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THE CATHOLIC CHURCH AND PEACE EFFORTS*

I.

PEACE EFFORTS OF THE CATHOLIC CHURCH IN THE EARLY MIDDLE AGES

The first section of this report affords a review of the philosophy underlying the Catholic Church's position in the maintenance of world peace and a statement of the principles which have motivated her actions in respect to peace efforts. The work of her theologians and moralists has been no small contribution to the general labors of the Church in this behalf. It is with this philosophic background and the knowledge of what has been done by the Church's writers and thinkers on this subject, therefore, that one may properly approach the second section of this report. The present section is devoted to an investigation of the historical instances in which the Church's agencies have been more directly utilized to promote world order and peace. This review is but general in character and may provide the basis whereon to rest more intensive and specialized examinations of the peace efforts of the Church in particular periods of her history.

The history of the first four centuries of the Christian era is not very productive from the viewpoint of successful peace efforts on the part of the papacy. That is not difficult to understand when it is remembered that these were the formative centuries of the Church and the years when it was establishing itself in the unfriendly regions of the Roman Empire. Through these first centuries of our era the apostles, disciples, and missionaries of the new religion made their way gradually about the provinces of the Empire. Had Christianity remained a purely Jewish phenomenon it

*The first section of this Report was published in the November, 1933, issue of the Notre Dame Lawyer.

would not have given undue concern to the Roman State, but as it had almost from its beginning severed the chains which bound it to the Mosaic Law and the land of the Jews, and made known its mission of universal conversion, this religion became the object of persecution by the authorities of the State.

Throughout these first few centuries, therefore, the Christian sect was made the victim of intermittent persecutions from Roman emperors and local governors, but the Empire had encountered a force against which it hurled its great physical strength in vain. The Church continued to grow and to spread so that in a spot as distant as Lyons in the region of Gaul the number of Christians seemed to warrant a persecution as early as the year 177.

Despite the apparent failure of persecution as an effective means of eradicating Christianity, the practice was continued on into the fourth century. The lot of the Christians was a difficult one at best, and the time and energy of the popes and bishops of these early centuries were occupied in a supreme effort to conserve the gains made, to enlist new members to carry on the Church's mission, and to keep the faith intact and practiced in a world which did not even grant to it the passive aid of legality.

However, other circumstances occurring in these years of the late Empire (and particularly is this true of the third century) were to work to the benefit of the Church. The Roman imperial government itself had descended upon evil days. The fine vitality of the Roman State was severely strained by the regime of the "barrack emperors," men who came and went from the imperial throne at the bidding of quarrelsome factions in the army. This disruption of the civil order, together with the simultaneous demoralization of Roman society through the excessive taxation which ruined the business and lower classes and through the indifference and over-indulgence of the nobility, seriously weak-

ened the fabric of Roman statecraft. These factors, added to the wanderings and invasions of the barbarian peoples, made the struggle of the Empire to preserve itself a severe one since the end of the fourth century.

But the old Empire was to enjoy a brief period of revival before the process of decay would ultimately triumph. This revival was due chiefly to two energetic and able emperors who strove to restore the flagging spirit of imperial Rome. The first was the Emperor Diocletian (285-305), a forceful and ingenious administrator, a man who manifested little patience with the new religion of Christianity and who instituted one of the last official persecutions of the sect. Following the retirement of Diocletian, and emerging victorious from the civil wars and feuds which marked Diocletian's departure, was the Emperor Constantine the Great (306-337). Constantine remained a catechumen during his lifetime, and was baptized only shortly before his death. It was he who gave the Christian body its first official recognition, its legal right to exist. It was Constantine who, in 313, issued, in company with his Co-Emperor, Licinius, the Edict of Milan which granted equality of status to all the religions in the Empire.

The implications of the Edict of Milan for the Christian body in the Empire were great. It meant that the disciples of this previously banned sect might now ascend from the obscurity of their catacombs to walk, worship, and work in the vision of all. Christianity might now take more positive steps to achieve her purpose. The Edict likewise was a recognition upon the part of the Roman State that the campaign of persecution had failed and that Christianity had won in its duel with paganism. Before his death the Emperor Constantine was baptized in 337, the first of the long line of imperial Caesars to desert the pagan gods. The baptism of Constantine was another favorable portent for the future of Christianity.

The process of decay which Diocletian and Constantine were able to arrest for a short while set in again after the latter's death. But while the last years of the fourth century witnessed a diminishing imperial authority at Rome, the prestige of Rome's bishops and their colleagues in the other Christian dioceses of the Empire was increasing. Faced with the peril of invasion, the loss of life and property, and a receding central authority, the people turned more and more to the only source of order and discipline which they found about them in these troubled years, the Christian bishops. A striking example of the extent to which the Christian ideal had triumphed by the end of the fourth century, and also of the moral authority wielded by a Christian bishop is that of the Emperor Theodosius (378-395) and St. Ambrose, bishop of Milan. In this case Ambrose refused to perform any of the services of the Church in the emperor's presence until the latter had done public penance for ordering the ruthless massacre of the inhabitants of Thessalonica as a punishment for their revolt against his garrisoned troops in that town. The world was treated to the spectacle of a Roman Caesar doing public penance for a sinful act before the Christian bishop of Milan. Speaking of the year 390 in which this event occurred, a historian calls it "that memorable year in which Church and State met as opposing powers and a righteous victory lay with the Church."¹

It was not, however, until the next century that the bishops of Rome would emerge as the defenders of the West. When the Emperor Theodosius died in 395 he divided the Empire between his two sons. This division endured and the unity of the Empire was permanently shattered. Although not intended as such this division was a confession of weakness and inability on the part of the secular power to maintain order, and such it proved to be. For some years the provinces of the Empire had been the scene of

¹ 1 Cambridge Medieval History 244.

barbarian inroads, but it was in the days of Theodosius' sons that they penetrated into the heart of the imperial domain, bringing a partial paralysis of civil administration, destruction to life and property, and a blight upon civilization in their wake.

In these dark days of the fifth century it was the Bishop of Rome who came forth as the staunch defender of order in the state. When the success of the barbarian advance brings the Visigoths under Alaric to the Eternal City itself in 410 and submits the capital of the Roman Empire of the West to a sack in August of that year, it is Pope Innocent I (402-417) who is able to mitigate the punishment of the capital by Alaric's band and who persuades the Visigoth to spare the principal churches which were places of refuge for the frightened populace. Emperor Honorius, Theodosius' son, stood by at a distance from Rome while Pope Innocent interceded in behalf of peace.

Later in that same fifth century Rome was again the victim of a barbarian conqueror's whim, this time the leader of the furious Huns, Attila. His horde had advanced down the peninsula in 452 and were ready to plunder Rome when no resistance was shown by the weak and dispirited Emperor Valentinian III (425-455). It was in the face of this peril to the peace of the Romans that Pope Leo I (440-461) made his dramatic appearance before the camp of Attila near Mantua in the spring of that year. Leo was successful to a surprising degree in this mission of peace, for as Grisar says:

"This conference with the Pope moved the dreaded foe to compassion. He expressed his pleasure at receiving a visit from the Supreme Pontiff, and, after hearing the envoys, he ordered hostilities to cease and promised to make peace with the Empire. After this he withdrew with his forces beyond the Danube."²

But Leo's highly profitable encounter with the Hun was not repeated in full three years later when the Eternal City

² 1 Grisar, *History of Rome and the Popes in the Middle Ages* 94.

again attracted a barbarian group, this time the Vandals of North Africa under Genseric. It was in June of 455 that the new danger appeared beneath the very walls of the city and Leo went out to meet him. Although not successful in saving Rome from plunder, the Pope was able to secure a promise from Genseric that no blood would be shed, none of the inhabitants induced by torture to forfeit their gold and jewels, that treasure brought into certain churches should be safe, that the city should not be set on fire, and that the plundering should not last longer than two weeks.³ It was events such as these of Leo I that did much to establish the Bishop of Rome in the eyes of the Western world as a source of discipline and orderly authority. In the midst of the turmoil attendant upon the barbarian migrations and the breakdown of Roman imperial authority, the papacy frequently provided an alternative to anarchy and chaos.

