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THE CATHOLIC CHURCH AND PEACE EFFORTS*

THE Catholic Church is found to possess a moral program of international justice and peace. Her ethical system is well known to all who care to examine her doctrine. Those principles of morality which especially relate to the rights of states as moral persons, together with some of the inferences drawn by her most representative spokesmen relative to peace and war, have been ably summarized in the pronouncements of the Committee on Ethics of the Catholic Association for International Peace.

The purpose of the History Committee in submitting to the public this introductory report is to assist inquiring students of world peace to discover whether or not the practical administration of the Church has in the past adhered to those pacific principles which common sense and reason accept as the ultimate basis of a safe and honest peace. It is by no means intended to propagate an exaggerated theory regarding the future influence of the Church upon the State. We propose to present facts which reveal that an

*This is a report of the History Committee of the Catholic Association for International Peace and is being issued as a study from that Committee. The report has been directed by Dr. William F. Roemer and Dr. John Tracy Ellis, members of this group. The latter is chairman of the Committee. It was presented and discussed at the regular annual meeting of the organization. The Committee cooperated in the final form of the report and it was presented to the Executive Committee which ordered it published. As the process indicates, this report, being the report only of a committee, is not a statement from the whole Association.

influence for peace has quite generally resulted from her divine doctrine and her actual practice. Neglect of these facts in any study of peace would prove grievously short-sighted indeed.

The findings of the several members of our Committee will be presented separately under the title of each individual's authorship. In the initial part of this report, we offer:

- I. An expression of the scope of the studies that are being made by the members of the Committee; the subject matter of these studies is limited by a Christian philosophy of peace;
- II. A general retrospect of the progressive advance in the social influence manifested by the Church during the first centuries of her existence;
- III. A brief enumeration of some of the Catholic publicists whose studies in the Philosophy of law have disclosed the essentially ethical framework of an international law.

I.

THE SCOPE OF THIS STUDY DETERMINED BY A CHRISTIAN PHILOSOPHY OF PEACE.

In searching among the charts and records of history for the most direct and practical ways to peace, we are not unaware that care is to be exercised in the interpretation that is placed upon events in relation to their causes. One often hears it said that "everything is true but history." What is meant by this, doubtless, is that the motives and theories of historians very easily distort the real sequences, and interchange the major and minor influences which are ever at play in the drama of social life. If history is to be truth it must be imbued with the life of true philosophy and with a theory that is not biased and untrue.

The philosophy that guides and motivates this study is that which may be called the Christian philosophy of peace.

It is the conviction that true peace, like true law, must have a moral basis in justice, and not be based merely upon the physical foundation of force.

Any profound reflection on the problem of maintaining international peace and of "outlawing" international war brings to light the contradictory character of international war and international law. Despite this recognition on the part of intellectual students who approach the problem speculatively, the fact is often overlooked that the work of establishing the reign of law between nations can of necessity be accomplished only by the joint influence of many dynamic forces. Among these may be mentioned that rather intangible and changeable public opinion which has periodically discovered the fallacy of aggressive war, only to forget it under the passion of economic and political nationalism of the extreme type. Perhaps the most potent influence for law is the moral power of those people who fear God and practice religion. On the other hand, atheism and its devotees constitute one of the foes of a safe and permanent international law since they attempt to destroy the theistic and ethical basis of law.

Out of this conflict of forces, theistic and atheistic, the question arises: To what extent does religion,—all forms of religion,—affect the political peace of nations? To what extent has the Catholic Church in particular been an influence for political peace between organized communities, cities, and states? The question is not directed exclusively to an examination of the moral constitution of the Church, although her doctrine evidently guides her activities. It demands an answer regarding the practical devotion to the ideals of Christian peace by Catholics, themselves.

Let us assume here that the Divinity of Christ is a proved fact and that the Church was therefore founded by God, who proved His love for peace among men of good will, in word and deed. He submitted to death at the hands of His enemies, rather than call upon many legions of soldiers

to wage war for His cause. While it is well to recognize the fact that the Church was established by her founder not merely to promote or maintain temporal peace, one may remark that the Son of God chose to come upon the earth when "All the world was at peace," and that his habitual greeting was "Peace be to you." While justice and truth was His primary concern, and not peace alone,—for He was willing at times, as He said, to set brother against brother,—nevertheless Christ's conquest was to be won by pacific means. Although in the constitution of the Church there has always been preserved the military characteristics of an army whose destiny is to propagate directive principles of faith and morals without compromise, at the same time, she is expected to enter her domain in peace and not at the sword's point.

