



CENTRO PRO UNIONE

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UT OMNES UNUM SINT



LETTER FROM THE DIRECTOR

▶ *James F. Puglisi, SA*

This issue of the *Bulletin-Centro Pro Unione* opens with the lecture of Dr. Daniel Pratt Morris-Chapman on “Newman, Wesley and the Logic of Unity: An Inductive Ecumenism”. From the interesting points of contact between Newman and Wesley, the author attempts to construct a rather creative approach to a different type of ecumenism which is inductive and challenging to the usual way of thinking about ecumenism. I think our readers will find fascinating the trilogy of thought exchanges between Wesley, Aquinas and Newman.

Given the current world situation with a raging war in the Ukraine as well as the forgotten conflicts of long date in other parts of the world, the Centro hosted a book launch of an extremely relevant topic: *The Vatican and Permanent Neutrality*. This book was edited by Marshall J. Breger and Herbert R. Reginbogin, both are professors in the law faculty of The Catholic University of America in Washington, DC.

In the first video conference, Prof. Breger explained the origins of the project and its relevance for today. What are some of the stakes at risk, either by permanently remaining neutral, or what are the consequences for taking a stand. What does the concept of neutrality mean in law, especially international law? After considering a brief history of the legal concept of neutrality, he takes a look at some recent instances of neutralities by comparing them to past instances of neutrality. His analysis is quite engaging. The book presentation then continued with three concrete instances of Vatican neutrality.

The presentation of Prof. Maria d’Arienzo looked at the negotiation of the Lateran Treaty and the hermeneutics of neutrality used by the

Vatican in all of the negotiations. It was a question of the Holy See recovering the damages done by the creation of the Italian State and the confiscation of its territories.



This presentation was followed by that of Prof. Lucia Ceci who treated the role of the Vatican in light of fascist wars in Italy and in the Italian colonies. The afternoon was concluded by the exploration of the role of power and spirituality in dealing with the question of “permanent neutrality” by the second editor of the work, Prof. Herbert Reginbogin. The afternoon’s presentations were ably moderated by Prof. Giovanni Maria Vian.

Lastly, Rabbi Jack Bemporad spoke on “Wisdom, Virtues and Vices in the Book of Proverbs. Some Philosophical and Ethical Considerations”. His talk will be published in the next issue.

In October, the Centro hosted with the Methodist Ecumenical Office Rome an event to honor “The Heritage of Geoffrey Wainwright as Liturgist, Theologian, and Ecumenist”. Speakers included: Prof. Bryan Spinks, Dr. Richard Clutterbuck, Prof. William Rusch, Dr. Bernhard Eckerstorfer, Ms. Gillian Kingston and Archbishop Donald Bolen. The texts of their presentations will be in the next issue of the *Bulletin*.

The remainder of the Fall, will include the twenty-fifth annual lecture in honor of the Founders of the Society of the Atonement, Servant of God, Paul Wattson, sa and Mother Lurana White, sa. This year’s lecture is entitled “(In Case You Missed It) The Ecumenical Winter is Over” and is given by

CENTRO PRO UNIONE BULLETIN

The Centro Pro Unione in Rome, founded and directed by the Franciscan Friars of the Atonement, is an ecumenical research and action center. Its purpose is to give space for dialogue, to be a place for study, research and formation in ecumenism: theological, pastoral, social and spiritual. The Bulletin has been published since 1968 and is released in Spring and Fall.

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CONTACT

Telephone	Address
(+39) 06 687 9552	Via Santa Maria dell’Anima, 30
Fax	I-00186 · Rome ITALY
(+39) 06 687 9552	Media Network
Website	@EcumenUnity
www.prounione.it	@CentroProUnione
E-mail	   
pro@prounione.it	

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the former director of the Faith and Order Commission of the World Council of Churches, Dr. Thomas F. Best.

In addition, in January we will co-sponsor with the Anglican Centre in Rome a two day event continuing the ecumenical experience of the recent Lambeth Conference. Together with the directors of the Methodist Ecumenical Office Rome and the Anglican Centre, the Centro's Director will celebrate a vigil of prayer in preparation of the Week of Prayer for Christian Unity in the chapel of the Anglican Centre.