Almost a century and a half following the events related above, the papacy was still found enhancing its position as a pacifier of the barbaric peoples. The Roman See possesses few men in its long line of bishops who did more to restore peace and to maintain order than Pope St. Gregory I (590-604). By the time that Gregory ascended the pontifical throne the experiment of the Emperor Justinian (527-565) to reunite the old empire of the Caesars had been tried and had failed. Meanwhile a new peril to the peace of Italy had appeared in the Lombards. Gregory's efforts for peace with these warlike people often proved futile but nevertheless the Pope never ceased to try. For example, in 593, when Agilulph, their leader, proposed to attack Rome, Gregory appeared and, in the words of one of his biographers:

"Urged maybe by an inward conviction of the result, he determined to follow the example of St. Leo with Attila, and to seek an interview with Agilulph. The meeting was arranged on the steps leading to the basilica of St. Peter, which was then outside the fortifications. The importance of the issue infused fire into the natural vigor and elo-

³ 1 Grisar, *op. cit. supra* note 2, at p. 96.

quence of the Pontiff as he greeted the Lombard King under the shadow of the temple of the Prince of the Apostles. He entreated, he commanded, he threatened, and the eloquence of his words, the majesty of his presence, and the utter disregard of self, made a deeper impression upon Agilulph than any parade of military hosts. The King relinquished his revenge, his prospects of plunder, his careful preparations, consented to withdraw his troops and to enter into negotiations for a truce with the Romans."⁴

The Lombards were ever a thorn in the side of this Pope, but he never gave over his determination to win them to peaceful ways. His negotiations with them take on an increasing importance when we recall that the Bishop of Rome was the only person in the Italy of those last years of the sixth century who could make a serious effort to stay the hand of their plunderer. But that he ever employed his ability to the attainment of that end and was happy when he learned of progress in the cause he cherished may be gleaned from a letter of Gregory's written to the queen of the Lombards encouraging her in her efforts for peace:

"Gregory to Theodelinda, queen of the Lombards. How your excellency has labored earnestly and kindly, as is your wont, for the conclusion of peace, We have learned from the report of Our son, Abbot Probus. Nor, indeed, was it otherwise to be expected of your Christianity than that you would in all ways show assiduity and goodness in the cause of peace. . . . For you may be assured, most excellent daughter, that for the saving of much bloodshed on both sides you have acquired no small reward."⁵

Gregory's zeal in behalf of the Lombards and his efforts to subdue them to more civilized living had its partial recompense the year before he died, when in 603 the heir to the Lombard throne was converted to orthodox Christianity.

The century which followed the death of Gregory I is one which bears little import for the subject of peace efforts on the part of the papacy. That institution became embroiled in the petty politics of Italian family feuds which

⁴ Snow, *St. Gregory the Great* 143.

⁵ Ayer, *A Source Book for Ancient Church History* 602. (Ayer reprints this letter from IV Paul the Deacon's "*Historia Langobardarum*" 9.

diminished a part of the good accomplished during the pontificate of Gregory I. Between the local Italian difficulties, the general disorder of Western Europe, and the smoldering iconoclastic quarrel with the emperors of Constantinople, the seventh century does not present much constructive effort on the part of any of the rulers of the West to rescue Europe from the turmoil into which she had been plunged. However, a change came in the eighth century with the union of Pope Stephen II (752-757) and the man whom he had helped to make the new king of the Franks and the protector of the Holy See, Pepin II (741-768). That union which was to afford a combination of the spiritual and temporal powers for the ordering of Europe found its flowering in the days when Pope Leo III (795-816) resurrected the Roman imperial authority in the West in the person of Pepin's son, Charlemagne (768-814), in the coronation on Christmas Day, 800, in St. Peter's at Rome. This alliance between the papacy and the principal group of the barbarian peoples marked, among other things, the union of the two dominant powers in Western Europe who through their joint efforts kept back the flood of anarchy which threatened to engulf Western civilization.

Unfortunately, however, for the lovers of peace the early years of the ninth century marked the death of the two principals in the coronation of 800. Upon Charlemagne's death in 814 his great empire, the revived form of the old Roman Empire, devolved upon his son and was later divided among his grandsons, and an era of civil strife again destroyed a central authority. The papacy fared no better than its great ally. The latter part of the ninth century proved to be a dark night in the history of papal affairs, a period in which the lustre of early accomplishment was stained by shameful greed and ambition, an era in which the claim to leadership in the cause of peace was forfeited by the quarrels over the papal succession itself.

This unhappy turn of events was but a small part of the general chaos which covered Europe in these days of the "iron age." Central authority was destroyed and kingly privilege scorned; papal prestige had foundered in the morass of Italian politics and the demoralization of the papal power stretched out to a reign of abuse and weakness among the clergy at large. Failing to find direction and inspiration from their head and surrounded by the disruption and vice of their age, the clergy of this period reflect the pattern of the time.

But this condition of affairs was not to endure for long. In the year 910, Duke William of Aquitaine bestowed a grant of land upon Count Berno and his band of holy monks for the establishment of the Abbey of Cluny. Motivated by the reforming ideal and blessed with a long line of holy and able abbots, Cluny radiated its influence for reform of the clerical life and the revamping of civil society through most of Europe. Cluny's reputation grew apace through the tenth century and, as one historian says, "before the eleventh century ended it had already become international, penetrating Italy, Spain, the Empire, as well as all of France."⁶ The Cluniac movement spread its influence in all lands by the establishment of branch houses of the central Congregation, and as Professor Krey remarks, "every house added to the Congregation meant just that much more subtracted from the mailed fist of feudalism and private warfare."⁷ At a time therefore when feudal warfare was being waged with a fury that threatened all, when Christian Europe could not turn to the moral force of the papacy while it was submerged in Italian party strife, and when the rule and law of kings had been reduced to a shadow, this new band of reformed monks offered the inspiration and medium through which peace might be at least partially regained in the West.

⁶ Krey, *The International State of the Middle Ages: Some Reasons for Its Failure*, XXVIII Am. Hist. Rev. 3 (Oct., 1922).

⁷ Krey, *op. cit.* *supra* note 6.

It was in the same neighborhood of southern France which had given birth to the Cluniac Reform in the early tenth century that there came before the end of that century an institution which did much to alleviate the worst horrors of this feudal anarchy. This institution which will receive, if not its original impetus, then its ever constant support and encouragement from the Congregation of Cluny, was generally known as the "*Pax Dei*," or Peace of God. Although there is some doubt about the year of its origin most authorities are agreed in accepting the decree of the synod held at Charroux in 989 under Gunbald, Archbishop of Bordeaux, as the first appearance of the *Pax Dei*. At this synod Gunbald and his assembled bishops pronounce anathema against those who break into churches, rob the poor, and strike a cleric.⁸ This expression of the Peace of God was given an extension in the following year by Guy of Anjou, Bishop of Puy. The Bishop of Puy in 990 provided that Church lands should not be seized, peasants should not be taken captive and held for ransom, merchants on a journey should not be robbed, and that monks and unarmed persons accompanying them should not be injured.⁹

The enactments of these provincial synods of 989-990 give the foundation to the Peace of God. This institution, though of course not always enforced, brought untold blessings to the troubled populace of feudal Europe. To the peasantry in particular, who bore the brunt of private warfare between the nobles, it offered the sole assurance of some check upon brute force. The provisions of the Peace of God were strengthened by the threat of excommunication against those who would break them. The Church through the medium of her bishops was found, therefore, in the late tenth century offering a plan whereby peace might be restored to the localities of their dioceses and security given to the life and

⁸ Thatcher-McNeal, *A Source Book for Medieval History* 412.

⁹ Thatcher-McNeal, *op. cit. supra* note 8, at pp. 412, 413.

property of their subjects. Robinson states its purpose well when he says:

"Succinctly stated, then, the object of the *Pax Dei* was to exempt certain classes of persons whose condition or profession forbade them to carry arms—in a word, all non-combatants and defenseless people—from the operations of war and violence and to mark off a sphere of peace from the surrounding sphere of feud."¹⁰

This salutary movement begun in southern France in these last years of the tenth century was eagerly accepted and adopted in most of France during the eleventh century. Numerous examples of local synods and councils legislating to implement the Peace of God in their territories testify to the popularity of the institution among those devoted to the cause of order.¹¹ However, despite the excellent results issuing from the execution of the Peace, the exceedingly complex state of feudal society was in need of something stronger than this to render peace more general and more certain. A recent historian of the Middle Ages, in speaking of the Peace of God, has remarked:

"But experience showed two defects in this endeavor. It was not sustained by the civil authorities, and moreover, there was no time limit imposed upon the practice of private war. A baron might indulge in it every day. The only restraint (not always effective) was that he might not damage church property or molest the three protected social groups, women, children, and merchants."¹²

It was out of this necessity to devise more concrete plans for effecting peace, therefore, that there arose the *Treuga Dei*, or Truce of God. While both tended to serve the same end, yet, as Robinson says, it is true they were not identical and "differed widely as regards their origin, character, and demands."¹³ The Peace appears at least a half century be-

¹⁰ Robinson, *Peace Laws and Institutions of the Medieval Church*, LII *Ecclesiastical Rev.*, at p. 528 (May, 1915).

¹¹ Cf. Goyau, *L'Eglise Catholique et la Paix Histoire Ancienne et Faits Recents*, 114-118, *Semaines Sociales de France* (18th Session Le Havre, 1926), Lyon, France, for these local efforts.

¹² 2 Thompson, *History of the Middle Ages* (300-1500) 706.