For the Church is primarily interested in the individual and his eternal salvation; with political groups and their temporal peace, she is interested secondarily, but none the less intensely. And she is interested above all in personal morality to the end that in the kingdom of another world each man may be eternally at peace with his Creator. Accordingly, the Church's doctrine, which is Christ's doctrine, a divine revelation, does not require for its support that its followers adopt any definite type of political government. The Church is therefore truly an international agency, unconfined within the limits of any state. It is only in a negative way, that the Church would limit the forms of political sovereignty. For example, she is opposed to the extreme nationalism which makes the nation an end in itself, which makes nationalism a fetish and a quasi-religion that is a contradiction of Christianity and Catholicism. (Such a nationalism is not here to be confounded with true patriotism which is, in the temporal sphere, a necessary loyalty. Thus there is no contradiction in being at once a loyal Catholic and a loyal citizen.)¹

¹ Cf. Belloe, *Survivals and New Arrivals*, 108; Cecil, *Nationalism and Catholicism*.

Christ has taught us to "Render to Cæsar the things that are Cæsar's and to God the things that are God's." The Catholic Church continues to stand on this principle. Favoring all duly constituted authority, she favors no one state. Her vehement denial of the absolute sovereignty of the State and of the Divine right of individual kings to perpetuate their family dynasties puts the Church on record in the past, the present, and the future as opposed to a needless conflict of nationalities, within her communion. It is possible to find instances where the limitation of tolerance is the source of friction. For whoever stands on the anti-nationalistic principle is not at peace with those who oppose that principle. Nevertheless the Church's defense of her principles does not imply any intrinsic threat to international peace. To think so is poor logic. For the Church is uniquely adapted to be "all to all" nations.

It is deemed appropriate that this introductory report of our Committee on History present first a general view of the Church's influence as an agency for peace. The influence that we shall speak of is not of a directly political nature. We find that it would be difficult to enumerate the multiple peace-time interests which are stimulated by the Church. The influence of Catholicism upon the cultivation of the peaceful arts and sciences, of agriculture, and of education is not to be denied. The universities of the old world and of the new, the colleges and the parochial schools, maintained under her guidance have been for centuries witnesses to this influence. Her industrial and economic philosophy, her advocacy of the living wage and of the rights of guilds and unions to protect themselves against the encroachments of capitalistic concentration illustrate those specific principles, which tend toward peaceful cooperation in the economic interests of all. Her philosophy of other worldliness, inspiring all men with the hope of justice at the tribunal of a just God in the next world makes possible in the minds of individuals a supreme patience under temporary injustices, and en-

courages communities which have been unjustly treated to refrain, if possible, from the pursuits of war and to use instead, peaceful means of redress. Again the Church, administering the sacraments, especially those of Penance and Holy Eucharist, encourages men to seek the fruits of temporal happiness under law rather than through conquest and war.

These contributions which the Church, as the instrumental channel of divine grace, affords to all individuals who wish to avail themselves of God's special guidance in daily life are readily seen to promote harmony in family and community life. And, besides, the effect upon family and community life of these influences penetrate into the very innermost machinery of the state dissolving the sediment and slag that otherwise would prevent the smooth and peaceful functioning of political organisms. What limits the value of the Church's indirect influence is, of course, the refusal of men in private and public life to take full advantage of the invigorating grace offered by the "Spouse of Christ." In addition to the indirect influences to which allusion has just been made, the Church has been for centuries, and still remains, in a strategic position to exert a more direct leverage in guiding nations away from the shipwreck of wars, through the use of Papal arbitration.

It seems therefore clearly within the province of this preliminary review of the historical influence of the Church and the popes in assisting the promotion of peace to stress the value of a Christian ethic which has remained fundamentally unchanged. It will not be beyond the scope of this study of peace to include also a modest appraisal of the abiding utility of a permanent institution such as the Papacy, as an agency of arbitration. For historical interest turns not merely for entertainment to the outward drama of a successive array of wars and treaties. Certainly there are many minds which desire to discover cause as well as effect,

to compare varying effects with other varying effects, and among these causal influences with their resulting phenomena, to understand the relation of the Church to peace.²

In this connection we shall call attention to the paramount importance which the Church has traditionally assigned to arbitration in preventing and supplanting war. History will reveal the startling successes of arbitration and the miserable failures of militarism. While the race for military supremacy has led to the exercise of armed force, supine lack of preparedness has invited invasion into political units left unguarded. The Church, and not the State, has shown that she, like Christ, can throw away the sword and rely upon her divine guarantees. Whenever the Church has ascended the Mount of Calvary she never has doubted her own resurrection. It has not been so with political states. They possess no talisman of victory, no world wide moral force to guard them from annihilation. For the Church,—though not for the state,—ultra pacificism has proved a successful policy.

Arbitration stands forth as the *media via* between militarism and pacificism in world politics. The *arbitrists* turn to history to prove their contention that it is better to submit disputes to a fairly impartial judge or jury than to invite that certain loss which ensues from defeat and victory in war, with almost equally devastating effect.