Together with the Lay Centre at Foyer Unitas the Centro will host an afternoon of study and prayer for Christian Unity. The lecture will be given by Dr. Dirk G. Lange, deputy general secretary for ecumenical relations of the Lutheran World Federation who will speak on the recent Lutheran-Catholic International Commission on Unity's study document, "Baptism and Growth in Communion". The lecture will be followed by an ecumenical prayer vigil for Christian unity prepared by the Lay Centre. In addition, the Centro is organizing the presentation of an important ecclesiological study: *Ecclesial Boundaries and National Identity in the Orthodox Church* (Notre Dame Press, 2023) by Dr. Tamara Grdzeldze. Since the Orthodox Church has not sufficiently addressed the pressing problem of religious nationalism and the problems arriving because of it, this work will be of interest to scholars. Look for details on our web site in the new year.

In addition to the various activities of the Centro, we have welcomed a number of important groups and individuals this past year: the superintendent of Fine Arts and some scholars, a group of Asian entrepreneurs, several schools and their professors of religion as well as students of our Associate Director from the Angelicum, a group of 50 non-denominational charismatics and two university groups, one led by Prof. Stephan Winter from the University of Tübingen and the other from Loyola University of Chicago's Institute of Pastoral Studies led by Prof. Michael Canaris. In October on the occasion of the presentation of their most recent study, the Centro received the Director, former director and assistant of the Center of Ecumenical, Missiological and Environmental Studies 'Metropolitan Panteleimon Papageorgiou' (CEMES) from Thessalonika, Greece, as well as Izaías Carneiro, the Founder of the Public Association of the Faithful New Heart Community and the mission

"Somos um mission", from Rio de Janeiro. Founded in 2008, the main scope of this new ecclesial reality is to serve Christian unity, in harmony with the magisterium of the Church.

Material for the Week of Prayer for Christian Unity 2023 ("Do good; seek justice" - Is 1:17) are available in English, Spanish and Italian - see the web of the Centro Pro Unione at

🔗 — www.prounione.it/en/ecumenism/wpcu

It is never too early to book for your Rome Summer school experience in June 26 - July 14, 2023 at the Centro (See the web for registration for the Summer Course "Introduction to the Ecumenical and Interreligious Movements from a Catholic Perspective")

🔗 — www.prounione.it/en/formation/summer-school-rome

The publication of the E-book containing the M.A.D. 2, the second module focusing on Baptism of *M.A.D. for Ecumenism - Mutual Accountability Desk*, is in the works and will be available soon. The Report contains a description of the itinerary followed, the scientific contributions of the experts, a summary of the reports of the more than 30 participants, and the visual material that document the various phases of the project.

M.A.D. 3, will intertwine with the synodal journey of the Catholic Church, implementing a synodal and ecumenical methodology, which witnesses the people of God involved in dialogue and in synergy in its multiform ministries and charisms, in order to carry out a shared reflection on the greatest challenges that the post-postmodern era poses to the churches today.

We invite our readers to always check our web site for dates and events as well as the up-dating of our data base on the international theological dialogues and, of course, our two libraries: pro and dialogo.

This *Bulletin* is indexed in the *ATLA Religion Database*, published by the American Theological Library Association, 250 S. Wacker Drive, 16th Floor, Chicago, IL 60606 (www.atla.com).

James F. Puglisi, sa · Director

James F. Puglisi, sa

DANIEL PRATT MORRIS-CHAPMAN ◀

Conference given at the Centro Pro Unione

Minister, Ponte Sant'Angelo Church · Visiting Professor, Univ. of Saint Thomas Aquinas, Rome Thursday · 28 April 2022
 Research Fellow, Wesley House Cambridge & University of Stellenbosch · Chair, Churches Together in Rome

Newman, Wesley and the Logic of Unity: An Inductive Approach to Ecumenism

Introduction: The Logic of Unity?

