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DIPLOMATIC RELATIONS WITH THE VATICAN

by

ROBERT A. GRAHAM, S. J.

and

ROBERT C. HARTNETT, S. J.

Edited by Charles Keenan, S. J.

AN AMERICA PRESS PUBLICATION

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1. The State of the Question

IT IS NOT THE PURPOSE of this booklet to “prove” that the United States should have an Ambassador at the Vatican. President Truman has said that he considers such an appointment “in the national interest” of the United States. He made this statement on October 20, 1951, when submitting to the Senate the name of Gen. Mark W. Clark as the proposed Ambassador. Later, on January 13, 1952, when Mr. Truman announced that General Clark’s name, at the General’s own request, had been withdrawn from nomination, the President added that he planned “to submit another nomination at a later date.”

It is not the purpose of this booklet to “prove” that the President is correct in his judgment that our “national interest” requires the appointment of an Ambassador, or that the Senate should confirm the person whom the President nominates in succession to General Clark. Much less does this booklet propose to deal with the extraneous “political” reasons Mr. Truman is charged with having had in making and timing the appointment.

What then is the precise purpose of this booklet? It is an *essay in clarification* of an important public issue. The President of the United States has made a proposal of no small moment. That proposal deserves to be debated on its merits. This booklet will attempt to set forth the chief issues involved in such a debate. The present chapter sets forth the history of the question and the line-up of proponents and opponents of the proposed ambassadorship.

Here is the complete text of the President's statement of October 20, 1951:

The President has decided that it is in the national interest for the United States to maintain diplomatic representation at the Vatican.

He has therefore nominated General Mark W. Clark to be Ambassador to the State of Vatican City.

During the war, the late President Roosevelt appointed Mr. Myron Taylor as the personal representative of the President to His Holiness the Pope.

During and after the war the Taylor mission performed an extremely useful service not only in the field of diplomacy but in the amelioration of human suffering. That service is set forth in official correspondence published from time to time.

The President feels that the purposes of diplomacy and humanitarianism will be served by this appointment.

It is well known that the Vatican is vigorously engaged in the struggle against communism. Direct diplomatic relations will assist in coordinating the effort to combat the Communist menace.

Thirty-seven other nations have for a great many years maintained at the Vatican diplomatic representatives.

The President was thus exercising an ordinary prerogative of his office ("He . . . shall appoint Ambassadors . . ."). He acted in pursuance of entirely proper, indeed, of momentous purposes. He was proposing that the United States do what is commonly done by nations active in the field of international diplomacy.

One could have expected considerable debate on this proposal, however, not only because the United States has never had a full Ambassador to the Vatican but because the "State of Vatican City," as the center of a universal religious organization, occupies a unique position in the diplomatic world. It involves more than ordinary questions of diplomatic representation.

On the other hand, one might naturally have expected that this proposal would be debated on its merits. Is the Vatican both *de facto* and *de jure* a "state"? Is it recognized as such by most nations and by jurists? Is its influence, in the *moral* crisis of our time, such that "direct diplomatic representation" at the Vatican would strengthen U. S. leadership of the free world in the titanic struggle against materialistic totalitarianism? Are other means available by which the United States could achieve the same ends?

For reasons which will be stated presently, the campaign of opposition to the appointment has not undertaken to meet the proposal on its merits. Protestants are determined that the United States shall not accord what they call "preferential treatment" to one religious body (the Catholic).

HISTORY OF THE QUESTION

Chiefly for commercial reasons, the United States appointed a citizen of Rome, Giovanni Battista Sartori, U. S. consul to the Papal States as far back as 1797. We kept a consular agent in Rome until 1870.

In 1848, under President Polk, we set up more formal relations with the Papal States by maintaining a Minister-Resident there until 1868.

In 1870 the Pope was deprived of his temporal realm when Italian troops occupied Rome. The Popes thereupon became "prisoners of the Vatican" in protest. This *de facto* situation remained until, under the Lateran Treaty of 1929, Italy recognized the political sovereignty of the State of Vatican City. This tiny state, with a population of about one thousand persons, occupies an area of only 108.7 acres. The old Papal States, with a population of 3 million, occupied 16,000 square miles. Between 1870 and 1929 the problem of the exact juridical position of the Holy See perplexed international lawyers, but the Pope's right of diplomatic representation was generally recognized even during that period.

On December 23, 1939, President Roosevelt suggested to Pope Pius XII that he would like to send "a personal representative in order that our parallel endeavors for peace and the alleviation of suffering may be assisted." He thereupon appointed Myron C. Taylor, an Episcopalian. Thus began what Mr. Roosevelt called the "both special and temporary" Taylor mission. It was continued under President Truman from April, 1945 to August, 1950, when Mr. Taylor resigned and was not replaced.

PROTESTANT OPPOSITION

Protestant opposition to diplomatic representation at the Vatican dates chiefly from the Taylor mission. The Federal Council of Churches, it is true, publicly announced its approval of the Taylor mission, but only as "strictly temporary, unofficial and centrally concerned with efforts for world peace." Mr. Roosevelt himself wrote the Council on March 14, 1940:

. . . There of course was not the slightest intention to raise any question relating to the union of the functions of Church and State, and it is difficult for me to believe that anyone could take seriously a contrary view.

However, Baptists, Lutherans and others called the Taylor mission "un-American."

Meetings looking to the formation of "Protestants and Other Americans United for Separation of Church and State in America" sprang from Mr. Taylor's appointment. Spokesmen for POAU, formally organized in 1948, have since waged a campaign against it.

The major impetus to the opposition seems to have come from Paul Blanshard's *American Freedom and Catholic Power* (1949) and *Communism, Democracy and Catholic Power* (1951), which picture the Catholic Church as a "threat" to American democracy and even a blood brother of Soviet imperialism. Unfortunately, it has become increasingly difficult to disentangle Protestant opposition to diplomatic relations

with the Vatican from the far-flung Blanshard-POAU-Southern Masonic assault on the Catholic Church in general as more akin to Communist totalitarianism than to democracy. Protestant opponents of the former (representation) have taken no *positive* steps to disassociate themselves from the latter (assault on Catholicism as "un-American"). Many of them are identified with Blanshardism. As a result, opposition to diplomatic relations has taken on the color of bitter sectarian prejudice.

In October, 1950, a prominent Protestant leader announced that American Protestants planned a nation-wide campaign of opposition to a representative to the Vatican. On "Reformation Sunday," October 28, 1951, the radio waves quivered with what sounded like very sectarian resentment of the Clark appointment.

On October 31, 1951, the National Council of Churches, consisting of eighty representatives of twenty-nine denominations, issued a formal "Statement" opposing the appointment. It revealed that NCCC leaders had exerted considerable pressure upon the President, "over several years," against renewing the Taylor mission. *Information Service* (weekly bulletin of NCCC) for December 1, however, very honestly suggested, after consultation with constitutional authorities, that Protestants drop their strictly constitutional objections, based on "separation of Church and State" as derived from the First Amendment, and discuss only the question of "public policy."

Focusing on the issue of "public policy" involves the responsibility of canvassing the possible *advantages* of diplomatic representation and carefully analyzing the *fears* of "disastrous" consequences conjured up even by NCCC. This booklet aims to do both.

SUPPORT OF THE PROPOSAL

Without having staged any campaign in favor of the appointment, the Catholic press has generally approved it.

Catholic editors think the President's reasons for it are valid. Although some secular newspapers have regarded the appointment as "too divisive," an impressive array has lined up in support of the President: the *New York Times*, the *Cleveland Plain Dealer*, the *Detroit Free Press*, the *Boston Daily Globe*, the *Louisville Courier-Journal* (published by Mark Etheridge, a diplomat of considerable experience) and *Times*, the *Jackson (Miss.) Daily Times* and the *Manchester (N. H.) Union and Leader*, and other dailies.

Only a few Catholic bishops have taken public stands in favor of the appointment. Bishop Swint of Wheeling (W. Va.) and Bishop Zuroweste of Bellville (Ill.) have cautioned their flocks not to engage in bitter discussion. Bishop Noll of Fort Wayne (Ind.) has declared that the issue never came up in all the annual meetings of the American hierarchy he has attended.