The Christian philosophy implies a recognition of the necessity for peaceful settlements of disputes between nations. For Christian principles connote an appeal to justice through reason. Reason condemns recourse to warfare where arbitration is possible. Reason demands that man accept international law as a mandate from God. International law needs sanctions other than those of military force. Where are such sanctions to be found? It would seem that the chief non-military sanction of international law is to be found in a world-wide public opinion, and an enlightened conscience

² Cf. Allies, *The Formation of Christendom*, 23.

of mankind, accepting the principles of Christian peace in the observance of treaties. How is such a public opinion and conscience to be achieved? Has civilization ever possessed such a conscience in the majority of humankind? Judged from the experience of the past, what are the prospects for the future? What has been the mission of the Church in this respect? What has been her success in forming such a conscience? What has been the role of the Papacy in this regard? These are the particular studies which the History Committee of the Catholic Association for International Peace proposes in this brochure and also in subsequent studies along the same line.³

II.

RISE OF THE CHURCH TO SOCIAL INFLUENCE IN THE ROMAN EMPIRE

One of the first major, social and semi-political effects of the early Christian persecutions is found in the facts that, in 325 A. D., a general council of the Church was called at Niçæa; and that its members were received in the palace of the Emperor Constantine. The Emperor's action in accepting the decision of this Council as the voice of God, and his gift to Pope Sylvester of the Lateran Palace in the precincts of which he erected the Latin Basilica, a church dedicated to Jesus Christ, make one pause before the transformation that had come to pass in the old stronghold of idolatry and lust. The Emperor of the Roman Empire had apparently acknowledged the new religion of Christ as of divine origin. Such influence as the Church possessed in the day of the first Christian Emperor presents an interesting index to the relative value of military power in contrast to the psychological and moral power which the Church as a champion of truth and justice is able to exert at all times.

³ Cf. Roemer, *The Ethical Basis of International Law*.

During the reign of Theodosius the Great, the Church was accorded even greater privileges than she enjoyed under Constantine. Under the latter's rule paganism had been tolerated, whereas under Theodosius (392-394) every sort of idolatrous worship was prohibited under the severest penalties. Against such zeal as that which this Emperor displayed, the illustrious St. John Chrysostom protested. "It is not," he said, "lawful for Christians to abolish error by force and violence. The salvation of men should be brought about rather by convincing them of their error, by persuading them to embrace the truth and by deeds of charity." St. Chrysostom's attitude being more in accord with the teaching of Christ, was appropriately the one generally and traditionally adopted by the Church.

The Church continued to manifest her character as an invincible spiritual force always to be reckoned with, when the barbarians took possession of Rome. Instead of depending upon the state for her existence, and losing her identity under the stress of political reorganizations, the Church continued to flourish with surprising energy. Gradually her influence helped to civilize the barbarians. It was the pope who crowned Charlemagne, on Christmas Day, 800 A. D., as Emperor. Here is a manifestation of survival where only the divinely fittest organization could have continued to exist.

The Holy Roman Empire did not remain intact, but the orthodox interpretation of Christian doctrine did. The empire of Charlemagne was divided among his three grandsons in 843. Before long, when the struggle between the descendants of Charlemagne and the Duke of Paris resulted in the triumph of Hugh Capet, a transition from tribal sovereignty to territorial sovereignty was completed in France. While all this time territorial sovereignty in the Western world was taking definite form, the Church did not see fit to change her doctrine to suit the everchanging political situations. Nor did she lose her religious influence over the

hearts and minds of her subjects. Rather, she maintained her consistency and character in matters of faith and morals amid the metamorphoses of dynasties and peoples. Her œcumenical councils in which she assembled prelates and learned doctors to decide upon measures relative to the discipline of the Church, were regarded as possessed of wide influence and authority. In the eight General Councils of the East, held in 325, 381, 431, 451, 553, 680, 787, and 869, and, also, in the seven General Councils in the West, held in 1123, 1139, 1179, 1215, 1245, 1274, 1311, there were frequent discussions of problems which affected the well-being of the Christian *res publica*. Among such subjects were at times the question of regal succession and the trial of princes, whose conduct harmed their own subjects or others. It is significant that always the single ethical standard of Christian doctrine was held before kings and subjects. In this singleness of standard is to be found the seed of peace, within and between nations.