In recent years Frederick Aquino, a leading Newman commentator, and his former doctoral supervisor, the renowned Methodist thinker William Abraham (of late), have argued for the creation of a new sub-discipline for examining the epistemology of theology:



It has been commonplace in epistemology ... to explore in detail the epistemology of particular academic disciplines. The epistemology of science, for example, has received the lion's share of interest; but attention has also been given to mathematics, history, aesthetics, and ethics. The crucial warrant for these later developments goes back to Aristotle's insistence ... [that] we should fit our epistemic evaluations in an appropriate way to the subject matter under investigation.¹

1 WILLIAM J. ABRAHAM & FREDERICK D. AQUINO, "Introduction," in WILLIAM J. ABRAHAM & FREDERICK D. AQUINO, (eds.), *The Oxford Handbook of the Epistemology of Theology* (Oxford: University Press, 2017) 1. For further discussion on Newman's philosophical influence on Abraham, see DANIEL J. PRATT MORRIS-CHAPMAN, *Newman in the Story of Philosophy: The Philosophical Legacy of Saint John Henry Newman* (Eugene, OR: Pickwick, 2021).

MEDIA

Lecture video

www.prounione.it/webtv/live/28-apr-2022

Audio podcast

bit.ly/Pratt-Podcast-Lecture-plus-QA-Apr-2022

Daniel Pratt Morris-Chapman speaking at the Lecture

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These writers maintain that it is necessary to explore what might constitute appropriate epistemological evaluation in the various branches of theology. The influence of Aristotle's *Nicomachean Ethics*² on this approach is significant and is illustrated in an earlier publication by Abraham on this subject:

With Aristotle I have insisted that we should accept the principle of appropriate epistemic fit. We should let the subject matter in hand shape what kinds of considerations should be brought to bear on the rationality of the issue under review.³

Here Abraham maintains that theologians should "help themselves to the same liberties as the historian and natural scientist" and be content to "take for granted a whole network of epistemic platitudes that can be assumed".⁴ However, he not only applies this Aristotelian principle to theology generally, he applies it also to ecclesiology.

2 ARISTOTLE, *Nicomachean Ethics*, transl. by Roger Crisp, Cambridge Texts in the History of Philosophy (Cambridge: University Press, 2004).

3 WILLIAM J. ABRAHAM, *Crossing the Threshold of Divine Revelation* (Grand Rapids: Wm. B. Eerdmans, 2006) 29.

4 *Ibid.*

In a discussion of the “conceptual and epistemological dimensions” of ecclesiology, Abraham argues that it is important for us to attend to the “conceptual and epistemological” issues that emerge in ecumenical debates concerning the true nature of the church.⁵ He writes:

We have to grapple with disputes about what constitutes the essence of the church. This is exactly what we find in ecclesiology and in ecumenical work ... Outsiders often dismiss the whole debate as empty of cognitive content; after all, there is no universal or stable agreement on the criteria of appraisal in play. This disposition betrays a narrowness of conceptual sensibility. What is, in fact, at issue is how best to capture the complexity and beauty of the life of the church.⁶

Here, and elsewhere Abraham suggests that a key for unlocking some of the divisions between Christians is to uncover the epistemological moves operative in their respective conceptions of the “church”.⁷ However, he is emphatic that this epistemological analysis should proceed in a manner appropriate to the case in hand. In making this point, he regularly invokes Saint John Henry Newman’s “felicitous” utilisation of the same Aristotelian principle.⁸

Newman and the Logic of the Church

Abraham’s clarion call for an appropriate epistemological analysis of the nature and concept of the “church” is distinctive. Aside from his writings, only a handful of essays have

been published in this area.⁹ Moreover, with the exception of Abraham, none of these writers explicitly applies the principle of Aristotelian epistemic fit to ecumenism.¹⁰ However, while Abraham’s work is original, his theoretical approach is shaped considerably by Newman’s use of the same aspect of Aristotle’s *Nicomachean Ethics*.¹¹ Indeed, long before Abraham, Newman utilised this Aristotelian principle to examine the inner logic of theological and ecclesial systems, dissecting their inner constitution in order to expose their intrinsic presuppositions and principles.¹² This is powerfully evident in Newman’s penetrating analysis of Wesleyanism:

Wesleyanism represents an idea, a doctrine, system, and polity; no one but will connect it with the well-known divine and preacher whose name it bears. Yet, when we look back upon its course during the ... years since it commenced, how many are the changes and vicissitudes through which the man is connected with his work! so much so that it is a most difficult task, and one which perhaps must be reserved for a later age, duly to review its history, to say what really belongs and what is foreign to it, to find a key for the whole and a clue for the succession of its parts. The event alone still future, which will bring its completion, will also bring its interpretation.¹³

5 WILLIAM J. ABRAHAM, “Church,” in CHARLES TALIAFERRO & CHAD MEISTER (eds.), *The Cambridge Companion to Christian Philosophical Theology* (Cambridge: University Press, 2010) 170, 182.

6 *Ibid.*, 174.

7 WILLIAM J. ABRAHAM, *Canon and Criterion in Christian Theology: From the Fathers to Feminism* (Oxford: Clarendon Press, 1998).

8 KENNETH J. COLLINS, *John Wesley: A Theological Journey* (Oxford: Abingdon Press, 2003) 166; WILLIAM J. ABRAHAM, *Crossing the Threshold...*, *op. cit.*, 51; WILLIAM J. ABRAHAM, “The Church,” *op. cit.*, 178. For further discussion of Newman’s philosophical influence on Abraham, see DANIEL J. PRATT MORRIS-CHAPMAN, *Newman in the Story of Philosophy...*, *op. cit.*

9 B. KIRRMSE, “The Thunderstorm: Kierkegaard’s Ecclesiology,” *Faith and Philosophy* 17(2000) 87-102; “Kantian Philosophical Ecclesiology,” in PHILIP L. QUINN & CHRISTIAN MILLER (eds.), *Essays in Philosophy of Religion*, (Oxford: Oxford University Press, 2006) 255-278; DANIEL J. PRATT MORRIS-CHAPMAN, “Canon, Criterion and Circularity: An Analysis of the Epistemology of Canonical Theism,” *HTS Teologiese Studies/Theological Studies* 74 (2018), a5022. <https://bit.ly/3Fli7vo> URL Retrieved: 22 November 2022

10 WILLIAM J. ABRAHAM, *Crossing the Threshold...*, *op. cit.*, 28-30.

11 DANIEL J. PRATT MORRIS-CHAPMAN, *Newman in the Story of Philosophy...*, *op. cit.*, 97-99.

12 JAY M. HAMMOND III, “The Interplay of Hermeneutics and Heresy in the Process of Newman’s Conversion from 1830 to 1845,” in KENNETH PARKER & MICHAEL J. PAHLS (eds.), *Authority, Dogma and History: The Role of Oxford Movement Converts and the Infallibility Debates of the Nineteenth Century, 1835-1875* (Palo Alto, CA: Academic Press, 2009) 162.

13 JOHN HENRY NEWMAN, *An Essay on the Development of Christian Doctrine* (London: J Toovey, 1845) 39.

Here we see how Newman attempts to uncover the essence and indeed the internal logic operative in Methodism.¹⁴ Even more profound, however is Newman application of the same Aristotelian principle to his crisis of faith; his persona attempt to resolve a dilemma concerning the perceived difference between the Catholicism of his day to that of the Primitive Church of the Early Christian Centuries.¹⁵

In his *Essay on the Development of Christian Doctrine* Newman states that “the true principle of historical logic” is exemplified in the “well-known maxim of Aristotle.”¹⁶ Citing Aristotle, he writes:

“It is much the same to admit the probabilities of a mathematician, and to look for demonstration from an orator.” Some things admit of much closer and more careful handling than others – and we must look for proof in every case according to the nature of the subject matter which is in debate, and not beyond it. Evidence may have an air of nature even in its deficiencies, and it recommends itself to us, when it carries with it its explanation why it is such as it is, not fuller or more exact.¹⁷