Two prominent non-Catholic diplomats have come out for the appointment—Arthur Bliss Lane, former U. S. Ambassador to Poland, and James G. McDonald, former U. S. Ambassador to Israel.

The *Living Church*, Episcopal Church weekly, editorialized in its November 4 issue to the effect that the manner of the appointment was "inept," but that (in effect) the editors were not impressed by the kind of reasoning employed in the NCCC "Statement." The editorial remarked that three non-Catholic professors at Yale Divinity School favored our having diplomatic relations with the Vatican. Here and there Protestant ministers have condemned the outbursts of their colleagues. (The Jews, though somewhat opposed, have formed no united front).

CHANCES OF CONFIRMATION

Since the Protestant campaign of opposition will not be offset by any countervailing Catholic campaign, it is quite possible that whoever the President may nominate will not be

confirmed. Senator Tom Connally (D., Texas), chairman of the Senate Foreign Relations Committee, has announced his opposition to the appointment of an envoy and will doubtless use his great power to stymie the confirmation. Senators from all States, especially those predominantly Protestant in population, will be subjected to extremely strong political pressure to vote against confirmation.

What do the American people as a whole think of U. S. diplomatic relations with the Vatican? A Gallup poll of August 11, 1950 favored renewal of the Taylor mission, 45 to 13 per cent. The Minnesota poll of July 2, 1950 favored it 42 to 29 per cent. As a result of the Protestant campaign of opposition last fall, the Minnesota poll for December 9, 1951 ran against sending an Ambassador to the Vatican, 46 to 32 per cent, Protestant opposition having risen 20 per cent. Only one per cent took advantage of the opportunity to give a "qualified" reply by saying that they would approve a personal representative but not an Ambassador, so that is hardly the issue.

Rev. Robert A. Graham's contributions to this booklet appeared originally as articles in *AMERICA*, national Catholic weekly review. Dr. Edward S. Corwin's statement on the constitutional issue, reprinted here with permission, first appeared as a letter to the *New York Times*, November 12, 1951. Both authors make a valuable contribution to the discussion of the proposal to have formal U. S. diplomatic relations with the Vatican as a question of "public policy," without in any way exaggerating the significance of the issue.

2. Advantages to the United States

AS DR. EDWARD S. CORWIN has said in his statement on the constitutionality of our establishing diplomatic relations with the Vatican, this step is a "logical addendum" to our postwar foreign policy (see p. 41, below).

To understand how this move fits in with our foreign policy it is necessary to recall an observation Chancellor Bismarck, the prince of realists, liked to repeat. In applying foreign policy (he used to say) the "imponderables" are often more decisive than gold or military power. Experience had taught the "Iron Chancellor" that it was not enough to accumulate money, men and matériel.

American authorities have come to the same conclusion. Paul G. Hoffman, American business leader who successfully administered the Marshall Plan, wrote a book last year called *Peace Can Be Won*. In it he inquired into the reasons why, in spite of the political, economic and (somewhat belated) military measures we have adopted since 1945, we have failed to attain a secure peace. The first reason is that "it took most of us too long to perceive" that the Soviet Union is bent on world conquest. "The second reason . . . lay in our inability to grasp the magnitude of the program this [attaining a secure peace] required."

As a result of this costly lesson, Mr. Hoffman believes that we must "wage the peace" on four, not three, fronts: the military, economic, political *and* informational fronts. His experience with ECA in Europe impressed upon him how for-

midable an obstacle to U. S. policy is the skilful and expensive propaganda campaign everywhere carried on by the Communists. The hesitancy of powerful groups in Europe to throw their lot in with ours—a hesitancy which is revealed in news dispatches every day—reinforces Mr. Hoffman's conviction. The series of six articles on this phase of our foreign policy, contributed by Anthony Leviero to the *New York Times*, beginning with the December 10, 1951 issue, leaves no doubt about the alarming extent to which we have failed, not only to win, but even to wage, the battle for men's minds. Why have we failed?

SUSPICIONS OF AMERICAN POLICY

In the first place, too much of American propaganda has glorified the materialistic side of American society. Boasting about our telephones, automobiles and good food often causes jealousy, resentment and disdain among peoples who cannot afford the conveniences and luxuries we enjoy.

Moreover, the "underprivileged" peoples of the world, numbering far over a billion persons, naturally want assurances that the future holds something better for them than the poverty they have always known. *But they do not want us to try to Americanize their lives*, even if we could. Even those who have, to their regret, taken Communist propaganda at face value were not dreaming of a future in the image of "the American way." Marxism itself calls for great self-sacrifice. It does not promise an *easy* life, but a *better* life. There is something vaguely *spiritual* in what peoples everywhere are seeking: an ordering of human society more in accordance with the dignity of all of God's children.

Communist propaganda, in fact, has scored great successes by ridiculing the crudenesses of American life. They have caused many millions of the world's poor to jeer at the way Hollywood idealizes cosmetics, hairdos, mink coats—and divorce. The "little people" throughout this planet have much

more sense than to want to become tailpieces to this kind of kite.

Beyond wanting a better life for himself and his family, what the ordinary European or Asiatic most hungers for are peace and freedom.

In Western Europe, which has enjoyed the blessings of freedom for centuries and has had a comparatively high standard of living, men want above all *peace*. The Communists have succeeded in causing serious doubts about whether the United States really wants peace. When we overemphasize the *military* side of our foreign policy, as we do by failing to keep rearmament subordinated to the high moral purposes of our policies in portraying our program to Europeans, we simply scare them away. They doubt our desire for peace.

In Asia, the Middle East and Africa, where peoples have for centuries been dominated by Western colonial Powers, their great desire is for freedom and independence. Their leaders keep blaming poverty on "foreign exploitation"—the exploitation of *colored* races by the "democratic" *white* race. What such peoples need is proof that we respect them as equals and will help them to achieve, preserve and strengthen their freedom from outside domination. So far we have not succeeded in persuading them that we share their aspirations and will do whatever we can to see that such aspirations are realized.

Given these deeply rooted psychological attitudes on the part of other peoples and our own bumbling attempts at propaganda, it is easy to see how the Communists have been able to caricature our intentions. We have not yet learned how to offset these caricatures.

VATICAN ENVOY AS AN AID

The question whether we should establish formal diplomatic relations with the Vatican should accordingly be judged in view of the great problem it might help us to solve, that of persuading the peoples of the world that our intentions are what we sincerely believe them to be.

In regard to peace, Pope Pius XII, while certainly no pacifist, has let pass no occasion for warning the nations of their solemn obligation to avoid the catastrophe of World War III. True, in his 1948 Christmas Message he condemned "neutralism" in the face of ruthless aggression. But throughout the whole world his voice is the voice of peace. Everyone knows the Vatican has no military power and must rely entirely on moral influence to achieve its spiritual purposes.

By establishing diplomatic relations with the Vatican, the United States would therefore go a long way towards proving to the world that we respect the very institution in the West which is everywhere identified with the tireless endeavor to find peaceful solutions, based on morality and justice, to the tensions which imperil peace. Unless we were interested in cooperating with the Vatican, why should we want to have diplomatic relations with it in the first place?

The effect of such a dramatic demonstration of our peaceful intentions would be immense among the peoples of Europe, on both sides of the Iron Curtain. The Vatican itself might run the risk of being further exposed to Communist diatribes associating the Holy See with "Wall Street imperialists and warmongers." But if, in the cause of peace, the Holy See is willing to run that risk, its decision seems to offer us a great opportunity to strengthen our foreign policy where it is weakest.

As for Asia and Africa, the Catholic Church is known for the schools and health centers it has established. Catholic missionaries and scholars have, for generations, devoted their entire lives to studying the history, culture and language (including dialects) of the varied peoples in those regions. Missionaries have lived out their lives in remote villages, coming to know the people and their ways as well as anyone ever can enter into the innermost souls of remote folk. The Church's sole purpose has been to help, without thought of gain for herself. The political, cultural and business leaders of Asiatic peoples all know this. The United States can only profit in

prestige throughout those "continents of the future" by diplomatic relations with a world-wide, nonpolitical institution which has brought so many benefits to their peoples.