During the greater part of the Middle Ages, Europe divided her allegiance between the Byzantine and the Holy Roman Empire, which, ceasing to be Roman, partly justified the epigrammatic criticism of Voltaire. The Byzantine Empire with its capital at Constantinople was far enough removed from Rome that the Byzantine emperors were not able effectively to bring the popes under their political sway. Instead, the bishops of Rome began to exercise both political and ecclesiastical power in central Italy. The popes were, first and foremost, religious leaders, but according to the circumstances of mediæval society they also wielded political and hence even military power. In recognizing this intimate part which the head of Christendom was called upon to play in political affairs during the Middle Ages, we do not wish to be accused of advocating a restoration of the Church to a similar political position today. It cannot be overemphasized that the influence with which we are concerned is not that of a political party. The burden of these

reflections is to submit the view that the moral principles of Catholicism tend logically to induce a social state of mind which will refuse to harbor nationalistic antipathy and social hatred, the chief roots of public warfare at all times.

It is true that the popes in mediaeval European civilization occupied a vastly different position from that which they hold in twentieth century society. Today, international finance controls the capitalistic economy. Communism and related forms of socialism seem to preoccupy the mind of those who protest against the excesses and disadvantages of capitalism. In the twelfth and thirteenth centuries the Church and the Papacy dominated social life in the Western world. Europe had found and accepted unity in Catholicity. She was therefore within reach of the promised realm of permanent peace. Regrettable is the loss of what might have been for her a lasting assurance of peace. The sacrifice of Christian social unity could not do aught but entail the loss of peace.

The thought which suggests itself here is that the principles of justice which the Church gave to the people of Europe in the days of the Roman Empire and to the people who lived in Europe in the mediaeval centuries were principles which tended to stabilize their social dealings in the intercourse of one racial group with another. The fact that private warfare was not uncommon in those days can be attributed to other factors than to the resistance of human nature to a single standard of justice. Racial prejudices, barbarian customs and habits did not submit to the promptings of conscience and to the yoke of religion without prolonged self-discipline coincident with many failures to curb the pugnacious instinct which had been fed by centuries of distrust and lack of understanding between one tribal group and another.

There is no doubt that the influence of the Church with her Catholic Christ-given doctrine of justice to all has been a leaven working for peace in a world of nations accustomed

by instinct and habit to fight for supremacy and ruthless domination regardless of the rights of those people who may be considered foreigners to one's own state.

The denial of the papal spiritual supremacy in the sixteenth century with the consequent destruction of religious unity in the West—the Schism of the so-called Greek Orthodox communion had initiated the disruption of Christendom — by the Protestant revolt, effectively crippled most of the efforts on the part of Church dignitaries to assist directly in the role of official arbiters since that time; for in the Treaty of Nimewegen, and as adopted at Westphalia in 1648, is found the new principle that “the religion of the prince is therefore to be the religion of the land.” The scourge of materialism and the disregard for authority helped to obscure and diminish the prestige of the Holy See. Having ignored the Holy See, governments lost for a time a powerful mediator who could apply fixed standards of justice in cases of dispute. No other tribunal could be found, whose principles were so lofty and which was as disinterested as the Holy See. No single man, no government, no court was prepared to state with authority what were the true basic obligations and rights that underlie the relations of man to man, and man to state. The Holy See, constant in its adherence to its principles of justice, right, and duty, as found in the natural law and interpreted by Scholastic philosophy, proclaimed a system of morality which was absolute and unchanged and, therefore, available and reliable at all times.

Whereas, before the advent of Protestantism, the outlook for unlimited progress toward more enduring peace and prosperity was very encouraging, by reason of the fact that the Church's moral teaching was accepted as standard, unfortunately, new sources of conflict arose along with the Protestant revolution which undermined the foundations of international law, and opened a way for a flood of chaotic opinions and self-destructive contradictions.

Religious principles were called into question by leaders such as Luther, and when left to individual interpretation, lost their influence in many sections of Europe. Religion ceased to be interwoven with the warp and woof of daily life, and was relegated to separate minor departments of interest along with thousands of others. And as people emancipated themselves from spiritual ties, material interests came more and more to crowd out their esteem for the higher values, and international morality lost its unity. For each nation undertook to be a law unto itself, chose to have its own religion, and its own standard of morality. Hence, the most important well-springs of international law were diverted, inasmuch as the old common sense principles of justice were called into question. Paradoxical as it may seem, in the sixteenth century, the era of the so-called birth of international law, the nations of the world lost the compass that might have guided them to pacific shores where their difficulties might have been solved, not always by the unsatisfactory decisions following war, but by a supreme and permanent court of equity. Sentiment for the ratification by all the sovereign powers of a protocol for the secure establishment of a world court seems to be based on a reasonable demand for an agency of arbitration whose constitution is based on moral and legal conceptions acceptable to the common conscience of civilized mankind.

III.