¹³ Robinson, *op. cit.* *supra* note 10, at p. 527.

fore the Truce. The latter had as its object the limiting of time in which private warfare might be engaged, the setting aside of certain days of the week and seasons of the year in which feudal strife would be abandoned by all. According to Huberti, the most outstanding authority on these peace movements of the Middle Ages, the Truce of God first appeared in a decree enacted for the bishopric of Elne, a diocese in southern France close to Spain, in 1027.¹⁴ This Truce reserved the time from Saturday noon to Monday morning as periods in which there would be a cessation of fighting. The movement soon spread and in 1041 we find an example in the truce promulgated for the archbishopric of Arles by St. Odilo, Abbot of Cluny, and the bishops of the province, which extended the time of truce from Wednesday at vespers to sunrise on Monday morning. Thus the whole second half of the week was lost to fighting when these decrees were enforced.¹⁵

This Truce of God, sponsored by the clergy, became a matter of discussion in practically all the meetings and councils of France during the eleventh century, and we find legislation being enacted to enlarge its scope and to extend its benefits.¹⁶ Moreover the Truce had brought such obvious good fortune to the regions wherein it was enforced that the support of the better element of the lay nobility and even the populace was enlisted in its behalf. An interesting commentary on the enthusiasm which this movement aroused among the people at large and the aid which they gave to this church venture is found in the treatment of a recent historian on these efforts for peace.¹⁷ As the Truce came to enjoy wider application so it also expanded its original provisions to include the season from the beginning of Ad-

¹⁴ Robinson, *op. cit. supra* note 10, at p. 530.

¹⁵ Thatcher-McNeal, *op. cit. supra* note 8, at pp. 414-416.

¹⁶ Cf. Hefele-LeClercq, *Histoire des Conciles*, Pt. II, IV, 950-976, for these synodical and conciliar efforts.

¹⁷ MacKinney, *The People and Public Opinion in the Eleventh-Century Peace Movement*, V *Speculum* 181-206 (1930).

vent to the octave of the Epiphany, from the beginning of Lent to the octave of Easter, and from the first of the Rogation Days to the octave of Pentecost. Other truces included the whole period from Advent to Trinity Sunday, ember days, feasts of the Apostles, etc. In fact the extension of time limits became so great that, as Professor Thompson says, "The fighting baron had left only the coldest winter months and the hottest summer months for indulgence in his favorite sport."¹⁸

The Truce of God had provided, therefore, an instrument by which a check might be placed upon the excessive fury of these years of "organized anarchy." The secular power often joined in furthering the purpose of the Peace and Truce, but unfortunately the grip of feudalism was too firm to allow the rulers to make this movement universal throughout their domains. Various examples of the infliction of secular punishments by the kings in England, Normandy, and the Two Sicilies are extant in the case of violations of the Peace, but the most striking example of a truce promulgated by a secular ruler for all his dominions and modeled closely along the lines of the truces framed for various bishoprics is that of the Emperor Henry IV in 1085.¹⁹ By that decree Henry issued a Truce of God closely allied to that of one promulgated two years before by the Archbishop of Cologne for his archdiocese.²⁰

While there are numerous examples of truces, practically all of which incidentally included the main provisions of the earlier Peace of God as well, it is true that these measures were not strictly enforced or did not find unanimous support among the lay nobles. The terrific turmoil of the age prevented eleventh century Europe from enjoying their entire

¹⁸ Thompson, *op. cit. supra* note 12, at p. 707.

¹⁹ Henderson, *Select Historical Documents and Charters of the Middle Ages* 208-211.

²⁰ I Translations and Reprints of the University of Pennsylvania, No. 2, 9-12.

benefits. The manner of enforcing a truce was the infliction of spiritual punishments such as excommunication and interdict by the Church and fines and imprisonments by secular authority. Had the latter been able, or had at times the will to enforce these measures, the truces might have proved much more effective. Nevertheless their re-enactments were not just indications of non-enforcement, for as Professor Krey remarks:

"They were re-enacted again and again, but—this has been usually overlooked—not as mere re-enactments. They were being constantly expanded and becoming more specific in their application. Before the thirteenth century was very old the modest and general indictment of Charroux had become a specific exemption of all ecclesiastical buildings and their environs, all clerks, merchants, women, and peasants, as well as orchards, seeds, cattle, and agricultural implements, from the violence of private feudal warfare. The Truce of God had been extended sometimes to a period of several months and regularly included all days from Thursday to Monday and all festival days, besides certain special occasions, which left all told less than a fourth of a year to the unabated practice of feudal warfare."²¹

Such very wide and broad application as this, allowing for numerous violations and cases of lax enforcement, must have brought immeasurable benefit to thousands of weary peasants to say nothing of peace-loving nobles and kings.

This great movement which had begun and found its inspiration in Church circles soon won the approbation of the popes themselves. When the Council of Clermont assembled in November, 1095, at the end of the century which had seen the flowering of these two institutions of peace, the presiding officer, Pope Urban II (1088-1099), made the re-enactment of the Truce of God for all Christendom a matter of his earnest solicitation. The chronicler of the time, Fulcher of Chartres, tells us in recounting the events of the Council that Pope Urban spoke thus:

"By these evils, therefore, as has been said, dearly beloved brethren, you have seen the world troubled for a long time to such an extent

²¹ Krey, *op. cit.* *supra* note 6, at p. 4.

that in some places in your provinces, as has been reported to us—mayhap through your weakness in administering justice—hardly any one can venture to travel upon the highways, by night or day, without danger of attack by thieves or robbers; and no one is sure that his property at home or abroad will not be taken from him by the violence or craft of the wicked. Therefore, let us re-enact the law made by our holy ancestors long ago and commonly called ‘the Truce’ (of God). I most earnestly exhort you that each one should strenuously do all in his power to have it observed in his bishopric. But if any one misled by pride or cupidity breaks it voluntarily, let him be anathematized by the authority of God and by the sanction of the decrees of this council.”²²

Again at the Council of Rheims in 1119 Pope Calixtus II pleaded for peace among the Christian princes and gave renewed enactment to the Truce of God.²³ Twenty years later we find the Second Lateran Council giving final form to the institution of the Truce of God, which originally had been purely French, and fixing its periods and their duration under Innocent II (1130-1143).²⁴ The Truce was made universal for the entire Church and became a regular part of the canon law by canon 21 of the Third Lateran Council held under the auspices of Pope Alexander III (1159-1181) in 1179.²⁵

Thus an institution which in its origin had a purely diocesan application spread its benefits to all of France, was introduced into Spain about 1068, the Netherlands in 1071, and over most of Europe by the beginning of the twelfth century. It was in the latter years of that century that, as we have seen, it had become a definite article of canon law with application to the universal Church. While the institution received aid and support from the lay nobles its enforcement was left largely to the clergy, the bishops and their local priests, who employed the spiritual weapons to force obedience. It is true that the Peace of God and the

²² I Translations and Reprints of the University of Pennsylvania, No. 2, 4.

²³ VIII Mann, *Lives of the Popes of the Middle Ages* 156.

²⁴ Robinson, *op. cit. supra* note 10, at p. 533.

²⁵ X Mann, *op. cit. supra* note 23, 143.

Truce of God were often violated and broken, but despite that fact during these centuries they accomplished a tremendous amount of good for the poor and defenseless, and did much to lessen the violence, tyranny, and oppression of that feudal age with all its attendant evils.

Besides originating these two predominant peace organizations of the Middle Ages, the Church through her bishops likewise worked for the establishment of a more civilized procedure in the arbitration and settlement of disputes between individuals. Those coarse barbaric customs introduced with the migrations of the Germanic peoples in the early medieval period, trial by ordeal and trial by battle, became the subject of ecclesiastical censure and punishment. At first the Church was powerless to eradicate these evils, but as one writer says:

"By the eleventh century religious rites had been associated with both institutions, but still the Church protested officially. As soon as Canon Law began to work freely the protests became effective. Now in one place, now in another the trial by ordeal and the trial by battle became less frequent."²⁶

This steady campaign against these barbaric practices and the effort to make effective the triumph of a civilized code of law witnessed its victory at the Fourth Lateran Council in 1215 when Pope Innocent III, by a decree of that Council, abolished the ordeals.²⁷ The Church had striven since the sixth century to end these abuses and had legislated in her councils against tournaments, the ravages of the wandering brigands, etc.²⁸ Moreover, it was the Church which was found instituting and encouraging the practice of the medieval sanctuary, the setting off of certain designated spots, churches, shrines, chapels, etc., to which a pursued man might repair and be in safety from oppressors.²⁹ While the institution of sanctuary was doubtless abused at times, nev-

²⁶ Brown, *Achievement of the Middle Ages* 110, 111.

²⁷ IV *Translations and Reprints of the University of Pennsylvania*, No 4, 16.

²⁸ IX Mann, *op. cit. supra* note 23, 61; X *ibid.* 141, 142.

²⁹ Brown, *op. cit. supra* note 26, at pp. 118, 119.

ertheless it afforded to many a poor wretch a safe haven from injustice until his case could be heard and a semblance of fair dealing awarded him.