This reference to Aristotle at this point in his work is significant for Newman intends to evaluate the logic governing the historical development of the Catholic Church’s teaching in

a manner appropriate to the case in hand. Thus, under the heading “Character of the Evidence”, Newman intention is to uncover a logical connection between the teaching of the Early Church and the Catholic doctrines upheld by his contemporaries. His solution to this quandary – the idea of doctrinal development – is ingenious but it does not concern us here. Here, our focus will rather be upon whether Newman’s use of this Aristotelian principle can help remove perceived obstacles to full organic unity between Methodists and Catholics. Whether we can successfully make a connection between early Methodist practices and the Catholic Church of today.

The reason for applying this aspect of Newman’s thought to the question of Catholic and Methodist unity may not be immediately apparent. However, if we look at the problem of division, we are in fact faced with a similar quandary to the one faced by the Anglican Newman immediately prior to his reception into the Catholic fold. Newman, the Anglican, was convinced that the Church must be one. He was also convinced of validity of the Early Church’s teaching. His difficulty prior to writing the essay on development was how he could connect the teachings of the Catholic Church with the teachings of the Undivided Church of Antiquity. In a similar vein, we know and believe Jesus’ command that we must be one (John 10:16). Moreover, as Wainwright powerfully articulates, it is very difficult to deny that God’s Holy Spirit is working in and through us all; despite our frailties?¹⁸ This resonates with our collective experience, but it has also been officially stated by the Second Vatican Council and by the founder of the Methodist Church.¹⁹ Therefore, there is acknowledgment, on both sides, of the reality of our walk with Christ; despite the challenges before us. However, while some have abandoned all hope of unlocking the differences between

14 Though Newman considered Methodism to be a heresy, he acknowledged that “never surely was a heresy so mixed up with what was good and true with high feeling and honest exertion if the choice lay between [Wesley] and the reformers of the sixteenth century as we thankfully acknowledge it does not a serious inquirer would have greater reason for saying *Sit anima mea cum Westleio than cum Luthero or cum Calvino.*” JOHN HENRY NEWMAN, “Memoir on the Countess of Huntington,” *The British Critic and Quarterly Theological Review*, 28 (1807) 263-264.

15 JOHN HENRY NEWMAN, *The Letters and Diaries of John Henry Newman* (Oxford: University Press, 1995) VII:136, 154.

16 JOHN HENRY NEWMAN, *An Essay on the Development of Christian Doctrine*, 3rd edition (London: Rivington, 1878) 113-114.

17 JOHN HENRY NEWMAN, *An Essay on the Development...*, (1845) *op. cit.*, 139.

18 GEOFFREY WAINWRIGHT, *The Ecumenical Movement: Crisis and Opportunity for the Church* (Grand Rapids: Wm. B. Eerdmans, 1983) 4.

19 JOHN WESLEY, *The Works of John Wesley* ed. Thomas Jackson, 3rd edition, (London: Wesleyan Methodist Book Room, 1872) 5:493. See SECOND VATICAN COUNCIL, Decree on Ecumenism *Unitatis Redintegratio* 1964, §3. <https://bit.ly/x3GEQBKf> URL Retrieved: 22 November 2022

us, it is conceivable that Newman (a prospective Doctor of the Church) offers us principles by which the obstacles to full organic unity might be resolved.

Framing the Problem under Discussion

Here, the problem will be framed in a particular way. We will not attempt to resolve the differences between Contemporary Catholicism and the plethora of Methodist traditions that exist at present. Instead, I will ask whether or not Newman’s methodology can help us to reconcile Wesley’s vision of Methodism with the Catholic Church of today. In short, can the form of Methodism envisaged by Wesley be integrated within the contours of contemporary Catholicism?²⁰

John Wesley’s Discipleship Movement Shaped For Mission

It is helpful at this juncture to offer a “clear consistent view of Methodism as a phenomenon” to consider it “as a whole”.²¹ To isolate what “really belongs” to it and “what is foreign to

it”?²² To determine what might be considered to be the heart of Methodism we must go back to the beginning. Wesley himself states that the seeds of the movement were sown in Oxford, Georgia and London.²³ In all these instances we see his overwhelming quest was to lead a holy life and to help others to do the same.