CONTRIBUTION OF THE CHURCH TO THE LAW OF NATIONS

Let us select a particular phase of that influence for peace which we are concerned with in the mediaeval period,— the contribution of the Catholic moralists to the law of nations. A moment's reflection upon the problem of avoiding war brings us to the same fundamental analysis of peace and law with which statesmen and moralists have always been faced. War is the very antithesis of submission to law and peace. Peace is the tranquillity of order, and without the

acceptance of law, there is obviously no order amid the confusion of conflicting rights, exaggerated as they are by the material desires of contending groups. The moralists of the Catholic Church, as well as those very upright non-Catholic publicists who have reiterated Christian principles of social ethics, have ever been unanimous in upholding the validity of a natural law in the essential political relations which obtain between sovereign states.

The conception of the *jus naturale* was not entirely foreign to Roman philosophers and jurists. The Stoics believed that all men are obliged to live "according to nature." It thus came about that Roman lawyers, being under the necessity of working out a system of law which would be basically the same for various racial groups within the Empire — a practical and positive *jus gentium* — came to the use of terms identical with those employed later by the mediaeval philosophers, who had the advantage of the light afforded by revelation.

Under the influence of Christian theology it was not surprising that the "common conscience" of mankind was found to come from God. It therefore possessed divine sanctions, and became in time a system of right founded in the very essence of God and enacted into formal law by His Divine Will. This law was found to be within reach of man's reason which can discover, interpret and correctly apply it. Natural law, then, was interpreted to be a participation by man in the eternal law inasmuch as human reason was delegated by God to ascertain the will of God regarding the welfare and destiny of the human race and thus to arrive at the knowledge of standards of truth and justice. Appeal from the defects and injustices of the actual order in man's conduct could always be made to such a *magna charta* of human liberties, and though this appeal might be practically ineffectual at times, nevertheless, there was kept before the minds of men the fact that it was their duty to make behavior conform to an ideal system of human relationships.

Machiavellian principles were certain to crop out, but *might* was not long allowed to assert itself as *right*, without vehement contradiction.

It is in the philosophy of the early mediaeval period, that there is to be found the living soul of international law. A practical reflection is suggested by the fact that if a progressive and intellectual revolution is to be brought about in our attitude toward international relations — if we are to have international justice and world peace — then we cannot ignore the study of this system which recognizes divine origins and is ingrained in man's very nature. It is a part of the glorious past to which men go when they wish to find a living international law for a modern world.

By reason of the Church's spiritual constitution and her interest in social peace, it came about that the Church was destined to drive the first piling for the structure of international law by endorsing principles of international conduct enunciated by her moralists in their study of relations between national groups. The definitions and distinctions of such representative theologians as St. Isidore of Seville (circa 595-636) were accepted by numerous commentators, and incorporated in Gratian's code of canon law.⁴ As early as 596 St. Isidore gave definitions or descriptions of the *jus naturale*, *jus civile*, and *jus publicum* which were perhaps borrowed from the *Institutes* of Ulpian wherein *jus militare* was placed by the side of *jus gentium* and was made a matter of earnest treatment. The law of war also received some study here in the form of detailed propositions. These St. Isidore treats of in the fifth book of the *Etymologiae*. His eighth book classifies the various kinds of warfare.

Although at this period of the sixth and seventh centuries the law of nations had not as yet appeared as a distinct science, theologians, canonists, and publicists were already discussing the morality of warlike relations. This was to be

⁴ Cf. Chapter on Mediaeval Diplomacy, by Carlton J. H. Hayes, in *History and Nature of International Relations*, edited by Edmund A. Walsh, S. J.

expected, as wars were frequent and took the form of private feuds in addition to strife between political communities. The former were, however, far more general. They were called "Faustrecht" or "Faida." Broadly speaking, the principles justifying private warfare were conceived to be based on that right to seek justice and to redress wrongs which is vested in every free individual.

The Church, in addition to sanctioning Isidore's own definitions and distinctions, contributed to the maintenance of international peace by efforts to curb private warfare and to impress upon the minds of her children the value of peaceful methods of settling disputes. In this connection the Truce of God offers an interesting concrete instance of the influence of the Church. The idea of establishing holidays on which private warfare would cease arose during the eleventh century amid "the anarchy of feudalism."

"It arose amid the anarchy of feudalism as a remedy for the powerlessness of lay authorities to enforce respect for the public peace. There was then an epidemic of private wars, which made Europe a battlefield bristling with fortified castles and overrun by armed bands who respected nothing, not even sanctuaries, clergy or consecrated days. A council of Elne in 1027, in a canon concerning the sanctification of Sunday, forbade hostilities from Saturday night until Monday morning. This prohibition was subsequently extended to the days of the week consecrated by the great mysteries of Christianity, *viz.*, Thursday, Friday, Saturday, and Sunday. Still another step included Advent and Lent in the Truce. The Truce soon spread from France to Italy and Germany; the œcumenical council of 1179 extended the institution to the whole Church by Canon XXI, '*De treugis servandis*,' which was inserted in the collections of canon law (Decretal of Gregory IX, 1 title, '*De Treuga et Pace*'). The problem of the public peace which was the great desideratum of the Middle Ages was not solved at one stroke, but at least the impetus was given. Gradually the public authorities, royalty, the leagues between nobles (Landfrieden), and the communes followed the impulse and finally restricted warfare to international conflicts."⁵

⁵ Cf. Moeller, Ch., Truce of God, The Catholic Encyclopedia, XV; Semichon, LaPaix et la Treve de Dieu.