This general movement for peace also found expression in the organization of the Third Order, laymen assuming certain obligations to live up to a code of rules in conformity with the principles of the founders of the two great mendicant orders of friars, the Franciscans and Dominicans. These men of the Third Order pledged themselves, as a part of their rule, not to carry murderous weapons on their person which was a blow to the feudal obligations of warfare in the thirteenth century. In these rules the Order found the protection and support of Pope Honorius III (1216-1227) and his successor, Gregory IX (1227-1241).³⁰

Countless other activities for the implementing of peace were carried on by and under the Church's sponsorship such as its bans against plundering shipwrecked vessels and the passage of laws to prevent the oppression of the Jews, which one spokesman on this subject declares made the popes "like modern international tribunals functioning for the protection of racial minorities."³¹

The Church from the days of her foundation had worked for peace. Such actions as those of the fifth and sixth century popes withstanding and pacifying the barbaric peoples, the fostering of the Peace of God and the Truce of God, laws against ordeals of water, fire, and battle, the sanctuaries, etc., mark the Church as the most consistent friend of peace in Western Europe in these centuries of the Middle Ages. It would be futile and inaccurate to attempt to portray each successor of St. Peter as a friend of peace and one who worked toward the attainment of that goal. There were a number of popes whose policies not only did not bring

³⁰ Goyau, *op. cit.* *supra* note 11, at p. 119.

³¹ Cartwright, *Contributions of the Papacy to International Peace*, VIII Catholic Historical Rev. 158 (N. S., April, 1928).

peace but actually brought on wars. But to say that in her history as a whole the Church has been blessed with a line of men whose collective efforts represent a powerful force for the reign of order is not an exaggeration or an incorrect interpretation of history.

II.

PAPAL ARBITRATION FROM INNOCENT III TO THE RELIGIOUS REVOLUTION

By the opening years of the thirteenth century the papacy had not only fully regained its damaged prestige suffered in the "age of iron," to use the phrase of Cardinal Baronius; it had not only gone far toward retrieving the ground lost in the titantic struggle with the Hohenstaufen Empire, but it had reached a point in its history when its power was to be more widely exercised and its influence more deeply felt than ever before or since. During the pontificate of the pope who opens the thirteenth century there was achieved, if only for a brief moment, the arrangement of the Western world which has been rightly called the Christian Republic of Europe. More than at any other time in its history Europe presented in those years a pattern approximating unity. The force which above all others did most to achieve this unity was the papacy and its embodiment was Pope Innocent III (1198-1216).

Innocent's interests were universal and his vision an international one. For such a man the peace and prosperity of Christian Europe transcended all petty ambition. Therefore the pope did not hesitate to intervene between quarrelling contenders for power in the Christian states to bring peace. We see him in 1200, for instance, dispatching his legate, Cardinal Gregory of St. Maria in Aquiro, to bring peace between Emeric and Andrew, the brothers who contended for the throne of Hungary.³² Herein the legate ar-

³² XII Mann, *op. cit. supra* note 23, at pp. 2-5.

ranged a truce which permitted the princes to pledge themselves to the project so near to the pontiff's heart, the crusade. Similar heed was paid by the pope to like quarrels in Poland and Norway. Moreover Innocent, acting in the role of creator of kingships bestowed crowns upon Prince Leo of Armenia, Duke Premislas of Bohemia, and Prince Johannicus of the Bulgarians and Wallachians. This pontiff received the kingdom of Aragon from the hands of Peter II in 1204 as a papal fief and after a long and bitter struggle waged with the tyrannous John of England, Innocent became the feudal superior of that kingdom in 1213.

One of the primary aims of Innocent's policy, and an endeavor in which he remained steadfast to the end of his life, was the uniting of Europe for the purpose of regaining the losses suffered by the victories of the Mohammedans in the East. For this reason, and to keep the peace among the rulers of Christendom, Innocent intervened again and again as arbiter in the disputes between the kingdoms of France and England. In January, 1199, he sent his legate, Cardinal Peter of Capua, to bring peace between Philip II (1180-1223) and Richard I (1189-1199). Peter's efforts were successful, but the truce was broken in April of the same year by Richard's death. However, the Cardinal-legate continued his efforts and won a definite treaty of peace in January, 1200.³³ When this latter arrangement was broken largely through the obstinacy and arbitrary conduct of John (1199-1216), Innocent again sent a legate, Abbot John of Casamari, in May, 1203, to attempt a reconciliation between the quarreling princes.³⁴ That the abbot was not successful was not due to the lack of loyal support given and just terms of settlement outlined by Innocent. John's perfidy and Philip's proximity to the goal of victory rendered the abbot's efforts futile. But the great pope made peace between England

³³ XII Mann, *op. cit. supra* note 23, at pp. 112, 113.

³⁴ XII Mann, *op. cit. supra* note 23, at pp. 117-121.

and France a very consistent policy and, as Goyau remarks, he intervened five times to establish peace between Philip Augustus and Richard or John and four of the five times he was successful.³⁵

Never so engrossed in the affairs of the larger states of Europe that he neglected the needs of his native Italy for peace, Innocent III sought to establish here in this troubled peninsula with its many small communes and city-states, the peace which he urged upon Christian Europe as a whole. In pursuance of this end he was found arranging peace between the commune of Viterbo and the Roman civilians in 1202 after a particularly difficult and delicate situation had given way to open warfare between the two groups.³⁶ The city over which he ruled presented its own peculiarly thorny problems to the lover of civil order, and Innocent strove energetically throughout the early years of his reign to bring peace to Rome. He was successful in 1205 in bringing about a cessation of the quarrels of the turbulent Roman factions and by 1208 the city recognized him almost universally as its master.³⁷

The age which bears his name marked the slow evolution of a principle of arbitration of disputes which Innocent did much to further. As one of the most recent historians of the peace movement remarks:

"A trend parallel to that of small federations can be found in the growing resort to arbitration and mediation by contending princes during the later Middle Ages. The number of authentic settlements by these means is enormous. In the thirteenth century there were a hundred cases in Italy alone."

And the same author adds:

"Usually the pope was chosen as arbiter in virtue of Europe's spiritual affinities. When this was impossible one of his representatives (often an archbishop) served instead."³⁸

³⁵ Goyau, *op. cit. supra* note 11, at p. 119.

³⁶ XI Mann, *op. cit. supra* note 23, at pp. 75, 76.

³⁷ XI Mann, *op. cit. supra* note 23, at pp. 82-84.

³⁸ Beales, *History of Peace* 25.

It was a period in Europe's development when the power of the papacy, administered by a man of unusual vision and ability, and possessed of an appreciation of the position he occupied, made the wish for peace a reality through the imposition of spiritual punishments and an exercise of moral force. One writer who treats of this subject in connection with Innocent III says:

"It was the culminating point in the development of an institution which was conscious of its own sovereign influence for peace, and resolute to impose its higher and more Christian policies in the administration of European affairs. It was the true, if momentary, realization of European unity. But unity means peace. It was therefore the true, if momentary, realization of European peace."³⁹

Unfortunately, however, for the welfare of Europe the unity of which Dr. Cartwright speaks was but a temporary phenomenon. Unfortunately, too, for the peace of the Christian world the successors of Innocent III were not all of his caliber and ability. The half century following Innocent's death in 1216 witnessed the exhaustive struggle of the papacy with its great rival, the Hohenstaufen power in the Empire, a struggle which ended in victory for the popes but left their strength and international position weakened. Yet a namesake of the great pontiff, Innocent IV (1243-1254), continued to emulate in some respects his predecessor. In 1254, Innocent IV mediated between Austria and Hungary and brought about peace.⁴⁰ In a letter to the bishops of the two jurisdictions he informs them of the purpose for which he is sending his legate, Bernard, Bishop-elect of Naples, into their territories.⁴¹ Some twenty years later Pope John XXI (1276-1277) used the very brief period of his pontificate to urge the cause of peace upon two warring princes in order to promote the crusade. Philip III (1270-1285) of France and Alfonso X of Castile (1252-1284) were at war over the inheritance to Navarre. Pope John protested to the

³⁹ Cartwright, *op. cit. supra* note 31, at p. 160.

⁴⁰ VI Cambridge Medieval History 438.

⁴¹ III Les Registres d'Innocent IV 392.

French king his grief over this conflict and sent word to the papal legate in France, Cardinal Simon de Brion, to use excommunication and the interdict if necessary to effect peace. Failing in this effort the pope appointed John of Vercelli, Master-General of the Dominicans and Jerome of Ascoli, Minister of the Franciscans, as special legates to bring peace between the quarreling kings.⁴² But John died before anything could be accomplished, though the efforts for peace were continued after his death through the college of cardinals, and the legates were dispatched by his successor, Pope Nicholas III (1277-1280) on December 2, 1277.

The closing years of the thirteenth century, which had opened so auspiciously for Christian Europe with Pope Innocent III, marked the tragic conflict between Pope Boniface VIII (1294-1303) and Philip IV (1285-1314) of France and Edward I of England (1272-1307). The latter part of the century had been a period wherein the papacy, financially pressed to repair the damage of the war with the empire, abused its powers of taxation, and exacted large sums of money from the Christian states. These financial abuses took many forms, not the least offensive of which to sovereign princes, was the nomination of foreign prelates to the great Church offices within their dominions. During these same years there was apparent a slowly rising sense of nationalism which found expression in protests and lists of grievances against the papal policies, such as those voiced at the First Council of Lyons in 1245. It was into a situation such as this that there came a man who went further than any of his predecessors in asserting the supremacy of the Holy See over temporal princes. Boniface VIII made claims for the papal power which even exceeded those of Innocent III. On the other hand the national sovereigns were asserting wider authority over their clerical nobility and demanding the right to tax them for the upkeep of the state. The

⁴² XVI Mann, *op. cit. supra* note 23, at pp. 45-47.

result was the protracted and unhappy struggle which ended in the outrage at Anagni in September, 1303, and the death in the following month of Boniface VIII, who never recovered from the shock of Philip IV's ruffians.