THE "LISTENING POST"

Little need be said about the information value of a U. S. embassy to the Vatican. The newspapers which support this move (mentioned on p. 10) do so because, as experts in the field of gathering information from all quarters of the globe, they know from experience how valuable the Vatican is as a "listening post."

The Vatican has been in intimate contact with most of the peoples of the world for centuries. It has been dealing with the Arab world, for example, throughout most of the Christian era. It had missionaries in China and Japan centuries ago. Name any people under the sun and you will find the Vatican "up" on its people, their history, their culture. Even from behind the Iron Curtain information steadily trickles its way to the Holy See. Frequently this information is what the United States needs and cannot get.

Isn't it obvious that *we can never have too much information* about all the peoples and areas on this planet? Should we deny ourselves access to a prime source of information about them?

ANY REASONS AGAINST IT?

Objections on the score of "violation of Church and State" and "undermining a sacred American tradition" seem to be products of emotion and imagination rather than of reason. The National Council of Churches admits that no *constitutional* question is involved. We had a personal representative of the President without any discernible loss in religious liberty here.

The argument that the United States would be giving "preferential treatment" to one religious group seems to assume that diplomatic relations with the Vatican will somehow bene-

fit American Catholics. No one has pointed out just how American Catholics are unaware of any such benefit.

Is the simple act of recognizing the Vatican for what it is—as thirty-seven other nations have done, including nations *where Protestantism is the established religion*—conferring some kind of special *favor*? The Holy See is unique. As a safeguard for the independent exercise of its universal religious mission, it enjoys a minimum but nevertheless real temporal sovereignty. Nobody denies that. Protestants are determined that we shall not take official cognizance of this fact. Yielding to such religious prejudices and pressures seems to come much closer to “preferential treatment” than sending an envoy, which would not change the status of the Vatican one whit. The Vatican is what it is, regardless of whether or not we send an Ambassador.

There is just one argument that has some *political* importance. Protestant spokesmen predict that sending an envoy will “disrupt American unity.” This can mean only one thing: if the Senate confirms a Presidential nomination, Protestants will never cease making a bitter issue of it. This is like labor’s protesting that if the Taft-Hartley Act were adopted, labor would refuse to accept the democratic decision and never cease to try to split the country wide open over the issue. Labor seemed determined to do just that, but its opposition has finally subsided.

In any case, can we conduct our foreign policy in this way, backing away from actions that seem to be in the national interest but which will, in view of threats from recalcitrant pressure groups, be used to disrupt national unity? On a more mature view, it seems unlikely that Protestant bodies will insist on refusing to accept whatever the U. S. Senate decides to be in the national interest. If this is true, there remains no good reason why the Senate should not give the President a free hand in the performance of what Dr. Corwin has well styled “an act of state of the most commonplace sort.”

3. The Experience of France

EVEN A CURSORY REVIEW of the list of states now represented at the Vatican reveals that a good proportion of them incorporate at home the principle of separation of Church and State. Yet in these countries no question is raised today about the legitimacy or the utility of their respective embassies.

Perhaps the most conspicuous and significant instance is that of France. In 1921 France managed to patch up her quarrel with the Pope and to restore diplomatic relations with the Vatican without compromising the separation so dear to the European anti-clerical. The history of recent diplomatic relations with the Holy See therefore proves that the existence of a system of separation of Church and State in a given country is not a great obstacle, if indeed it is an obstacle at all, to such a country's entering into formal diplomatic relations with the Vatican.

NO PARADOX

Is that a paradox? It is not. These states have business to transact with the Pope because the Papacy represents a unique blend of temporal sovereignty with the much more important religious and moral authority it possesses on the international plane. They therefore deal with the Pope in his capacity of moral authority, without that fact constituting, in their view, any violation of the system of separation to which they are committed. This was the decision taken by France in 1921, a decision it has never had cause to regret. The international

community, in fact, understands well enough today that the question of diplomatic relations is separate and distinct from that of separation of Church and State. It is only in the United States, relatively inexperienced in world affairs and as yet little familiar with the international position of the Papacy, that this question any longer causes difficulty.

But at one time it was a stumbling block in France, too. In 1904 a violent rupture of relations with the Holy See had taken place, following papal protests over the visit of President Loubet to Rome. A few months afterwards, in 1905, anti-clericals took advantage of the rupture to abolish the hundred-year-old concordat and to establish the regime of separation. The first world war passed without any official relations between France and the Holy See, although an unofficial French agent did what he could to counteract the work of the diplomats of the Central Powers.

The lessons of the war did not escape the attention of thinking Frenchmen. When a deputy named Lazare Weiller, Jewish in origin, came out for re-establishment of diplomatic relations with the Holy See in a series of articles published in the *Journal des Débats* in April, 1917, his proposals fell upon fertile ground. Weiller's efforts were seconded by the respected diplomat and author Gabriel Hanotaux, who greatly helped to carry the idea along. "Our absence from the Vatican," the deputy told his readers, speaking from his experience as the representative of France in several foreign countries, "has, during the last three years, been a source of undeniable weakness for the Entente." He warned that the end of the war would bring problems that would not permit France to indulge in the luxury of continued absence from the Vatican. "The great defect of our foreign policy," he wrote, "has been our absence from those points and centers where political forces converge. We run the risk of paying an even higher price if we persist in this course after the peace, when the time comes to undertake the long and difficult negotiations

that will be needed to restore equilibrium in a world turned upside down.”

FRANCE'S POSTWAR PROBLEMS

The point was well taken. After Versailles as well as before it, France had a multitude of delicate problems on her hands. Her difficulties were compounded by the political leadership that the victory in war had forced upon her on the Continent. She needed allies in Eastern Europe, for one thing. Modifications of the frontiers in the old Habsburg and Romanoff territories raised an infinity of problems, some of which could properly be resolved only by recourse to Rome. It was intolerable for France's ally, the new Czechoslovakia, for instance, that a part of its subjects should be under the ecclesiastical jurisdiction of a bishop of another nationality, living in another country. It was imperative for France, in its own interest, to lend its support to its friends.

In addition, the new situation in the Near East, in Syria, Palestine and Constantinople, posed problems. France had hitherto counted upon its traditional protectorate of the Christians as an instrument of its influence there. Alsace and Lorraine had just been regained after having been under German sovereignty since 1870. The incorporation of these two provinces into France involved delicate political decisions in which the Vatican had its role to play, a role that Paris could ignore only to its cost. And Germany had already by 1920 made use of her restored rights to send strong diplomatic missions everywhere, including the Vatican, where it accredited an Ambassador. This had disquieting possibilities for France, whose obvious first counter-measure was to make her own *acte de présence* at the Vatican.

The above considerations were frankly laid out by the French Government in its exposé of the motives that compelled the re-establishment of the old embassy at the Vatican after fifteen and more years of absence. Their importance and

validity were not minimized by the deputies. But the great question was, did the re-establishment of the embassy imply any change in the existing law of separation of Church and State, or in any way prepare the way for such a change? It is certain that without assurances on this point the deputies would never have sanctioned the re-creation of the post.

NO CONFLICT

The answer they received was clear and unequivocal. The two questions, diplomatic relations and separation, were completely independent, declared the spokesman for the Foreign Affairs Commission in his report submitted to the Chamber on July 20, 1920.

What the Government proposes [he reported] is to create diplomatic and not juridical relations between the French State and the Vatican. No uncertainty is possible on this point. There is no question of re-establishing, or of laying the groundwork for re-establishing the concordat. It is a question of re-establishing an embassy. Diplomatic relations by no means necessitate juridical relations. Many states are represented at the Vatican which live, like France, under the regime of separation. . . . Nothing therefore justifies the assertion that the re-establishment of the embassy is a step having a confessional significance likely to disturb in France the interests or hurt the feelings of its non-Catholic citizens.

The history of subsequent relations of France with the Holy See proves that, in fact, a country can with profit and dignity enter into diplomatic relations with the Vatican without in the least compromising the particular system of relations of Church and State it has adopted for itself. In France, far from causing a trend in the direction of undoing the work of separation, the re-establishment of the Vatican embassy created an atmosphere in which peace was finally achieved between State and Church in France, on a basis of mutual respect.