Both the *Truce of God* and the *Pax Ecclesiae*⁶ indicate leadership on the part of the Holy See, inspiring and directing the warlike knights toward the goal of peace.

Contrary to the methods prevailing in feudal courts of obtaining the judgment of God by trial of battle, the ecclesiastical courts, established so widely over western Europe in the wake of the Cluniac and Gregorian reforms, determined justice by resorting to canon law, which always relied upon reason and equity. By such means the canon law fostered and inspired the growth of royal justice and royal law.

Pope Gregory IX (1227-1241) deserves special mention here since he was the first to have the canon law condensed into a code; and hence he has been called the Church's "Justinian." Of course, the canon law was designed for the government of the Church and not to replace or rival the imperial jurisdiction. Yet the influence of the Church's law was so manifestly beneficial, especially in the Middle Ages, that it may be said to have supplemented and perfected the *jus gentium* of the Romans.

It was because they saw that the principle of political authority contradicted the practice of private war that many mediaeval theologians, canonists, and publicists thought it a part of justice to limit the right to wage war to the heads of political groups. It was here that Gratian, who might well be called the father of the science of international law as he is of canon law, played a pioneering role. His *Concordia Canonum Discordantium*, known to posterity as the *Decretum*, which was designed to serve in teaching canon law, was compiled between 1139 and 1150. Due to the fact that he had championed the juridical claims of the Holy See, he gained an enthusiastic following, and the *Decretum* soon became regarded as a very important work. However, it possessed other intrinsic values and was copied in many manuscripts prior to the invention of printing, and after that time, ran through manifold editions, thirty-nine of

⁶ Galerius, Edict of Toleration in Eusebius, *Hist. eccl.*, VIII, xvii.

which can be counted between 1471 and 1500 alone. In the second part of this work, in *Cusa XXIII*, he treats of war by saying that it may be lawful, but should be imposed only by necessity and not based on cupidity, nor attended with cruelty, and should be directed toward the inauguration of peace.

St. Thomas Aquinas also exerted great influence upon subsequent moralists and publicists. His *Summa Totius Theologiae*, begun in 1265, and completed after nine years of labor, considers war in the fortieth question of the *Secunda Secundae*. The sinfulness of war, the impropriety of clerics and bishops taking part in war, the questions whether ambushes were lawful and whether fighting on feast days was proper, were subjects which he treated with moderation, humanity, and a spirit of conciliation. Many of the maxims which have become classics in dissertations of the law governing war can be traced back to this book and this author. The *Summa* became the intellectual pride of Christendom, and was taught far and wide, particularly by the Dominican Order.

The writings of Gratian and Thomas Aquinas were authoritative manuals in the field of theology and philosophy. When we remember that the schools throughout the early part of the Middle Ages were dominated by the spirit of Catholicism, we cannot but infer that these two authors by their ethical opinions influenced the studies and the contributions of those other writers who, toward the end of the fourteenth century, busied themselves with a consideration of special questions relative to international morality and the law of nations.

Probably the choicest bloom of Spanish legal scholarship, at a period antedating Grotius, was Francisco de Victoria (1483-1546),⁷ who is specifically mentioned by the learned Grotius not only in his *De Jure Belli Ac Pacis*, but also in

⁷ McKenna, Francis de Victoria, Founder of International Law. (Report of the Catholic Association for International Peace, Washington, D. C., 1930.)

his *De Jure Praedae*. This frank acknowledgment by Grotius has led to honest inquiry into the life and works of Victoria, who lived during the glorious years marking the end of the fifteenth and the beginning of the sixteenth century. He was born in Alava, and was sent to Paris, where the Order had a college connected with the University of Paris.

Victoria's eminent merits were recognized when in 1540 he was admitted to the Sorbonne, from which he obtained the degree of Licentiate in Theology. To the science of his choice, Victoria gave a vigorous impulse and was responsible for revival of interest in theology in Spain.

Many writers attributed to the University of Paris the credit for having taught Victoria the doctrines which he carried into Spain. Doubtless, his great qualities were given him by nature and fostered by his instructors in philosophy and theology. He had indeed the good fortune to be in surroundings favorable to the development of his gifts. While in Paris he became a friend of one of the leading humanists, Josse van Assche. He was acquainted also with Pedro de Covarrubias, Juan Luis Vives, and the great Erasmus.