The Oxford Holy Club

Let’s begin by looking at his time in Oxford. In the 1720s, Oxford was not the special university it is today. It was a decadent place academically and morally.²⁴ However, John Wesley’s parents, particularly his mother, had made an enormous impact upon his spiritual development.²⁵ This led him to seek to live a holy life, despite these university surroundings. During this period John states that he: “Began to alter the whole form of my conversation and to set in earnest upon a new life. I set apart an hour or two a day for religious retirement. I communicated every week. I watched against all sin whether in word or deed. I began to aim and pray for inward holiness”.²⁶ This

20 This approach to full organic unity is inspired by the Nairobi Report which states that “from one perspective the history of John Wesley has suggested an analogy between his movement and the religious orders within the one Church. Figures such as Benedict of Norcia and Francis of Assisi, whose divine calling was similarly to a spiritual reform, gave rise to religious orders characterized by special forms of life and prayer, work, evangelization and their own internal organization. The different religious orders in the Roman Catholic Church, while fully in communion with the Pope and the bishops, relate in different ways to the authority of Pope and bishops. Such relative autonomy has a recognized place within the unity of the Church,” JOINT COMMISSION BETWEEN THE ROMAN CATHOLIC CHURCH AND THE WORLD METHODIST COUNCIL, “Towards a Statement on the Church, Nairobi 1986,” §24.  <https://bit.ly/3U8b7WU>  URL Retrieved: 22 November 2022

Lecture Discussion 
 Revd. Matthew Laferty
 (Director Methodist Ecumenical Office Rome) and
 Filippa Hitchen (Journalist)

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21 JOHN HENERY NEWMAN, “Memoir on the Countess...” *op. cit.*, 276.

22 JOHN HENRY NEWMAN, *An Essay on Development...*, (1845) *op. cit.*, 39.

23 JOHN WESLEY, *The Works...*, *op. cit.*, 13:303.

24 VIVIAN HUBER HOWARD GREEN, *The Young Mr Wesley: A Study of John Wesley and Oxford* (NY: St. Martin’s Press, 1961) 21-27.

25 JOHN A. NEWTON, *Susanna Wesley and the Puritan Tradition in Methodism* (London: Epworth Press, 1968) 108 and CHARLES WALLACE, JR, *Susanna Wesley: The Complete Writings* (Oxford: University Press, 1997) 118.

26 JOHN WESLEY, *The Works...*, *op. cit.*, 1:99.

extract from his journal illustrates his spiritual condition during this period.²⁷ He wanted desperately to be holy and his diary is full of notes about his failure to keep resolutions which he believed would help him to obtain this.²⁸ His brother Charles also began a similar quest for holiness at Oxford.²⁹ Like John before him he also struggled to live a holy life, attending holy communion every week and examining himself thoroughly.³⁰ Moreover, Charles tried to follow the University's rules, which advised students to spend time in study and prayer. When Charles and his friends tried to follow this, they were nicknamed "Methodists." Undeterred, they began to meet regularly to read the scriptures, Christian literature, and to assist one another in being holy. While this "Holy Club" started when John was serving his curacy, on his return to Oxford the leadership of the group transferred to him - he had a gift in taking charge.³¹ As time passed, what had begun as a "Holy club" for students was translated into a desire to help others to do the same. The group was influenced increasingly by the devotional practices of the earliest Christians and sought to realise them both in the university and in the City at large.³² This led to a zealous attempt, not only to obtain inward holiness but to witness the love of God practically to those

Daniel Pratt Morris-Chapman
at the Centro

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around them, particularly prisoners and those in need.³³

