of the German Intelligence Service via the Vatican diplomatic courier. Also he was accused of having brought financial means which were dedicated for the espionage in Italy in the same way. Benedict, who obviously believed firmly in GerlachEs innocence was criticized by the allied powers.

5. Benedict XV and the 1917 Code of Canon Law

⁸ Quoted *ibidem* 3.

In 1917 Benedict XV promulgated the Code of Canon Law, which was the first codification of the Law of the Catholic Church, especially the Latin Church. Such a codification had been requested by the First Vatican Council. During the reign of Pius X there had been taken concrete preparatory measures. I think that these facts are well known, but another fact must not be ignored: The 1917 Code of Canon Law was the base of a papal centralism which is unprecedented in the history of canon law. In this codification the exclusive papal right of appointing bishops in the Latin Church was enunciated and this was not any matter of course at this time. For instance in the Danube Monarchy there was relevant another legal situation: Generally the emperor respectively the Hungarian government was entitled to nominate bishops and normally the pope was not allowed to appoint another candidate for the bishopric. After the promulgation of the 1917 Code of Canon Law the Roman curia sought to effect concordats which in fact at first were not instruments to preserve regional ecclesiastical characteristics but to enforce centralist principles as far as possible.

In the 1917 Code of Canon Law there was also regulated the papal diplomacy. The Code gave priority of place to the papal representatives and their relationship with secular powers. In this way the traditional focus was held. This focus was changed by Paul VI in his *motu proprio* on the duties of representatives of the Roman Pontiff, *Sollicitudo omnium Ecclesiarum* in 1969.

6. After World War I

Also by recognizing new states the pope acted in a pragmatic way. Mostly the Holy See hesitated for a short moment, before carrying out such an act. The pope waited patiently and after the carrying out of such an act by at least one “great power” the Holy See followed. The first new state recognized by the Holy See was Finland, where nearly not any Catholic interests were to be protected. Also catholic Poland was recognized by the Holy See after the recognition of this Republic by “great powers”.

In 1920 the League of Nations was founded. Benedict XV originally gave his blessing but finally the Holy Sea was excluded from the League. In his encyclical *Pacem Dei Munus* of 1920 the pope complained the secular peace settlement, which in his opinion, lacked of Christian principles of justice.

Regardless of many formal failures of papal diplomacy during the reign of Benedict XV, we can remark that the spiritual reputation of the Holy See had grown and this development was accompanied by a centralizing within the Catholic Church.

G. Final Considerations

In a way Benedict XV had established a papal work of peace, which was continued by his successors. As a sovereign without territorial base, in many respects he could act within a spiritual

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scope, which was wider than the respective scope of most of his antecessors which had. But on the whole we can recognize the pontificate of Benedict XV as an axial age of the unfolding of Roman Primacy which has contributed to an unprecedented omnipresence of the papacy within the Catholic Church. In a way it was Benedict XV who had fulfilled the wishes of so many ultramontane people. But as we had heard before, ultramontane wishes could also be motivated by the request for a powerful papacy which was far away behind more than seven mountains. And the question, whether ultramontane requests still today are desires of a great part of the Catholic flock, of course belongs to another story.

On the whole we can follow a British Minister and contemporary of Benedict XV who had remarked that there was only one winner of World War I – Benedict XV.