On his return to his own country, Victoria was appointed regent of the Dominican College of St. Gregory at Valladolid. In 1526 the primary chair of theology at the University of Salamanca became vacant, and, on September 7 of that year, the judges awarded it unanimously to Victoria after an open competition.

The contemporaries and pupils of the "incomparable professor," as he was called, aid us in extolling his extraordinary talent. Among his most illustrious disciples were: Melchior Cano, Domingo Soto, and Bartholomew of Medina. Melchior Cano, in his *De Locis Theologicis Libri Duodecim*, says of Victoria: "Spain has received this eminent master of theology from the great goodness of God."

In 1552, Victoria, lecturing at the University of Salamanca, delivered his famous dissertations, *De Indis* and *De Jure Belli Hispanorum in Barbaros*, in which he discussed the

ethics of Spanish dominion in the New World. Again, in 1538, we find Victoria discussing other problems arising out of Spanish contacts with the Indians.

While Victoria was not himself present at the œcumenical council held in Trent (this Council opened in 1545 and continued to 1563), his influence, through at least two of his students, Domingo Soto and Melchior Cano, was great among the theologians gathered from all nations,—the Spaniards acquitting themselves in a manner far superior to many others. In the lectures which were published by his students, we learn of the opinions which Victoria probably would have expressed in regard to the quarrels over papal authority had he attended the Council of Trent. The learned Spaniard held the Church and its head in high respect, and he placed the *Respublica Spiritualis* and the *Respublica Temporalis* side by side, teaching that each was self-sufficing. He held that the Church had the right to act independently in such a way as not to disregard the political power of princes; but only through the medium of her spiritual authority.⁸

After his death the lectures of this great teacher were collected by some of his former pupils, and printed. The first edition was filled with mistakes, and succeeding editions also had more than their share of blunders, although these were mistakes of printing which could be corrected by the reader himself. While the title of his compiled lectures, *Relectiones Theologicae*, indicates that theological questions were in the majority, some of the questions treated belong more properly to the law of nations. Not only did Grotius pay homage to Victoria's genius, but later historians as well and many moralists and publicists were unlimited in their praise of this great Spaniard and his close reasoning in matters concerned with the law of nations.

Francisco de Suarez (1548-1617), also, well-known as a

⁸ Cf. Scott, *The Spanish Origin of International Law*. Also cf. Francisco De Victoria: Addresses in commemoration of the fourth centenary of his lectures "De Indis" and "De Jure Belli," (1532-1932). (Delivered at the Catholic University of America, May 1, 1932.)

theologian, was interested in international relations and formulated some enlightening principles that strongly affected Grotius and his successors and more firmly than ever based the foundations of right international law on the teachings and tenets of the Church. Suarez occupied the chair of theology at the University of Salamanca. He was born in Granada on January 5, 1548, slightly more than a year after the death of his countryman, Victoria. In 1564, Suarez entered the Society of Jesus at Salamanca, where he studied philosophy and theology, and published twelve extensive works on theological and philosophical questions. Seven more of his works were published after his death.

The influence of Suarez on international law by reason of the ethical principles which he expounded was perhaps as great as that of Victoria. Grotius recognized in him one of the greatest theologians and a profound philosopher.⁹

Without detracting in the least from the credit which is due Grotius for his systematic compilation of the principles which underlie international law, it should be borne in mind, as Doctor Scott pointed out, writing on November 2, 1906, and quoted by Father Walsh:

"Grotius is universally considered as the founder of international law. This, like many other statements, is true enough, but likely to mislead. He was not the founder nor was he the father of the science any more than Adam Smith was the father or founder of Political Economy as a science. We look beyond Grotius and see that the international law of today is rooted in a remote past."¹⁰

Although Grotius elaborated his work in detail, his general principles are fundamentally the same as those outlined by Suarez and Victoria.¹¹

⁹ Cf. Grotius, Ep. 154. J. Cordesio.

Herbert Wright in the *American Journal of International Law*, XIV, No. 2, 307 (April, 1920), discusses the influence which the works of Suarez have had upon International Law. Likewise the Carnegie Endowment for International Peace, under the editorship of James Brown Scott, has published a translation of the works of both Victoria and Suarez relating to law and international relations.

¹⁰ *The History and Nature of International Relations*, edited by Edmund A. Walsh, S. J.

¹¹ Cf. Walker, *A History of the Law of Nations*, 330.

Grotius, in naming the authors to whom he was indebted and in criticizing them for lack of clarity and exactness, praises the *Semestria* of Peter du Faur de Saint Jovis for its endeavor to supply order and arrangement to the existing knowledge of international law, and with mention of him, also notices the work of two other authorities whose contributions we shall take note of briefly—Balthazar Ayala, a Spaniard, and Alberico Gentilis, an Italian. The former, a subject of Charles V of Spain, was born at Antwerp in 1548. His fame as a jurist is preserved in his *De Jure et Officiis Bellicis et Disciplina*. Of equal authority with Ayala was his contemporary, Gentilis.