ANTICLERICALISM NOT FOR EXPORT

The French anticlerical deputies, of whom there were very many in the Chamber and the Senate at that time, were aided in overcoming their doubts by the example of the arch-anticlerical Gambetta, whose famous dictum was that anticlericalism was "not an article of export," and who in his own time had fought on several occasions for the maintenance of the Vatican embassy. As long as their treasured separation was not jeopardized, they were as willing as Gambetta to deal with the Pope on questions not concerning internal politics. Their consent, once given, though reluctantly, was never withdrawn, nor did they have cause to regret their act. They took as their own the Government's thesis of March 11, 1920: "French diplomacy must be present wherever questions arise that have an interest for France. She cannot any longer be absent from the seat of a spiritual government where the majority of states have seen fit to be represented."

The analogy between France after the first world war and the United States after the second is striking. Neither had any intention of altering existing Church-State relations at home. Both were faced with a multiplicity of foreign-policy problems arising from disturbed postwar conditions throughout the world and from a position of political leadership consequent upon a war. France found that the Holy See constituted one of those major world focal points which, in the interests of her far-flung foreign-policy commitments, she could not afford to ignore. It is to the credit of the French deputies that they were able to perceive the correctness of the program proposed to them by the Government, even though they were far more impassioned over the question of separation than citizens in the United States have ever been. It will be a curious reversal of roles if practical Americans fail a test that impassioned French anticlericals were able to pass.

4. Protestant States: Prussia and Britain

WHAT ONE MIGHT CALL Protestant states are not conspicuous by their absence in the diplomatic corps accredited at the Vatican. For almost a century and a half representatives of such countries have been formally accredited to the Holy See. At the present moment, Finland is represented by a *chargé d'affaires*. Before the war, two other Baltic states, Latvia and Estonia, predominantly Lutheran, had envoys in Rome. The Netherlands, traditionally considered Protestant, is represented today by a Protestant Minister Plenipotentiary. In Germany, at the time of this writing, the dispatch of an Ambassador to the Vatican has been delayed by the Bonn Government until domestic agreement can be reached as to whether the nominee should be a Catholic or a Protestant, the representative of the old State of Prussia having always been a Protestant. The Protestant legation most in view today in Rome, however, is that of Great Britain.

The mere fact that many states having a long tradition of strong anti-Catholic sentiment have been officially represented at the Vatican sufficiently proves that no theological connotations are involved and that anti-Catholic feelings in predominantly Protestant nations are not allowed to counterbalance the clear interest that these states have, or had, in being diplomatically present there.

If theological controversies today play no role large enough to prevent the sort of contact made possible by diplomatic relations, it was not always so. The story of the beginnings of

these relations between Protestant states and the Holy See is a long one, studded with many false starts and curious maneuvers before it was tacitly agreed to leave religious differences aside, at least in this case, in order to take care of the urgent needs of both Church and State.

There was a long period after the Reformation during which the Protestant rulers would not on principle enter into official communication with the Holy See, to say nothing of sending an envoy there. There were, indeed, during this period, a few scattered instances of temporary missions, more or less secret or unofficial, whose intent was religious reconciliation. But no formal or permanent mission came to Rome avowedly representing a Protestant monarch.

The ice was finally broken in 1805 when the Prussian savant Wilhelm von Humboldt took his place in the diplomatic corps at Rome as Minister-Resident of Prussia, and in the following year as Minister Plenipotentiary. With the fall of Napoleon, other non-Catholic princes of Germany sent diplomatic representatives to Rome on permanent or temporary assignments.

Although the year 1805 marked the beginning of formal relations between Prussia and the Holy See, unofficial relations had been set up much earlier. Backdoor negotiations had been going on as far back as 1747, if not before, when Frederick the Great named an agent in the Eternal City to take care of Prussian business at the papal court. This agent (first an Italian nobleman and after him an Italian priest) had no diplomatic standing. The Prussian king hotly insisted upon this fact when his rivals in Vienna scoffed at hearing the news that Prussia had accredited a man in Rome. "It is incompatible with my principles and with my situation in respect to the Court of Rome to have anyone formally accredited there. Such a thing [he wrote to his envoy at the Habsburg capital] has never entered my mind."

The nomination of an official agent in Rome was the culmination of a ridiculous situation in which both Rome and

Potsdam pretended to ignore each other, whereas they were actually vitally concerned with the politico-religious problems arising from Prussia's acquisition of Catholic-populated territories in the east. It took sixty more years before the two parties could bring themselves to recognize officially what had been going on all the time. When this finally happened it was with a minimum of fuss, so as not to shock the traditionalists in either capital. Cardinal Consalvi, one of the great Cardinals Secretary of State, who took the step, did not attempt in his memoirs to give any ideological explanation of this break in papal tradition. "The times had too much changed," he remarked laconically. Obviously the King's ministers in Potsdam agreed with him.

Great Britain herself went through the same mental and political struggle before coming around to accrediting an envoy at the papal court. In 1814 Pius VII wrote to the Prince Regent suggesting, among other things, an exchange of diplomatic representatives. Viscount Castlereagh, Britain's Foreign Secretary, ordered the matter looked into. The stumbling block was a law dating back to the reign of Queen Elizabeth prohibiting, under dire penalties, any sort of communication between the British Government and Rome. This law cropped up frequently in discussions during the succeeding decades. In fact, the King's law officers were virtually a century in deciding that it was a dead letter.

In the interim, all sorts of curious devices were adopted to get around the Elizabethan prohibition. In 1829, for instance, in order to acknowledge the announcement made by Pius VIII upon his accession, Lord Aberdeen availed himself of the Minister of Hanover in London to have the Minister of Hanover in Rome (another Protestant legation) explain that as King of England His Majesty could not reply to the letter, but as King of Hanover he took this means of conveying his acknowledgment and thanks. As this seemed too far-fetched a way of abiding by the law, from 1832 on Britain stationed

a semi-official agent in Rome. This functionary, who usually had the standing of a clerk in the Foreign Office, reported to the Foreign Secretary but had no diplomatic character. This semi-official mission was closed in 1874.

In 1848 the character of business to be transacted, and the unsatisfactory system that existed, prompted Lord John Russell to ask Parliament to repeal the law of Queen Elizabeth and to authorize formal diplomatic relations. The reaction in ultra anti-papal circles, as might have been expected, was prompt and violent. But it was not more prompt or violent than that of the Irish patriots, who detected in the motion one more attempt to reduce Ireland to submission. At a mass meeting organized by the patriots, the bill was denounced and the Prime Minister was quoted as having said, apropos of his bill: "We have tried to govern Ireland by coercion and have failed; we have tried to govern it by conciliation and have failed also. No other means are now open to us except those we are resolved upon using, namely, to govern Ireland through Rome." Whether or not Lord Russell actually used these words, they reflect fairly accurately at least one of the background factors involved. The bill authorizing the sending of an envoy to the Vatican passed, was never acted upon, and was repealed in 1875.

Finally, the outbreak of war in 1914 gave Britain the occasion to abandon a custom that had resulted only in making the country look ridiculous, while actually working to its disadvantage. The first envoy was Lord Howard, who, with his immediate wartime successor, Count de Salis, was a Catholic. The legation was put on a permanent footing by Lloyd George after the war. In order to placate the more rabid anti-papists in England, he determined that thereafter the envoy would be a Protestant.

It is noteworthy that to date England has not agreed to receive in exchange an Apostolic Nuncio, as the papal Ambassador is called. There is an Apostolic Delegate in London,

but, like the Apostolic Delegate in Washington, he has no diplomatic character. Neither the State of Prussia nor, later, the Reich, ever consented to receive an Apostolic Nuncio, or even an Internuncio, until after World War I. The first Nuncio in Berlin was the future Pius XII, then Cardinal Pacelli. In these cases, contrary to the usual practice, the relations were not based on reciprocity. It was easier for a Protestant state to send its envoy far away to Rome than to receive an ecclesiastic as the Pope's Ambassador on its own soil. It might be added that the local hierarchy from time to time viewed the coming of a Nuncio with little enthusiasm. In his own time Cardinal Manning was strongly against it.

