

## ITALY AND THE HOLY FATHER

### THE LAW OF GUARANTEES.

The progress of the war has opened up many questions that were never dreamed of at the beginning. Among these (writes Rev. Father Graham, M.A., in the *Catholic Times*) is the position of the Holy See in the event of Italy being involved in the war. The possibility, not to say probability, of this event is a thought that will be occupying the minds of many Catholics at present. That the diplomatic genius of our Holy Father will be able to cope with any international complications that may arise out of this contingency we all, of course, believe. Yet it may not be without interest to consider the curious and delicate situation which would be created by Italy's entrance on the field.

On January 18 the London correspondent of the *Scottsman* wrote: 'Should Italy eventually participate in the war, a question both political and juridical, as interesting as it is delicate, will arise.' After remarking that the Act of Parliament (11 and 12 Victoria, cap. 108) providing for the appointment of an ambassador to the Vatican enacted that such ambassador shall not be 'a Jesuit, a person in holy Orders, or the member of any religious Order or Community in the Church of Rome,' the writer gave a fairly correct account of the provisions of the Italian (so-called) 'Law of Guarantees' (1871).

#### The Diplomatic Representatives at the Vatican.

On January 20 he returned to the subject with a briefer discussion of the situation that would arise should Italy become a party to the present struggle. 'As far as I know,' he said, 'Italy has not been engaged in hostilities with any European Power since the unification. The Vatican, as I have already pointed out, receives and appoints diplomatic representatives, and possesses a private postal and telegraph service, entirely under the control of the Papal Court. Should Italy declare war against either of the belligerents, the question would have to be solved as to the diplomatic representatives of an enemy Power or Powers accredited to the Vatican. Those at the Quirinal would at once, in the ordinary course of things, be handed their passports. The Vatican is supposed to be strictly neutral, but could or would the Italian Government permit an enemy Power to retain an ambassador in Rome, with free postal and telegraphic facilities?' After pointing out that 'there are just a score of embassies at the Vatican, the personnel of several Austria-Hungary, for example, being extensive,' he asks 'how will the Pope act should circumstances make the retention of ambassadors of enemy Powers at the Vatican impossible?'

It would be scarcely worth while to dwell on his speculations as to the possible ways of solving the difficulty: such as entrusting the interests of enemy Powers to the embassy of a neutral Power, or of employing the Tribunal of the Rota to act for any enemy belligerent.

#### Mgr. Prior on the Pope's Position.

But there is a paragraph in that excellent work of Monsignor Prior, one of the Auditors of the Rota, *Is the Pope Independent?* which is very much to our present purpose. Discussing Diplomatic Relations and Pontifical Acts under the Law of Guarantees, the writer says: 'There is one contingency for which no provision is made in the Law of Guarantees--the eventuality of war between Italy and some other Power. Signor Corte, a member of the Italian Parliament, in the sitting of 15th February, 1871, proposed an amendment, declaring that all the privileges accorded to the Pope with respect to ambassadors accredited to the Vatican, and to the despatch of telegrams and correspondence, should be suspended in case of war between Italy and other nations, as also in the case of war between other peoples when Italy had declared herself neutral, and in every circumstance when such a measure should be necessary for the internal and external security of the State. Signor Bonghi accepted the amendment, but refused

to embody it in the law on the ground that this was concerned with the rights of peace and not those of war. In time of war, then (continues Mgr. Prior), Italy would expel from Rome the staff of any embassy accredited to the Holy See that belonged to a hostile Power. The correspondence of the Holy See would be submitted to a rigorous control. Were the Pope in possession of his own little State, he could communicate freely with belligerent countries; his freedom of communication with them in the future is conditioned by the view which the Italian Government takes of any war that may be waged. Interference between the Sovereign Pontiff and any Power with which Italy happened to be at war, would be rendered impossible. Italy is not to be blamed for taking every precaution to ensure the success of her arms in war: she cannot, however, at the same time claim that she has left the Pope free and independent in his spiritual rule. His fortunes are henceforth, according to the Italian view, bound up with those of his conqueror, and the supreme interests of the Church must depend in certain contingencies on the good-will of Italy.'

#### An Inadequate Law.

The criticism of the Law of Guarantees thus acutely stated is, as will be easily perceived, only part of Monsignor Prior's general argument (which it is the purpose of his book to establish) that the said Law is utterly insufficient and inadequate to secure the end it was ostensibly meant to attain--namely, freedom and independence for the Sovereign Pontiff in the exercise of his high office. We may well thank God that no Pope has ever accepted that Law, but rather that it has been rejected and spurned as a mockery and an insult to Christ's Vicar. Had the Pope meekly submitted to become a subject of the King of Italy, we can well imagine what would become of his liberty and independence when Italy went to war. The fact that each of the four successors of St. Peter since '70, and not the least our present Holy Father in his late *Encyclical*, has protested against the present state of things, is but another proof of the wisdom and far-sighted policy of the Holy See, of its jealous and sleepless vigilance over the rights and prerogatives inherent, by Divine appointment, in the very office of the Supreme Head of the Catholic Church. 'All, from far and near,' says Pope Benedict XV, 'who profess themselves sons of the Roman Pontiff, rightly demand a guarantee that the common Father of all should be, and should be seen to be, perfectly free from all human power in the administration of his Apostolic office.' And he concludes with renewing the protest of his predecessors against present conditions, 'moved thereto, not by human interest, but by the sacredness of Our office, in order to defend the rights and dignity of the Apostolic See.'

We shall not, however, further pursue the subject of the Law of Guarantees in relation to the Holy See with Italy at war: enough, perhaps, has been said by way of suggesting the new and unprecedented complications that would then arise.

#### The Neutrality of the Holy See.

Meanwhile, it will not be out of place to record the feeling of just pride and of unspeakable consolation which thrills the hearts of all Catholics, of whatever nationality, at witnessing the absolute neutrality of the Holy See at the present juncture--although 'neutrality,' proper enough to express the political attitude of the Vatican, seems a cold and formal word to apply to a Father who sees his own children fighting to the death, brother rising up and slaying his brother. Let us call it rather the benevolent impartiality and sorrow-stricken anxiety for peace, on the part of the Father of all the faithful. It could not, of course, be otherwise, yet the Catholic Church with its three hundred millions of subjects of all peoples and all countries is so utterly different from any secular State, and the supra-national detachment and disinterestedness of the Apostolic See has shone out so vividly in the present cataclysm that Catholics, of this generation at least, never realised it so keenly before: they are constrained to see in it a new