Nevertheless, despite the bitterness of the controversy waged between the pope and the kings of France and England, the latter voluntarily submitted their dispute over the Duchy of Aquitaine to the arbitration of Boniface. It was due to the arbitral decision of Boniface VIII, acting as the individual Benedict Gaetani, that there was signed at Rome on June 14, 1298, a treaty by the ambassadors of the two kings. This treaty was ratified by the kings' envoys in June, 1299, at Montreuil-sur-mer through the neutral offices of the papal legate, the Bishop of Vicenza.⁴³ This treaty marked the culmination of repeated and lengthy negotiations upon the part of Pope Boniface to bring peace between the two kingdoms, which had begun as early as 1295 and included a temporary truce in October, 1297.⁴⁴ These transactions were carried through by the pope in the midst of the conflict over the spiritual and temporal jurisdictions in which the Holy See was engaged with these same two kings.

The death of Pope Boniface VIII in 1303 and the brief reign of Benedict XI (1303-1304) marks a definite turning point in the history of the papacy. One historian of the popes sees in it the close of the medieval papacy.⁴⁵ From this time we note the dominating power of the kings of France in the affairs of the papacy and the reduction of that institution to a status approximating a fiefdom of the Capetian monarchy with the election of Bertrand de Got, Archbishop of Bordeaux, in 1305 as Clement V (1305-1314). This French pope did not repair to Rome, but in 1309 took up his residence in Avignon in southern France where for

⁴³ Tosti, *History of Pope Boniface VIII* 228 *et. seq.*

⁴⁴ XVIII Mann, *op. cit. supra* note 23, at pp. 266-289.

⁴⁵ Barry, *The Papal Monarchy* 420.

almost seventy years the papal Court remained. The prolonged absence of the popes from Rome, the seat of the universal papal power of Innocent III, served to destroy the international character of the papacy and make it appear to other Christian princes, particularly to those unfriendly to the French kings, as a mere tool of the latter power.

In spite of its weakened prestige the papacy did not cease to work for peace from Avignon as may be seen in the case of Pope John XXII (1316-1334) who intervened in the war between King Edward II of England (1307-1327) and Robert Bruce of Scotland (1306-1329) in the summer of 1317 by sending two cardinals, Joscelin d'Oscat and Luca de Fieschi, to England to negotiate a truce between the quarreling princes. Edward II gave "royal orders for the suspension of hostilities," but Bruce refused to submit to papal arbitration, sending the cardinal-legates back and promising to notify them of his decision which he did not do.⁴⁶

This example of John XXII's attempted arbitration is not an isolated one for the Avignon popes. During the last thirty years of their residence on the Rhone these pontiffs were put at a particular disadvantage as neutral arbiters between the nations by virtue of the fact that the seemingly interminable struggle of the Hundred Years' War occupies this period. In this great conflict between France and England the pope would naturally be suspected as an ally of the French. Yet the papacy intervened on numerous occasions during that war and was successful in bringing about temporary cessations of conflict, and at times what appeared to be permanent peace. As Lingard says of this period of warfare in Western Europe:

"Writers have not always sufficiently appreciated the benefits which mankind derived from the pacific influence of the Roman pontiffs. In an age which valued no merit but that of arms, Europe would have been plunged in perpetual war had not pope after pope laboured incessantly for the preservation, or restoration of peace. They rebuked the passions, and checked the extravagant pretensions of sovereigns;

⁴⁶ III Lingard-Belloc, *History of England* 37-40.

their character, as the common fathers of Christians, gave to their representations a weight, which no other mediator could claim; and their legates spared neither journey nor fatigue to reconcile the jarring interests of courts, and interpose the olive of peace between the swords of contending armies."⁴⁷

At the very opening of the war Pope Benedict XII (1334-1342) sought to save Western Europe the effects of such a struggle by attempting to stay the hand of the English king from indulgence in this contest. In the fall of 1339 the pontiff exhorted Edward III of England (1327-1377) to give up the folly but in vain.⁴⁸ His successor, Clement VI (1342-1352), was able through his two cardinal-legates to effect a truce at Malestroit, in January, 1343, which was to endure until Michaelmas, 1346.⁴⁹ Again in September, 1347, after the disastrous Battle of Crecy and the fall of Calais to the English, Clement VI offered his mediation and brought about a truce for ten months through his two legates, the cardinals of Naples and Clermont.⁵⁰ This same pope likewise showed his peaceful purpose and his zeal for justice and mercy when, in 1348, he offered his territory of Avignon to shield the Jews who were being so ruthlessly persecuted by the French who considered them responsible for the curse of the Black Death and the famine of that year.⁵¹

When the fortunes of the Hundred Years' War had turned against the French to the extent that they were forced to sue for peace, it was the legates of Pope Innocent VI (1352-1362) who brought about the Treaty of Bretigny between the two kings on May 8, 1360. The legates acting for Innocent at this peace conference were Simon de Langres, Master-General of the Dominicans, Androuin de la Roche, Abbot of Cluny, and Hugh de Geneve, Lord of Authon.⁵²

⁴⁷ Lingard-Belloc, *op. cit. supra* note 46, at pp. 149, 150.

⁴⁸ Lingard-Belloc, *op. cit. supra* note 46, at pp. 114-116.

⁴⁹ Lingard-Belloc, *op. cit. supra* note 46, at p. 128.

⁵⁰ Lingard-Belloc, *op. cit. supra* note 46, at p. 150.

⁵¹ Funck-Brentano, *The Middle Ages* 446-447.

⁵² Casneau, *Les Grands Traités de la Guerre de Cent Ans* 33 *et seq.* For the peace activities of the Avignon popes, cf. Gruber, *The Peace Negotiations of the Avignon Popes*, XIX Historical Rev. 190-199 (July, 1933).

Before this war was over, which was to distract the attention of France and England beyond the middle of the fifteenth century, the papacy had freed itself from the influence of France with the return of Pope Gregory XI (1370-1378) to Rome where he died. However, the effects of Avignon and the widespread resentment aroused in other Christian countries now played havoc in the days after Gregory's death. The year 1378 witnessed the election in Italy of Urban VI (1378-1389) as his successor, but the French element in the college of cardinals grew weary of the reforming pontiff and withdrew to elect a pope of their own group, Clement VII (1378-1394), who took up his residence again at Avignon and the result was the divided allegiance of Christendom to these two jurisdictions.

The situation created in 1378 endured for almost forty years and was only corrected by the election and acceptance by most of Christian Europe of Pope Martin V (1417-1431). This sad period in the history of the papacy was of course a time when little could be expected in the way of efforts for peace among the nations. The incalculable effects of the Great Western Schism, directly traceable to the Avignon papacy, split asunder the unity of Christendom. Tragic pictures were drawn in these years of doubtful allegiance, divided sympathies, and troubled consciences which the confusion concerning the rightful pope made inevitable. Yet even in these years of distraction and turmoil there are examples of the various rivals for the pontifical claims exercising their influence to bring about peace, such as that of Thomas of Fermo, Master-General of the Dominicans, nuncio of John XXIII (1410-1415), who prolonged a truce between the kingdom of Sicily and the republic of Genoa in May, 1412.⁵³

The first half of the fifteenth century in the west of Europe was occupied with the issue of the Hundred Years'

⁵³ Goyau, *op. cit. supra* note 11, at p. 122.

War and upon the conclusion of the Schism the popes were again found interesting themselves in behalf of peace between the two warring nations. It was largely through the two cardinal-legates of Pope Eugenius IV (1431-1447) that there was convened the peace meeting at Arras, in 1435, between France, England, and Burgundy. Although the English withdrew from the conference before a settlement was reached, the powerful persuasion of the legates prevailed upon Burgundy to lay aside its grievances against France and sign with the latter the Treaty of Arras in the autumn of that year.⁵⁴

But a far more serious threat than the Hundred Years' War to Christian Europe generally was the menace of the Turks who in these years were recounting one victory after another and finally crowned this series with the capture of the city of Constantinople in 1453. The popes had attempted on many occasions to unite the Christian princes to meet the peril, but in vain. After the fall of Constantinople and when the Turks were rapidly overrunning southeastern Europe it was the voice of the Holy See which was raised in defense of Christian civilization in Europe. The popes of these years were extremely anxious to unite Europe, as, for example, the Pacification of Lodi in April, 1454, effected through the determined efforts of Pope Nicholas V (1448-1455), and the convening of a European Congress at Mantua in 1459 by one of his successors for the same purpose, of presenting a united front to the Turks, would attest. The latter meeting lasted from May, 1459, to January, 1460, under the auspices of Pope Pius II (1458-1464) but accomplished nothing for Europe as a whole. But the failure of Christian Europe to sense the danger to their own security in the Turkish advance was not due to the lack of vigilance on the part of the popes. As Professor Mowat remarks:

⁵⁴ *Op. cit. supra* note 53.