At Rome, too, prejudice and tradition were not completely inoperative during all this time. At one period Rome sought to have Catholics named as envoys of Protestant states. On one occasion in the first half of the last century, it refused its agreement to the nomination of the Austrian diplomat Lebzelter, on the score of his wife's not being a Catholic. The obligations of the wife of an Ambassador who in time might be dean of the diplomatic corps (so Rome reasoned) would not be easy for a non-Catholic to fulfill with ease and decorum. On the other hand, to complete this survey, it should be noted that in 1872 the Vatican refused to accept Cardinal Hohenlohe as Ambassador of the Kaiser.

The precedents and experiences of the two great Protestant Powers, Prussia and Great Britain, suggest that if the United States does not in the near future establish formal diplomatic relations with the Holy See, it will sooner or later find itself engaged in behind-the-scenes negotiations and contacts rendered necessary by events beyond the control of either Rome or Washington. In some instances these negotiations, or the formulas adopted to legitimize them, will be viewed by posterity as ridiculous maneuvers that throw little credit upon a great Power. On other occasions these contacts could be a source of positive harm through being carried on outside the

framework of the ordinary administration of our foreign policy.

If the United States turns its back upon the obvious demands of its own interests, this can only be to the disadvantage of the party which by its own free choice is unwilling to adopt the normal and traditional means of entering into contact with the Holy See. Today the temptation is strong to imagine that the United States, having gotten along famously without such relations with the Vatican for these many decades, can continue to do so regardless of the ever-widening circle of our foreign-policy commitments. The example of Prussia and Great Britain points entirely in the opposite direction. In postponing the inevitable the opponents of relations with the Holy See will only help magnify the importance of the decision when it finally arrives. Present efforts to stymie the appointment of an American Ambassador to the Holy See will, in the perspective of history, only serve to recall Edmund Burke's famous dictum that small minds ill suit great empires.

5. The Failure of "Informal" Relations

MORE THAN ONE GOVERNMENT in the past has wished it could carry on its business with the Holy See in some other way than through formal diplomatic relations. But all, one after the other, came to the decision that there was no alternative. The more realistic of them arrived soon enough at the very simple realization that the maintenance of even a modest legation at Rome was a small price to pay in comparison with the opportunities for influence that this move opened to them. The others continued to pay a high price for their voluntary abstention until forced to act by the sheer weight of circumstances. It would not be an exaggeration to say that virtually all of the non-Catholic states now represented diplomatically at the Vatican, and perhaps even some Catholic states, gave serious consideration to the possibility of achieving their objectives by means short of formal relations, but in the end concluded it would not work.

THE PAPACY A SOVEREIGN POWER

The reasons why these governments elected for full diplomatic relations are not hard to find. One of the cases that can be cited is that of the Netherlands. In 1915, when Holland, as a neutral in the first world war, found itself faced with delicate political problems of vital concern, the Dutch Government proposed the dispatch of a Minister Plenipotentiary to the Vatican. During the debates in the Second Chamber on this occasion, a worried but sincere deputy asked why the

necessary transactions could not be carried on by a special commission officially charged with the task but not clothed with a diplomatic character. The answer of the head of the Government, Cort van der Linden, was drawn from practical considerations. "The Papacy," he said on June 10,

whether we like it or not, belongs to the ranks of the great Powers. The honorable deputy can be assured that the doors of the Vatican do not open so easily as he imagines. The commission envisaged by him would be easily admitted to the Pope's antechamber, but he can be sure that it will not learn anything important for the purpose we have before us.

This reply expressed an elementary principle in the technique of international intercourse and was evaluated as such by the Dutch, who approved the resumption of relations, the first time such relations existed on a reciprocal basis since 1872.

The idea that the doors of the Vatican "do not open easily" may seem paradoxical to the literally thousands of Americans of every occupation and religion who have seen and talked with the present Pontiff, especially since the war. If there ever was a sovereign accessible to the people it is Pope Pius XII. But the Holy Father is far more accessible to people than he is to their governments. Recent experiences of American officials who wished to call upon the Pope in their official capacity, subsequent to the resignation of Myron C. Taylor, have served to impress upon the State Department that there are certain elementary rules of courtesy that the Vatican feels justified in insisting upon. It is very clear that the Holy See today considers that if the United States has any official business to transact, there are established and normal channels through which this should be done.

That this is a perfectly legitimate point of view on the part of the Vatican is recognized by any person having an average comprehension of the ways of international contact. A few months ago, in the Foreign Office of one of the European

states with long experience with the Vatican, an official gave the following reasons why states enter into full diplomatic relations with the Holy See, rather than unofficial or semi-official relations. "First of all," he said, "as a diplomatic agent you represent something and can speak with authority. Second, you can therefore ask for more and get more. Third, otherwise you are in a disadvantageous position *vis-à-vis* the representatives of other countries."

HANDICAPS OF "UNOFFICIAL" STATUS

These reasons almost speak for themselves. Is it not self-evident, to take up the last-named consideration, that a representative at the Vatican enjoying no official standing—and "official" in this context can mean only diplomatic status—may at times find himself handicapped, when the interests he is called upon to defend are not entirely conformable to the interests of some other country which has taken the trouble to be formally accredited? No matter how close an alliance may exist, in war or in peace, between two countries, their interests are sometimes in conflict. Governments would be justified in complaining if the Holy See, or any other sovereign entity, were to accord equal treatment to a country that had not yet performed the initial and elementary courtesy of accrediting a formal diplomatic representative. This has been the lesson of the past for those countries that have hoped for a time to be able to dispense with such formalities.

It is simple common sense that the unofficial envoy of the United States cannot, everything else being equal, expect to hold his own at the Vatican in the not impossible, and not improbable, case of a conflict of views with even our closest friends and allies, such as Great Britain and France, who have been installed for a long time at the Vatican. And let American citizens not imagine that there are no questions in which the point of view of the United States is not completely in harmony with that of even our best friends. The interests

these countries must defend often enough have their repercussions in matters falling within the legitimate sphere of action of the Holy See. In such circumstances, the question is not whether the Pope is or is not friendly to the United States, but whether he can cooperate on friendly terms with the Government of the United States when that Government has failed to set up the machinery for friendly cooperation the way other nations have.

It would not be correct to imply that a semi-official representative, of America or any other state, would receive no hearing at the Vatican. Tenacious of its own traditions, the Secretariat of State of His Holiness remembers very well that for many decades, in favor of a number of Powers, it consented to deal with semi-official agents living on permanent station in Rome. At various times this was the practice of Prussia, Czarist Russia and Great Britain, before these states brought themselves around to accrediting formal representatives.

But the status of such agents was irregular and unsatisfactory. When really important crises arose in the relations between their governments and the Holy See, other means of intercourse had to be found, themselves hardly more useful. The semi-official agent was employed for matters of only secondary importance. Today, now that the international position of the Holy See is recognized by the community of nations generally, there is even less justification for such missions. In any case, it is certain that to ask an individual, no matter how personable, to carry on really significant work at the Vatican, without giving him appropriate standing, is to bind his hands so that he cannot really achieve the purpose of the mission.

A FRENCH EXAMPLE

An anecdote recounted by Denys Cochin, French Catholic parliamentarian, may help to bring this last point home. The

episode took place before the first world war, while relations between France and the Holy See were in a state of rupture. At that moment the French Government found itself in a difficult position in Morocco, one of the complicating factors being that the missionaries of Spanish Morocco continued to exercise jurisdiction in French Morocco. One day, according to Cochin, he was summoned by the Foreign Minister, whose name he declined to betray. The following conversation ensued:

“Do you want to perform an outstanding service to your country?”

“By all means!”

“All you have to do is to take the train tomorrow and go try to fix up that Morocco affair at the Vatican. They are sure to listen to you.”

“I’ll go, without asking for an Ambassador’s uniform or an Ambassador’s salary, but on one condition, that I can say I come in your name.”

“Never!” cried the Foreign Minister, thinking in fright what his fellow anticlericals would say.

“Well, then,” said the annoyed Cochin, “how do you expect me to ask Rome for the withdrawal of rights enjoyed by Spain since the days of Charles V, without being able to make the slightest allusion to the gratification this would give to the French Government, without being able to adduce any other argument than that of my personal acquaintance? You should not ask people to attempt tasks that can’t be fulfilled!”