Albericus Gentilis, born in Italy, in 1552, may indeed be regarded as one of the founders of modern international law. He was forced to leave his native city, because of objections to some of his opinions, and he went to England to become professor of civil law at Oxford University. He adopted as his real guide the *Jus Naturae* as a participation in the divine law, and held it to be the best epitome of the philosophy of law.

In the fall of 1588, he published at London his *De Jure Belli Commentatio Prima*. It was to this treatise that Grotius admitted he owed great assistance in the writing of his *De Jure Belli Ac Pacis*, published at Paris in 1625. However, Gentilis, in turn was dependent upon a group of Spanish scholars, the most distinguished of whom was Suarez, whose work *Tractatus de Legibus ac Deo Legislatore* surveys in a general way the field afterwards covered by Gentilis and Grotius.¹²

Notation of the work of Gentilis as a precursor of Grotius recalls another great name in theological, moral and legal circles, that of his illustrious compatriot, Cardinal Roberto Francesco Bellarmine. This light of the Church was born in Italy, in 1542, and died in 1621. He entered

¹² Of Gentilis, Grotius says: "Cujus diligentia sicut alios adjuvari posse scio et me adjutum profiteor." Prolegomena, No. 39.

the Jesuit Order at the age of eighteen, and soon distinguished himself for his knowledge of theology. He was sent to the Low Countries to oppose the progress of the so-called reformers, and for several years occupied the chair of theology at the University of Louvain. His great work, *A Body of Controversy*, which sets forth the right of pontiffs to depose princes, met with the disfavor of the secular powers in Paris.¹³ Bellarmine's disputations covered systematically all the prominent issues of the time, theological, ecclesiastical, and political, and constituted a formidable arsenal of arguments.

We may indicate also several lesser known publicists who merit cursory mention because they played some part in the shaping of the work of Grotius; to them that jurist has confessed indebtedness. Probably the first of these to merit our attention should be Johannes de Legnano, a Spaniard, whose accurate knowledge of international relations and law was obtained from his experience on several diplomatic missions. Later in life he became a professor at the University of Bologna, where his field of study was law, theology, philosophy, morals, and astrology. He died in Bologna, in 1383.

Grotius was indebted, as he says, to those writers "who often manifest great genius"—the Fathers of the Church, and scholastic canonists who by a special study of the Roman law had wedded its principles of practicality to the eternal principles of Christianity. Many of the writings of these were investigated by Grotius, and he acknowledged in general terms that his work was a compilation, rather than an original endeavor, "to lift international law out of the slough of despond" into which it had fallen. He makes note of Irnerius and his successors, Accursius and Bartolus, "and a great number of others who for a long time have been recognized as authoritative at the bar." He mentions Alciati and his followers and indicates by name Covarruvias,

¹³ Cf. Dunning, *History of Political Theories*, 128.

Vasquez, Matthaei, Hotman, Winckler, Henricus de Gorcum, and Martin of Lodi.

Other publicists and canonists whose works deserve study in this connection are: Honore Bonet, a Benedictine, who gave the world *L'Arbe des Batailles*, about 1384, Alfonso Tostado, born in Castile, about the year 1400, Gonsalvo of Villadiego, Johannes Lupus, Franciscus Arias de Valderas, and Thomas Campanella. These men, predecessors of Grotius, manifest in their writings their certain conviction that the only way to realize just international relations, or indeed any kind of just relations, is to abide by the moral principles vouchsafed to men by right reason and the revelations of the Divine Master, who gave them to the world for its just betterment and regulation. The spirit of early international law then was the spirit of Christianity.

Is that spirit in evidence in this year of grace? Is it not that spirit that is needed to make treaties and covenants of lasting benefit? Is not our civilization, equipped with its mechanical devices (such as the radio) for closer communication between states, capable of informing the masses with regard to the essentials of international law? What is to prevent such an education of the people? Need the failures of the past dull our determination that a common conscience with respect to the principles of international morality and law be given an ever-increasing world-wide power for peace? On the contrary, the urgent need for such a common conscience demands that great effort be expended to educate all people in the peace history of the Church, a history which manifests:

- I. That she has been and still remains a tremendous and, potentially, an incalculable influence for peace;
- II. That she offers to the nations of the entire world a Christian philosophy of peace that is capable of guiding them out of the despair which the philosophy of force engenders;

- III. That her representative theologians, canonists, and philosophers have clearly demonstrated the existence of a stable and consistent ethics which will serve as an ideal and solid basis for a practical international law.

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