"So far the Papacy had shown itself to be the one truly international organ of diplomacy; and although it failed to unite Europe against the Turkish menace, the fault was not the Pope's." ⁵⁵

The petty jealousies of rival princes obscured their vision and left them unwilling to follow the leadership offered by the papacy in this endeavor, which although warlike in its nature, was intended to save them from a worse fate, namely the conquest of their lands and peoples by the Turks as Hungary and Austria were to experience.

The closing years of this fifteenth century which marked the resplendent brilliance of the Renaissance in Italy with all its attendant benefits and evils, both of a somewhat dazzling variety, found one of the most famous cases of international arbitration by the papacy under Pope Alexander VI (1492-1503). For many years the states of Europe had been forging ahead in the pursuit of scientific knowledge to which the Renaissance gave such impetus. This advanced scientific knowledge was accompanied by the renewed efforts for advantages in trade and commerce and the rivalry which the markets of the East aroused. It was out of the many-sided motives and forces which gave birth to the Commercial Revolution that there occurred, in the same year which marked Alexander VI's assumption of the papal tiara, the discovery of America. The feat of Columbus and the dominant role which the supposed new route to the Indies gave to Spain aroused in her neighbor, Portugal, grave misgivings and resentment, since she had been in the field of exploration and discovery long before Spain. The leadership of Portugal dated back to the first half of the century, to the time of Prince Henry the Navigator (1394-1460). Thus the two powers fell into serious disputes over the lands beyond the seas but finally referred their quarrel to the arbitration of the Spanish pope. The decision of the pope and his famous Lines of Demarcation which divided the New

⁵⁵ Mowat, *A History of European Diplomacy* 9.

World between these two powers are well known to all students of history.⁵⁶ While the lines drawn by Alexander VI were in no sense equitable they were marked out only upon the very imperfect geographical knowledge of that day. The significant point here is the reference of a matter of controversy between two Christian powers by the nations themselves to the international arbitration of the papacy.

III.

PAPAL ARBITRATION FROM THE PROTESTANT REVOLT TO OUR DAY

As the pontificate of Alexander VI marks the opening of the New World so his reign may be said to bridge in many ways the gap between medieval and modern times. While close periodization in history is always dangerous it is true that the sixteenth century generally carries in the minds of historians the opening of the modern era. Alexander VI died in 1503. An event was to occur some fourteen short years after his death which would have tremendous significance for the papacy as well as for all Christian Europe. It was in 1517 that Martin Luther began his offensive against the Church. The causes of the Protestant revolt require no retelling here, but their effects upon the papacy as an arbiter, as an international force for peace, need statement. The revolt of the Protestant forces against the old faith continued unabated throughout the sixteenth century and by the end of that period virtually half of Europe had left the Church. The position of the pope henceforth was not at all that which he had occupied during the Middle Ages. A good portion of Europe refused to acknowledge his spiritual authority, to say nothing of his ability and good offices for the settlement of international disputes. The Protestant revolt

⁵⁶ Dawson, *The Lines of Demarcation of Pope Alexander VI and the Treaty of Tordesillas*, A. D. 1493 and 1494, V Transactions of the Royal Society of Canada (Second Series), Sec. II.

rendered permanent the cleavage of a united Christendom endangered and provoked by the Avignon Papacy and the Great Western Schism. The popes of these years were for the most part taken up with the great task of conserving the possessions left to the Church, and through the medium of reform and the new religious orders were attempting to reclaim the lost regions. The sixteenth century is therefore a time when the papacy was not requested and could not offer with much hope of success to settle the quarrels of princes.

However, despite the frightful distractions which the religious wars of this and the succeeding century offered to the papacy and to Europe, and the extraordinary demands made upon the time and attention of the popes to execute the program of reform adopted at Trent, there are still a number of instances where the good offices of the Holy See were used as an arbitral court. One of the most striking of these occurred in the reign of Pope Gregory XIII (1572-1585) in a dispute between Czar Ivan IV of Russia (1533-1584) and King Stephen Bathory of Poland (1575-1586). The case is the more unusual since Ivan IV, a schismatic prince, appealed to Gregory XIII to intervene and arrest the war which was waging between the two countries. Gregory gladly accepted the role of arbiter requested by Ivan in February, 1581, and sent to Russia a Jesuit priest of known diplomatic talents, Antonio Possevino, to act as his nuncio in the restoration of peace. Possevino finally succeeded, after much difficulty, in arranging an armistice of ten years between Russia and Poland on January 15, 1582. Gregory XIII had hoped too that this mission might be fruitful of results in the effort to restore Russia to the Roman Church, but in this he was disappointed. Although he was not willing to lead this nation back to Rome, Czar Ivan IV did accept the arbitration of the papal legate in his dispute with Poland which put a temporary close to the war between them. Pastor puts it in a striking way when speaking of this instance of papal arbitration:

"Beginning on December 13, 1581, the matter was discussed, with the mediation of Possevino, at the border village of Kiverowa Horka, in the neighborhood of Jam Zapolki, on the road to Novgorod. It was the depth of winter. In a small cabin, containing but one room, and with but primitive means of heating, the disciple of Loyola took up his abode, and, as papal legate, was accepted by both parties as arbitrator."⁵⁷

Caught then by the awful cataclysm of the Protestant revolt the position of the papacy as an international force in secular affairs was largely impaired if not almost destroyed. Despite that fact the popes of these centuries continued their efforts for the restoration of peace and, as Cartwright says:

"In the long wars of France and the Empire in Italy during the sixteenth century, in the terrible internecine strife of the seventeenth, again and again the popes manifested the consciousness of their high mission by their efforts to bring back unity and peace."⁵⁸

That the policies and endeavors of the papacy for peace spoken of here in relation to the sixteenth and seventeenth centuries were not interrupted as Europe moved into the later centuries of the modern age has been amply demonstrated by the appearance of an unusual book by a German scholar on the subject of papal peace efforts.⁵⁹ The editor, Dr. Joseph Muller, discounts the low figures quoted by older authorities for the efforts engaged in by the popes to bring peace between nations, and remarks in his introduction that the Secret Archives of the Vatican contain under one index-title of Peace Nuntiatures, sixty volumes of documents on this subject dating from the seventeenth century alone. This testimony from a scholar who has given to the subject long years of study and research establishes the position of the papacy as a force pretty consistently at work for the securing of international peace.

⁵⁷ XX Pastor, *The History of the Popes from the Close of the Middle Ages* 441.

⁵⁸ Cartwright, *op. cit. supra* note 31, at p. 163.

⁵⁹ Müller, *Das Friedenswerk der Kirche in den Letzten Drei Jahrhunderten* (1598-1917).

Among the prominent cases cited by Muller of papal arbitration in these years is that of Pope Clement IX (1667-1669) who, in 1668, acted as arbiter between Louis XIV of France (1643-1715) and King Charles II of Spain (1665-1700), to bring an end to the so-called War of Devolution over the inheritance to the Netherlands. The pope's arbitration, carried on through his legate, Cardinal Rospigliosi, resulted in the signing of the Treaty of Aix-la-Chapelle by the two powers on May 2, 1668.⁶⁰

As the eighteenth century moved forward and the shadows of revolution appeared in France the papacy continued its efforts for peace. In the closing years of that century, when all Europe seemed imperiled by the thunder that was shaking France, even the Anglican, William Pitt, prime minister of England, if Goyau is to be believed, entertained the proposal made to Conzie, Bishop of Arras, in 1794, of having the papacy act as a focal point around which the foes of the French Revolution might rally.⁶¹ And when the experiment of revolution and the adventure of Napoleon were ended the mystical Emperor of Russia, Alexander I (1801-1825), was found proposing at the Congress of Troppau in 1821 that the only authority which could restore peace to the turbulent kingdom of Naples was the papacy.⁶² But in an age which was dominated by men of the caliber and egotism of Napoleon and Metternich papal arbitration was not likely to be sought nor allowed in the disputes between nations.

In the days following Napoleon's fall retribution was made to the long suffering Pope Pius VII (1800-1823) at the Congress of Vienna by his restoration to the States of the Church. Moreover, although that Congress was dominated by the Austrian Chancellor, Prince Metternich, the role played by Pius VII's secretary of state, Cardinal Consalvi, at that gathering was a dignified and creditable one and Con-

⁶⁰ Müller, *op. cit. supra* note 59, at pp. 187-189.

⁶¹ Goyau, *op. cit. supra* note 11, at p. 125.