INTERNATIONAL DISCOURTESY

Deputy Cochin thought he had at least a fighting chance to accomplish something at Rome, even without diplomatic standing. But he knew he stood no chance of success at all if he could not speak in the name of the Foreign Minister. The effrontery of a Minister’s asking a great favor from the Pope, without even being prepared in advance to thank him for the service, is evident in this anecdote. Yet this point of

view is sometimes assumed by other governments, which do not realize the extent of their boldness. Those countries which, like the United States, contemplate carrying on important relations with the Holy See without taking the first steps to put themselves in a position to ask for favors, are committing a similar, if unconscious, act of arrogance.

“Backstairs” methods are deplored in American domestic politics. It is somewhat surprising that they are now being suggested, in effect, as a substitute for formal diplomatic relations with the Holy See.

To understand how incongruous the suggestion is, all one has to do is to imagine the President of the United States asking a personal friend of his, without any official standing, to “run over to Europe and see what you can do about getting faster action out of the Atlantic Pact countries.” Without proper credentials, no one, not even a personal friend of the President, can move into the world of international diplomacy as an informal interloper and expect to be received on the same footing as the official representatives of states. The President knows this much better than Protestant clergymen. That’s why he has proposed an Ambassador rather than another “personal representative.”

Whether American Protestants like it or not, the Holy See is accepted by about forty states as a member of the diplomatic world, and will remain a member whether the United States establishes formal relations with the Vatican or not. Either the Holy See is an important enough factor in the international scene for us to have formal relations with it, or we should forget about the whole thing. Half-measures adopted in order not to recognize the *de facto* prestige of the Vatican (as a concession to Protestant sensibilities), while still attempting to get the acknowledged benefits of relations with the Papacy, are diplomatically a rather useless fifth wheel. The chief trouble with them is that they will not work.

6. Objections of the National Council of Churches

AMONG THE STATEMENTS issued in protest against the nomination of General Mark Clark to be Ambassador at the Vatican, probably the most authoritative is that put out on October 31, 1951 by the General Board of the National Council of the Churches of Christ in the United States. While repudiating prejudice against Catholics and deploring religious tension, this body took the position that the Truman appointment was "wrong in principle, useless in practice," and could have consequences "both far-reaching and disastrous" to the unity of the American people. In sanctioning this statement the General Board took measures for a program of education based upon it. As we shall therefore undoubtedly hear more from the authors of this statement, some observations on certain points they raised therein may serve to clarify the issues.

The document singles out three "major reasons" currently being advanced in support of the President's move, none of which, it says, "bears scrutiny." The first of these is that the proposed diplomatic mission would provide the U. S. Government with "access to a unique source of information, achieve effective co-operation against communism and advance the cause of peace."

The Council shows itself unimpressed by these arguments. In the first place, it points out, formal diplomatic relations constitute "no binding agreement" for either party to reveal any information except what it chooses to reveal. This point, of course, is perfectly correct. One can go further and say

that diplomatic relations by themselves carry no obligations whatever, beyond those of reciprocity. From all accounts we propose asking the Pope to waive even this right. In other words, in sending an Ambassador to the Pope, the United States commits itself to nothing, not even to a continuation of such relations beyond the point our American interests seem to warrant. The juridical position of the Government *vis-à-vis* the Church in the United States, or *vis-à-vis* the Holy See itself, remains absolutely unaltered by the presence of a U. S. Ambassador in Rome. One wonders why such a fuss is made over an act of the President which obliges the United States to nothing while putting our Government in a position advantageous to our national interests.

“CONSIDERATIONS OF PROTOCOL”

To the allegation of supporters of the appointment that such relations would achieve effective cooperation against communism, the NCCC replied that “eager allies” in a common cause are not frustrated in their common efforts by “considerations of protocol or prestige.” It is at this precise point that the Protestant church leaders choose to reaffirm that they, too, are in effect eager allies in this common cause against atheistic communism. Yet are not they themselves in the present instance allowing “considerations of prestige or protocol” to frustrate the common effort? For diplomatic relations, by their nature, are essentially a form of protocol to which every nation must conform in the name of elementary international courtesy. If protocol should not stand in the way, why is the NCCC making such an issue over it?

The suggestion that the American Ambassador to Italy could serve as the medium of communication between the United States and the Vatican betrays ignorance on the part of the Council both of international usages and of the particular situation in the Eternal City. For over eighty years the Holy See has fought successfully to prevent the diplomatic corps

accredited to it from being merged with, or better, submerged in, that accredited to Italy. Such a separation and distinction has to be maintained to avoid confusing the Vatican and Italy, separate and distinct entities in international relations. The Holy See cannot be expected to relinquish its hard-won diplomatic independence just to accommodate the desires of a certain section of the American public.

THE OLD MISSION AND THE NEW

The statement issued by the General Board does not challenge or question the utility that relations with the Pope could have in the cause of international peace. But it rejects the contention that there is a precedent for such relations with the Pope on the diplomatic level. The former mission of 1848-1867 to the Papal States, in their view, is quite different from the one now proposed. Actually, it should not be difficult for our State Department to demonstrate that on purely formal grounds the Clark mission has a precedent. Leaving aside the theoretical question sometimes debated whether the present State of Vatican City is the continuation of the old Papal States or an entirely new entity arising out of the Lateran Treaty of 1929, the fact is that in either case the Pope remains the sovereign of a state. It was not without good reason that General Clark was nominated to be Ambassador to the "State of Vatican City." The diplomatic basis *is* therefore the same in both cases.

The proposed U. S. mission resembles the former one in that this one also, we are certain, will be ordered to "carefully avoid even the appearance of interfering in ecclesiastical questions," at home or abroad. In short, if commercial and purely political questions are now excluded from the sphere of an American Ambassador at the Vatican, so also, as in 1848, are purely ecclesiastical ones. What remains in between are questions of international peace, international order and other problems which the National Council itself, by its own

actions, *concedes* are legitimate matters of discussion between church leaders and the Government and the United States.

CONCORDATS AND NUNCIOS

A third justification in favor of the new embassy which the statement declares cannot "bear scrutiny" is that "other nations send Ambassadors to the Vatican." "Most" of the other governments, the document asserts, give "special recognition and status" to the Catholic Church. Just what this "special recognition" may be is not defined, but it appears to run all the way from formal conventions (called "concordats") to the ceremonial precedence of the Papal Nuncio in the diplomatic corps. As far as the concordats are concerned, it may come as a surprise to many that only a minority of the states now represented at the Holy See have entered into concordats. It would therefore be erroneous to imagine, as some people do, that the system of concordats constitutes the essential structure and basis of such relations. In any case, what "most" countries wish to do in these respects is their own affair and not particularly relevant. What *is* important is that those countries which, like the United States, wish to practise at home and abroad a conscientious abstention from purely ecclesiastical affairs are not called upon to alter this practice or tradition by the fact of entering into diplomatic relations with the Holy See. France is such a country. And would it not be ridiculous to suggest that Great Britain accords "special recognition," however vaguely defined, to the Catholic Church in England?

The deanship or ceremonial precedence that the Nuncio, as the Pope's own Ambassador, enjoys in many capitals appears for some reason or other to exercise a peculiar fascination upon some Protestant groups. This prerogative (of no political importance) was confirmed at the Congress of Vienna in 1815 by the eight principal European Powers, four of which (Prussia, Sweden, Russia and England) were not Catholic states. For many decades—since 1875, to be precise—our own American

envoys abroad have, as a matter of fact, been under standing instructions to abide by this practice.

It is strange that only at this late date has anyone found in this "special recognition" something contrary to American traditions. Is it to be supposed that contrary instructions must now be sent out by the State Department by which our envoys will be told to absent themselves from New Year's receptions or diplomatic dinners at which the Nuncio has precedence? Even should a Nuncio be accepted for Washington, the question of his place in the diplomatic corps would not be decided by the United States but by the other diplomats themselves. This we conclude from Hackworth's *Digest of International Law*, drawn up for the use of the State Department. To finish this really inconsequential question, if the United States does not wish to see a Nuncio acting as dean of the diplomatic corps in Washington it need only do what Great Britain has long done: refuse to receive a Nuncio at all.