⁶² *Op. cit. supra* note 61.

salvi won almost the complete restoration of papal territory even against Metternich's wish.⁶³ Meanwhile Europe and the world at large were the scene of the moving drama of democratic revolt brought on largely by the pressure of the new social classes created by the Industrial Revolution. In this series of revolts, which shook Europe in the first half of the nineteenth century, the papacy found itself involved through the agitation created in the Papal States by the proponents of a Roman Republic. They were turbulent years in which the forces of conservative and liberal contended for mastery. Simultaneously with these movements that of nationalism grew apace and out of the welter of wars and revolts which mark the mid-century new nations were being created in the Germanic Confederation and in the Italian peninsula.

These national movements forged ahead with reckless abandon and consequently Europe was treated to the spectacle of fresh conflict. In Italy the bonds of national union were being drawn tightly about the Patrimony of St. Peter, and in the movement which was headed by Sardinia and her prime minister, Count Cavour, Rome was the goal as the capital of a united Italy. North of the Alps Bismarck had already fought two successful wars and scrupled not to set the stage for a third in order to attain German unity. In July, 1870, the craft of Bismarck and the blundering of the Emperor Napoleon III of France (1852-1870) provoked the Franco-German War. At this critical moment for the peace of the continent Pope Pius IX (1846-1878), already seriously endangered in his own kingdom and amidst the closing sessions of the Vatican Council, proffered his mediation between the warring nations in identical notes which he dispatched to their rulers on July 22, three days after the French declaration of war.⁶⁴ Beales, in speaking of the fail-

⁶³ Goyau, *Consalvi au Congress de Vienne*, *Revue de Deux-Mondes* (September, 1906).

⁶⁴ Müller, *op. cit. supra* note 59, at pp. 319-321.

ure of the churches to render their opposition articulate in the crisis of July, 1870, says:

"At last Rome herself, transcending class and frontier, a unity standing four-square across earthly distinctions of nation and even race, resumed for a moment her medieval function of arbiter. But to no purpose. Prussia replied that she was fighting for the 'honour and independence of her country,' and would lay down her arms only if the Pope could assure her of 'pacific dispositions and guarantees' from France." ⁶⁵

The noble effort put forth by Pius IX to avert the Franco-German War failed. Neither power was disposed to heed the chance for amicable settlement of its dispute. Within two months after the sending of this note Pius IX witnessed the end of the temporal sovereignty of the Holy See in the occupation of the city of Rome by the troops of King Victor Emmanuel II (1861-1878) on September 20, 1870.

This act stripped the papacy of property which had been its acknowledged possession for centuries, and out of protest against the deed Pius IX adopted a voluntary imprisonment within the narrow confines of the Vatican which was broken only in 1929 by his namesake, Pope Pius XI. Upon the death of Pius IX there ascended the throne of the papacy a man endowed with unusual ability and foresight. Cardinal Pecci as Pope Leo XIII (1878-1903) was destined to exert a definitely world-wide influence even in secular affairs, and that was partly due to his relatively free position as a neutral, since he could not be accused of territorial ambitions with his temporal domain gone.

Leo XIII's unusual qualities as a statesman won him the universal admiration of the rulers of all nations. It was the same Bismarck who a few years earlier as Chancellor of the German Empire had inaugurated the *Kulturkampf* against the Catholic Church in Germany, turned in 1885 to request the neutral arbitration of Leo XIII in the dispute between

⁶⁵ Beales, *op. cit. supra* note 38, at p. 133. Beales is authority also for the statement that Pius IX offered his mediation to the States of the American Union in 1861 on the eve of the Civil War. Beales. *Op. cit. supra* note 38, at p. 187.

Germany and Spain over the Caroline Islands. Leo accepted the request of the German Chancellor and settled the dispute to the satisfaction of both parties.⁶⁶ For his sagacity and prudence in these negotiations the pope earned the unstinted admiration of Bismarck and the latter wrote Leo a notable letter expressing his gratitude.⁶⁷

A few years later Leo was again approached to act as arbiter in an international controversy between Great Britain and Portugal over the free navigation of the Zambesi River in East Africa. Portugal's approach in this instance was met with the same kindly treatment as that of Bismarck in 1885 and netted an amicable convention signed between England and Portugal on May 28, 1891, through the medium of Cardinal Rampolla, Leo XIII's secretary of state.⁶⁸ In December, 1890, a representative of King Leopold II of Belgium (1865-1909) asked for papal arbitration to settle the dispute of that country with Portugal over the frontier of the Congo Free State,⁶⁹ which was amicably settled by Leo's arbitration in 1891.

Besides these cases of actual arbitration upon the part of the Holy See two nations of the Western Hemisphere in 1895 jointly appealed a dispute to Leo's settlement. The presidents of the republics of Haiti and Santo Domingo signed an agreement in that year to allow the pope to arbitrate the difficulties over the delimitation of their frontiers.⁷⁰

Moreover the great pontiff took more positive steps to win a reign of peace than merely arbitrating disputes referred to his decision. In 1881 in his Encyclical Letter *Diu-
turnum Illud* he offered the Holy See as a mediatory channel for international disputes; again in February, 1889, in his

⁶⁶ Müller, *op. cit. supra* note 59, at pp. 325-333.

⁶⁷ Müller, *op. cit. supra* note 59, at p. 334.

⁶⁸ Müller, *op. cit. supra* note 59, at p. 47; Goyau, *op. cit. supra* note 11, at p. 133.

⁶⁹ Müller, *op. cit. supra* note 59, at p. 47.

⁷⁰ Müller, *op. cit. supra* note 59, at p. 48.

Allocution of that month he strongly condemned resort to aggressive wars to settle difficulties between nations. Likewise Leo gave encouragement to the manifestation of peaceful efforts on the part of groups working toward that end, and received kindly the request of the Universal Peace Congress meeting in Budapest in 1896 for his blessing upon its draft project of an International Code. Again the Holy See was receptive to Tcharykoff, representative of the Emperor Nicholas II of Russia (1894-1917), who in August, 1898, sought Leo's aid for the success of the Hague Peace Congress of that year. Cardinal Rampolla, secretary of state, sent adhesion in principle to the Hague Congress on September 15, 1898, which was followed by a second letter on February 10, 1899, to the Russian government in which the cardinal-secretary lauded arbitration and peaceful mediation.⁷¹ It was likewise during Leo's pontificate that two bishops of the Church, Benavente de San Juan de Cuyo of Argentina and Raimonda A. Jara de Ancud of Chile arbitrated a dispute between their two countries with full power of their governments. The bishops carried on the delicate negotiations through their primary stages and then referred them to the final award of King Edward VII of England (1901-1910) who gave his decision on November 20, 1903, a decision which was accepted by Argentina and Chile.⁷²

All through his long reign Pope Leo XIII exerted himself energetically in the cause of peace and justice among individuals as well as among nations. In 1900 he offered to the nations an example of how real disarmament might be achieved by melting down barrow loads of old swords and selling them as pig-iron.⁷³ But such an example was likely to be lost upon statesmen when just at that time they were engaged in the unbridled race for armies and navies which culminated in 1914. In a hundred other quarters Leo exempli-

⁷¹ *Op. cit. supra* note 70.

⁷² *Op. cit. supra* note 70.

⁷³ Beales, *op. cit. supra* note 38, at p. 244.

fied the same conciliatory spirit. Cartwright puts this service well when he remarks:

"His intercession with the Negus of Abyssinia for the Italian prisoners taken at Adna, his encyclical to the bishops of Brazil on the abolition of slavery, his conciliatory spirit in negotiation with the United States about the Philippine temporalities—these and a great many other achievements impressed him upon his time as a great personality. But they did more than this. They illustrated the usefulness of the papacy as an institution, they set precedents for its service to civilization and peace, they were, we may not unreasonably hope, 'the fair beginning of a nobler time.'"⁷⁴

The successor of Leo and the pope who was to be confronted with the catastrophe of the World War, was Pius X (1903-1914). Pius was no less concerned over the perils which he could envision in the policies of the nations during these early years of our century. It was with this in mind, and in the hope of pointing the way to international accord and peace that he issued his address to the College of Cardinals on March 27, 1905, wherein he condemned the strident nationalism and policy of "might makes right" which nations were pursuing.⁷⁵ But the effort of Pius X to call the powers back to Christian conduct fell upon deaf ears in Europe. It was only in a far distant quarter that the appeal of the pope seemed to be heard, for in that year Brazil and Bolivia effected an arbitration treaty for the settlement of their differences which through its two periods of activity, 1905-1906 and 1908-1909, was presided over by two nuncios of Pius X.⁷⁶ On September 12, 1905, Pius was likewise named by two South American countries, Colombia and Peru, in a permanent arbitration treaty, as arbitrator in all cases of difference between the nations.⁷⁷ Pius X's cooperation with world peace movements, like that of his predecessor, was generously given as may be seen from the letter of his Sec-

⁷⁴ Cartwright, *op. cit. supra* note 31, at p. 165.

⁷⁵ Müller, *op. cit. supra* note 59, at pp. 377, 378.

⁷⁶ Goyau, *op. cit. supra* note 11, at p. 131.

⁷⁷ Müller, *op. cit. supra* note 59, at pp. 378-381.

retary of State, Cardinal Merry del Val who, on November 3, 1906, sent a message to the Universal Peace Congress meeting in Milan in which he spoke of the papal efforts for peaceful arbitration of disputes in recent years and the successes with which those efforts had met.⁷⁸

But the endeavor of Pope Pius X to avert the perils of war was not destined to succeed in war's own peculiar arena, Europe, for it was this saintly man who witnessed the outbreak of the worst war in history. The awful calamity which befell the world in those summer days of 1914 brought poignant grief to the heart of Pius X, and one of the last utterances which he made was an appeal to the nations to cease their folly and arbitrate their differences. But in that same month of August which saw the flood of war declarations Pius died.

The successor who assumed the pontifical throne in these dangerous days (1914-1922)⁷⁹ was Pope Benedict XV, elected on September 3, the day the French government fled to Bordeaux. In his first public utterance the new pope made a stirring plea for peace. Benedict XV began where Pius X left off:

"As the first act of Our Apostolic ministry We take up and repeat the last words that fell from Our Predecessor of illustrious and so holy memory, and therefore We earnestly beseech Princes and Rulers that, moved by the sight of so many tears, so much blood, already shed, they delay not to bring back to their peoples the life-giving blessings of peace."⁸⁰

In his first encyclical of November, 1914, Benedict proposed an armistice and a discussion of war aims. Again in his Christmas Eve allocution to the cardinals he bemoaned the continuation of the war, and endeavored at the same

⁷⁸ Goyau, *op. cit. supra* note 11, at pp. 131, 132.

⁷⁹ The peace efforts of Benedict XV in 1917 have been thoroughly analyzed by Friedrich von Lama in his volume which appeared recently, *Die Friedensvermittlung Papst Benedikts XV.*

⁸⁰ Barry-Wood, *Benedict XV: Pontiff of Peace* 185 (Reprinted in part in *CLXX Dublin Review*) (April-May-June, 1922).

time to arrange a truce. These futile attempts, however, did not discourage the pontiff, for it was on August 1, 1917, that he addressed his famous note to the belligerents which outlined definite proposals for peace. Besides terms of settlement, Benedict XV proposed general disarmament, abolition of conscription, an arbitral tribunal for the settlement of international disputes, freedom of the seas, and a cancellation of war debts.⁸¹ But the noble gesture of the "Pontiff of Peace" was lost upon the nations so occupied with the horrible business of war. Some rulers even showed annoyance at what was considered interference on the part of the pope,⁸² while others apparently allowed a religious prejudice to blind their appreciation of the neutral offer.⁸³

Despite the failures of his proposals the pontiff worked unceasingly to the end to alleviate the suffering caused by the war as long as it continued, and the resources of the Holy See were given wholeheartedly to lessen the horror of the conflict. As Cartwright summarizes it:

"Through papal secretariats and commissions initiatives were taken and negotiations carried through for the exchange of disabled prisoners and of civilians in occupied territories, for the hospitalization of the sick in neutral countries like Switzerland, for correspondence with the families of prisoners of war and care of their needs during detention, for provisioning the devastated regions. The American help so generously given in Belgium and Poland was arranged for with the aid of the papal diplomatic service. The pope had come to be looked on as the only neutral securely and permanently disinterested."⁸⁴

⁸¹ Appeals for Peace of Pope Benedict XV and Pope Pius XI 4-6 (Catholic Association for International Peace, 1931).

⁸² Cf. Letter of J. Jusserand to the Editor of the *Am. Hist. Rev.* (Vol. XXXVII, 817-819, July, 1932), wherein Jusserand says, in speaking of President Wilson's reaction to Benedict's proposal for peace: "The President plainly showed me his ill-humor at Benedict's wanting to 'butt in' [his own words]."

⁸³ Cf. Editorial, "Religious Perfidy," in *XVI Commonweal*, No. 20 (Sept. 14, 1932), which summarizes conclusions of Friedrich von Lama's books, *Die Friedensvermittlung Papst Benedikts XV*, the gist of which is that von Lama's researches show Germany's failure to cooperate in the proposal of 1917 was due largely to the anti-Catholic views of the Court in Berlin.

⁸⁴ Cartwright, *op. cit.* *supra* note 31, at p. 165.

Pope Benedict XV lived through the great ordeal of the World War and died in 1922. He had justly earned the title of "Pontiff of Peace" for his heroic efforts during the awful conflict. Speaking of his death Barry says:

"No wonder Italy lowered its flags to half-mast when his death was announced; that the Reichstag did public homage to his memory; that its President, the Socialist Herr Loebe, said of him, 'He used all the moral power of his office to alleviate human suffering, to banish hatred, and to reconcile the nations.' King George's tribute was heightened by Lord Curzon's judgment of 'the late Pope, who during his too short tenure of that exalted office, showed himself so consistent a friend of peace, and so firm an advocate of the moral brotherhood of mankind.'" ⁸⁵

Following Benedict's death early in 1922 the college of cardinals elected the Archbishop of Milan, Cardinal Ratti, who took the name of Pius XI. In the brief decade which has passed since the present pope assumed the tiara he has created for himself the reputation of possibly the world's greatest leader in the days of trial which have followed the World War. In every way Pius XI has continued the best traditions of the papacy for leadership in the cause of peace and justice, and his pronouncements on questions which are vexing the peoples of the nations everywhere have been received with a marked attention not hitherto noted in recent years. Pius XI has made outstanding contributions to many fields of endeavor and has demonstrated a keen and penetrating understanding of the difficulties of each. In no field has he been more outspoken and more consistently zealous than that of the reestablishment of an enduring world peace and a reign of concord among nations.

Not two months after his coronation the present Holy Father made known his position on the vital problem of world peace when on April 7, 1922, in a letter to the Archbishop of Geneva, he said:

⁸⁵ Barry, *op. cit. supra* note 45, at pp. 176-177.

"If, according to the fine motto of the Red Cross: '*Inter arma caritas*,' Christian charity should rule even during the clash of arms, this should be still more true when once arms are laid down and treaties of peace are signed. Indeed international hatreds, sad heritage of war, turn to the disadvantage of the victor nations themselves and prepare for all a very dreadful future; for it must not be forgotten that the best guarantee of tranquillity is not a forest of bayonets, but mutual confidence and friendship."

This subject has been the constant theme of Pius XI; and again in his Christmas allocution to the College of Cardinals on December 24, 1930, the pontiff returned with the appeal for all to join in the work for peace. He said:

"The glory and the duty of this apostolate of peace belong principally to Us and to all called to be ministers of the God of peace. But here is a vast and glorious field for all the Catholic laity, too, whom We unceasingly call upon and ask to share in the hierarchical apostolate."⁸⁶

Again in his apostolic Letter, *Nova Impendet*, of October 2, 1931, the pontiff attacked vigorously the peril to peace in armaments, and exhorted the bishops of the Catholic world to use all possible means to educate in the way of reason, law, and peace, and to point the way to their peoples to a peaceful escape from the present world crisis.

There has been no more ardent and consistent defender of the true benefits of salutary internationalism than Pius XI. Time out of number he has spoken during his pontificate of the vicious philosophy underlying the mad nationalism, both in its economic and political phases, which dominates the governments of our day. If the nations seek an enduring solution to the vexatious problems which confront them they could do no better than to adopt the program which Pope Pius XI has outlined for the restoration of world peace and order.

Thus the papacy is seen as a moral force which through the long expanse of its history has worked with a high de-

⁸⁶ Appeals for Peace of Pope Benedict XV and Pope Pius XI 9 (Catholic Association for International Peace, 1931).

gree of consistency in the cause of world peace. Either in the form of personal appeals to rulers such as Attila and Genseric, or approval and encouragement of institutions such as the *Pax Dei* and *Treuga Dei*; either as the international arbiter of a united Europe in the days of Innocent III, or as the steady friend and mediator of disputes between quarreling nations; the papacy has through almost two thousand years continued its mission to bring peace to men.

In these days when men are hard put to find a source wherein justice, the moral law, and fair impartiality might reign for the settlement of international differences, many see in the papacy an institution which might very effectively render such service to mankind. Dr. James Brown Scott, former president of the American Society of International Law, said in his presidential address before that body:

"Protestant though I be, and of the Presbyterian variety, I look forward to the State of the Vatican, barely large enough for the Pontifical throne — an imponderable State — rendering services in the future even greater than the Papacy in the past, because it has neither army nor navy nor territory. It only has a conscience and law under the control of a moral and spiritual conception."

H. G. Wells, who is not usually too friendly to things papal, says:

"Sooner or later the world must come to one universal peace, unless our race is to be destroyed by the increasing power of its own destructive inventions: and that universal peace must needs take the form of a government, that is to say a law-sustaining organization, in the best sense of the word religious; a government ruling men through the educated coordination of their minds in a common conception of human history and human destiny. The papacy we must now recognize as the first clearly conscious attempt to provide such a government in the world."⁸⁷

*John Tracy Ellis and the Historical
Committee of the Catholic Association
for International Peace.*

⁸⁷ Wells, *Outline of History* 654.