RELIGIOUS IMPARTIALITY

The General Board concludes its protests against the decision of President Truman by arguing that, because the Pope is the only religious authority possessing the capacity to receive a diplomatic representative, the United States would be lacking in due impartiality to other religious groups by sending such an envoy.

But there are cases where equal treatment is equivalently unequal treatment. Or, to express it more accurately, equal treatment is not synonymous with identical treatment. The World Council of Churches, to take an organization mentioned in this connection, does not enjoy the right to receive diplomatic representatives and, we are told, would not receive any if it had such capacity. That is, of course, the World Council's own affair. In those circumstances the United States need only give it the treatment its actual standing and its own desires indicate for it. But that does not mean that the United States

is held to the same attitude towards another world church group which has a different view of the matter and which legitimately asks and expects to be dealt with on the diplomatic level.

It is not belittling the World Council of Churches to add that the Holy See has over a long period of time acquired for itself titles of respect conspicuously greater than those presently enjoyed by the Council, and this at the hands of governments, institutions and persons who owe it no religious allegiance. A different attitude on the part of the United States would be a conspicuous lack of courtesy which it may be doubted the European members of the World Council themselves would sanction.

The spokesmen of the Protestant Churches grouped in the National Council of the Churches of Christ have felt it their duty, precisely as church leaders, to voice their attitude to the President of the United States in the name of our national traditions and interests. It is not surprising that their views, as Protestant church leaders, should differ widely from those of the President of the United States, whose actions must be dictated by the rules of the world of diplomacy, in which he holds such an eminent office.

Appendix A:

Statement of Prof. Edward S. Corwin

One does not have to be an all-out defender of the Administration's foreign policy to realize that the President's recent action in nominating General Clark to be Ambassador to the Vatican is a logical addendum to it. The nomination has been attacked as violative of the principle of separation of Church and State. But can it be said that this principle, when given its proper constitutional setting, disables the country from forming advantageous diplomatic relations? Thirty-seven other Governments maintain diplomatic representatives at the Vatican, several among them being countries which, like Brazil, Belgium and France, adhere to the separation principle in matters of internal legislation; and if they can, why may not we?

The Supreme Court has said that in the international field "the right and power of the United States * * * are equal to the right and power of the other members of the international family"; and that the lion's share of this power is vested by the Constitution in the President is not disputed. He alone may receive the diplomatic representatives of other Governments; he alone may choose persons subject to the consent of the Senate, to represent the United States abroad; he alone may "recognize" foreign states and Governments.

Thomas Jefferson and John Marshall did not see eye to eye in many things, but they did in this. "The transaction of business with foreign nations is executive altogether," said Jefferson. "The President," said Marshall, "is the sole organ of the nation in its external relations, and its sole representative with foreign nations." This being the case, however, any act performed by the President in the exercise of his diplomatic powers is presumably within his constitutional discretion; and,

by the same token, it is entitled to be regarded, until the contrary is shown, as having been done in good faith for the benefit of the country.

As to the principle of separation of Church and State—so far as it has constitutional basis it is a kind of “invisible radiation” from Amendment I, which says that “Congress shall make no law respecting an establishment of religion.” But the nomination of an Ambassador is not lawmaking. Mr. Truman has not attempted, in this instance, to usurp the legislative power of Congress. No rule of conduct has been imposed by the President upon the people of the United States touching the relation of Church and State, or touching anything else. He has performed an act of state of the most commonplace sort.

Whatever thought of political advantage may have first suggested the President’s action—and one or two have been suspected—there exist at least two sound reasons of a broader nature which amply justify it as a timely move in the diplomatic game being presently played on the European chess-board. The first of these is the necessity of securing Catholic support for our cause on the Continent, since without it—and especially is this true as regards Italy and France—our policy promises to be dashed to bits against a combination of Communists and Neutralists. Secondly, the strong line being taken by the Papacy in the ideological war against communism is a further circumstance fortifying the intrinsic reasonableness of the President’s action.

It is true, to be sure, that this action furnishes American Catholics an excuse to swell out their chests a bit, just as it has afforded some American Protestants an excuse to assail the Papacy as the foe of democracy. But these easily foreseeable repercussions do not affect the validity of the President’s course. If, as the Supreme Court has held, a state is entitled to pay for the public transportation of children attending parochial schools in order to assure their safety on

the highway, notwithstanding the fact that in doing so it aids such schools, then certainly the President is entitled to bolster our precarious European diplomacy by sending an Ambassador to the Vatican, notwithstanding the fact that the separation principle is not considered by some of our citizenry as forbidding them to mix religion with their politics.

I have been asked, "By what procedure could the constitutional question (raised by the President's action) be brought before the Supreme Court?" It is highly doubtful if there is any procedure available for this purpose. The President cannot be compelled judicially to perform his constitutional duties nor enjoined from exceeding his constitutional powers. The payment of money out of the national Treasury for an allegedly unconstitutional purpose cannot be forbidden judicially.

It is most questionable, moreover, if the court would recognize anybody as having a sufficient individual interest to entitle him to a judicial hearing on the subject. But even should a case raising the constitutional issue reach the court, through some device or inadvertence, the court would almost certainly refuse to pass on its merits, on the ground that it was "political" in character and hence not "justiciable." The only remedy in such a situation, as the court has pointed out more than once, is for those who consider themselves aggrieved to "resort to the polls and not to the courts."

*(The above statement first appeared as a letter
to the New York Times, November 12, 1951)*

Appendix B: States having diplomatic relations with the Vatican

After the name of each state are given 1) its representation at the Vatican; 2) the representation (where reciprocity exists) of the Vatican in the state; 3) constitutional provisions, if any, regarding Church and State; 4) legal agreements, if any, between the Holy See and the state, *e.g.* concordat, *modus vivendi*, etc.

ARGENTINA: Embassy, since 1928. Nunciature. "Supports Church." AUSTRIA: Legation suppressed in 1938, restored in 1946. Internunciature. Concordat of 1933. BELGIUM: Embassy, since 1921. Nunciature. Separation. BOLIVIA: Embassy. Nunciature. "Recognizes and upholds" Catholic religion. No state religion. BRAZIL: Legation in 1826; embassy since 1919. Nunciature. Separation. Art. 196 guarantees maintenance of Holy See mission. CHINA: Minister Plenipotentiary named in 1942. Letters of credence in 1943. Internunciature. CHILE: Embassy, since 1920. Nunciature. Separation. COLOMBIA: Embassy. since 1927. Concordat of 1887. Nunciature. CUBA: Embassy. Relations renewed in 1935. Nunciature. Separation.

CZECHOSLOVAKIA: Legation erected in 1919. Closed in 1951. Nunciature (vacant). *Modus vivendi*. DOMINICAN REPUBLIC: Embassy. Relations re-established in 1930. Nunciature. State Church. ECUADOR: Embassy. Relations re-established in 1937. Nunciature. *Modus vivendi* of 1937. EGYPT: Legation erected in 1947. Internunciature. EL SALVADOR: Legation erected in 1928. Nunciature. Separation. FINLAND: Legation erected in 1942. FRANCE: Embassy since XVI century. Rupture of relations 1904-1921. Separation. Nunciature. GERMANY: Embassy since 1920. Distinct legations of Prussia and of Bavaria suppressed in 1934. Nunciature (Bonn). Concordats with Prussia, Baden and Germany. GREAT BRITAIN: Legation first provisionally established in 1914, on permanent footing since 1921. No reciprocity.

GUATEMALA: Legation (vacant) erected in 1936. Separation. Nunciature. HAITI: Embassy, since 1950. Relations since 1891, with vacancy 1911-1921. Nunciature. Concordat of 1860. HONDURAS: Legation (vacant), created in 1929. Separation. Nunciature. HUNGARY: Legation (vacant) since 1920. Nunciature (va-

cant). INDIA: Legation, since 1949. Internunciature. INDONESIA: Legation, since 1950. Internunciature. IRELAND: Embassy. Relations since 1929. Nunciature. ITALY: Embassy erected in 1929 after rupture dating from 1859. Concordat of 1929. Nunciature. JAPAN: Legation established in 1942. Closed in 1945 on order of Allied authorities in Japan. Negotiations in progress (January, 1952) toward re-establishing diplomatic relations.

LEBANON: Legation erected in 1947. Nunciature. LIBERIA: Legation erected in 1927. Chargé d'affaires of Nunciature. LITHUANIA: Legation, since 1927. Concordat. Nunciature (vacant). ORDER OF MALTA: Legation erected in 1930. No reciprocity. MONACO: Legation. No reciprocity. THE NETHERLANDS: Legation suppressed in 1872, revived on temporary basis in 1915, permanent footing in 1915, suppressed in 1926, re-established in 1944. Internunciature. NICARAGUA: Legation. Nunciature. "No official religion." PANAMA: Legation erected in 1929. Nunciature. PARAGUAY: Legation. Nunciature. "State Religion." PERU: Embassy. Relations since 1919. Nunciature. *Modus vivendi* of 1874. PHILIPPINES REPUBLIC: Embassy erected in 1951.

POLAND: Embassy. Relations established in 1919. Concordat. Chargé d'affaires of Nunciature *ad interim* (London). PORTUGAL: Embassy since XVI century. Suppressed in 1910. Legation established in 1918. Nunciature. RUMANIA: Legation (vacant), erected in 1920. Regency of Nunciature. Convention. SAN MARINO: Legation erected in 1926. No reciprocity. SPAIN: Embassy, since XVI century. Convention. Nunciature. URUGUAY: Legation re-established in 1939. Nunciature. No official religion. VENEZUELA: Embassy. Relations re-established in 1919. Chargé d'affaires *ad interim* of Nunciature. YUGOSLAVIA: Legation (vacant), established in 1919. Regency of Nunciature.

Switzerland has not maintained a permanent mission in Rome, but receives a Nuncio in Berne. *Luxembourg* likewise has accredited to it the Nuncio in Brussels, since 1916. *Russia* maintained a legation to the Holy See until 1922. *Denmark*, *Sweden* and *Norway* have never maintained a diplomatic mission in Rome. Before the second World War, *Latvia* and *Estonia* had ministers in Rome accredited to the Holy See. The Holy See has not recognized the present regime in *Poland*. *Mexico* has been in rupture with the Holy See for many years. The British Minister acts as the representative of the *British Commonwealth*, particularly for *Canada*, *Australia* and *New Zealand*. Most Latin-American states had diplomatic relations with the Holy See at one time or another during the nineteenth century.

BIBLIOGRAPHY

The following list of fairly accessible reading material in the English language may be useful in the study of some historical and juridical points connected with the question of diplomatic representation to the Holy See.

- Albion, Gordon, "England and the Holy See. A Survey of Diplomatic Relations," *The Month* (London), CLXXIII, January, 1939, 74-78.
- Baldwin, Simeon E., "The Mission of Governor Taft to the Vatican," *Yale Law Journal*, XII, November, 1902, 1.
- Benson, Oliver, E., *Vatican Diplomatic Practice as Affected by the Lateran Agreements*. Liege: Thone, 1936.
- Binchy, David, "The Vatican and International Diplomacy," *International Affairs*, XXII, January, 1946, 47-56.
- Eckhardt, Carl Conrad, *The Papacy and World Affairs as Reflected in the Secularization of Politics*. Chicago: University of Chicago Press, 1937.
- Egan, Maurice Francis, *Recollections of a Happy Life*. New York: Doran, 1924.
- Ellis, John Tracy, *Cardinal Consalvi and Anglo-Papal Relations, 1814-1824*. Washington: Catholic University Press, 1942.
- Farrell, John T., "Background of the 1902 Taft Mission to Rome," *Catholic Historical Review*, XXXVI, April, 1950, 1-32.
- Feiertag, Loretta Clare, *American Public Opinion on the Diplomatic Relations between the United States and the Papal States (1847-1867)*. Washington: Catholic University Press, 1933.
- Fenwick, Charles G., *International Law*, 3 ed. New York: Appleton, 1948.
- Gaselee, Sir Stephen, "British Diplomatic Relations with the Holy See," *Dublin Review*, CCIV, January, 1939, 1-19.
- Goss, Edward F., "The Taft Commission to the Vatican, 1902," *Records of the American Catholic Historical Society*, XLVI, December 1935, 184-201.

- Graham, Robert A., *The Rise of the Double Diplomatic Corps in Rome. A Study in International Practice, 1870-1875*. The Hague: Martinus Nijhoff, 1952.
- Hayward, Fernand, *A History of the Popes*. New York: Dutton, 1931.
- Hoare, Frederick Russell, *The Papacy and the Modern State*. London: Burns, Oates, 1940.
- Hughes, Philip, "The International Action of the Papacy," *The Tablet* (London), CLXXVI, November 2, 9, 16, 23, 1940.
- Hull, Cordell, *The Memoirs of Cordell Hull*, 2 vols. New York: Macmillan, 1948.
- Hyde, Charles Cheney, *International Law. Chiefly as Interpreted and Applied by the United States*, 2 rev. ed., 3 vols. Boston: Little, Brown, 1945.
- Kirsch, J. P., "Nuncio," *Catholic Encyclopedia*, XI, 160-163.
- Koenig, Harry C. (ed.) *Principles for Peace: Selections from Papal Documents*. Milwaukee: Bruce, 1944.
- Lauterpacht, H., *Recognition in International Law*. Cambridge: Macmillan, 1947.
- Marraro, Howard R., "The Closing of the American Diplomatic Mission to the Vatican and Efforts to Revive It," *Catholic Historical Review*, XXXIII, January 1948, 423-447.
- Moore, John Basset, *International Law Digest*. New York: Macmillan, 1906.
- Morgan, Thomas B., *The Listening Post. Eighteen Years on Vatican Hill*. New York: Putnam, 1944.
- Mowat, R. B., *Diplomacy and Peace*. London: McBride, 1936.
- Ojetti, Benedetto, "Secretariat of State of His Holiness," *Catholic Encyclopedia*, XIII, 152-153.
- Oppenheim, L., *International Law. A Treatise*, (H. Lauterpacht, ed.), 2 vols., 7 ed. New York: Longmans, 1948.
- Pichon, Charles, *The Vatican and Its Role in World Affairs*, translated by Jean Misrahi. New York: Dutton, 1950.

- Satow, Sir Ernest, *A Guide to Diplomatic Practice*, 3 ed. London: Longmans, 1932.
- Sencourt, Robert, *The Genius of the Vatican*. London: Cape, 1935.
- Sereni, Angelo Pietro, *The Italian Conception of International Law*. New York: Columbia University Press, 1943.
- Sforza, Carlo, *Diplomatic Europe since the Treaty of Versailles*. New Haven: Yale University Press, 1928.
- Sherwood, Robert E., *Roosevelt and Hopkins*. New York: Harper, 1948.
- Stock, Leo Francis (ed.), *United States Ministers to the Papal States. Instructions and Dispatches, 1848-1868*. Washington: Catholic University Press, 1933.
- Stock, Leo Francis (ed.) *Consular Relations between the United States and the Papal States. Instructions and Dispatches*. Washington: Catholic University Press, 1945.
- Stokes, Anson Phelps, *Church and State in the United States*, 3 vols. New York: Harper, 1950.
- Taylor, Myron C. (ed.) *Wartime Correspondence between President Roosevelt and Pope Pius XII*. New York: Macmillan, 1947.
- Toynbee (Arnold J.) and Boulter (V.M.), *Survey of International Affairs 1929*, (Part V. "Relations between the Sovereign National States and the Papacy"). London: Oxford Press, 1930.
- Turnstall, Brian, "The Papacy and World Peace," *The Year Book of World Affairs, 1951* (G. W. Keeton, ed.), 309-340. New York: Frederick A. Praeger, 1951.
- Wallace, Lillian Parker, *The Papacy and European Diplomacy, 1869-1878*. Chapel Hill: University of North Carolina Press, 1948.
- Wheildon, L. B., "Relations with the Vatican," *Editorial Research Reports*, Vol. I, No. 6, Feb. 12, 1947. Washington: Editorial Research Reports, 1205 Nineteenth St., N.W.

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