Restoring Primitive Christianity in Georgia

As the years past, Wesley concluded that it would be impossible to restore the devotional practices of the Early Church in a context as corrupt as Oxford. When the opportunity arose to serve as a missionary in Georgia, he mistakenly inferred that it would be far easier to implement the "Primitive" faith of the Church among the American Indians.³⁴ He fancied that, while Oxford was too corrupt for the Christianity of the First Ages, the American context would be ripe for it.³⁵ Unfortunately, his parishioners in Savannah Georgia were anything but First Century Christians. Nevertheless, John Wesley continued with the same resolve, and attempted to adapt the Anglican Prayer Book to make it more commensurate with the liturgical practice of the Early Church. He also introduced ancient practices that he believed would foster holiness among the parishioners.³⁶ This manifested itself in the following ways:

27 JOHN POLLOCK, *John Wesley* (Oxford: Lion Publishing, 1989) 21-29.

28 RICHARD P. HEITZENRATER, *The Elusive Mr. Wesley: John Wesley His Own Biographer* (Oxford: Abingdon Press, 1984) 28-33.

29 ARNOLD A. DALLIMORE, *A Heart Set Free: The Life of Charles Wesley* (Westcester, IN: Crossway Books, 1988) 30ff.

30 KENNETH J. COLLINS, *John Wesley: A Theological Journey* (Oxford: Abingdon Press, 2003) 43.

31 JOHN POLLOCK, *John Wesley...*, *op. cit.*, 142-149.

32 VIVIAN HUBERT HOWARD GREEN, *The Young...*, *op. cit.*, 169-179.

33 LUKE TYERMAN, *The Life and Times of the Rev. John Wesley, M.A. Founder of the Methodists* (London: Harper, 1872) 57-58.

34 JOHN WESLEY, *The Works...*, *op. cit.*, 12:38.

35 VIVIAN HUBERT HOWARD GREEN, *The Young...*, *op. cit.*, 237-243.

36 GEORDAN HAMMOND, *John Wesley in America: Restoring Primitive Christianity* (Oxford: University Press, 2016) 130.

- He encouraged them to partake of the Eucharist weekly
- To confess their sins to him before attending the Eucharist
- Encouraged them to fast regularly in accordance with the practices of the Early Church
- Meeting in small devotional groups for prayer, exhortation, mutual accountability and instruction
- Lay leadership for the small groups
- Deaconesses

These last two points were absent in the church of his day. While the ministry of deaconesses and lay preachers was formally established in the 19th Century, in the 18th Century the Church of England did not permit either. However, Wesley saw these clearly in the Early Church. Thus by appointing female deaconesses John Wesley violated orthodox Anglican practice because he realised that in the Early Church their ministry was celebrated.³⁷ Here, we see a clear example of how John Wesley prophetically adopted apostolic forms of ministry even when these were absent in the Church of his time. Equally, his use of lay leaders to teach the Word to smaller groups of disciples is clearly present in the practice of the Early Church, even though it was absent in his time. His approach, even his support of lay leaders and female deaconesses, was unquestionably grounded in the practices of the Early Church. Indeed, what is most interesting here is that Wesley's apostolic revisions were rejected as "Catholic" by his parishioners, whose irritation with him grew until he was forced to flee America.³⁸

Crystallization in London

At this juncture there is a temptation within Wesleyan scholarship to conclude that he jettisoned his earlier reverence for the teaching and devotional practices of the earliest Christian centuries. While it is true that the hatred he had provoked in America, and his personal struggles

in the faith, led him to conclude that he had gone too far in cutting and pasting apostolic practices onto the present, his appreciation for the Apostolic Faith remained.³⁹ Hence while it is true that, on his return to London, Wesley came to question some of the things he had crudely copied and pasted onto the Georgian context, it is clear that, before returning to England, Wesley had formed a conception of holiness from the Christians of the earliest centuries. This vision continued to guide him in that he considered it to be consistent with scriptural holiness. Thus, while he had failed to realise his vision of Primitive Christianity in Georgia, he nevertheless had become convinced of certain apostolic principles as can be illustrated by a variety of examples.⁴⁰

The following examples highlight the way in which Wesley attempted to contextualise Early Christian practices in 18th century Britain.⁴¹ He encouraged early morning services, as was the common practice in the first three centuries, calling them "cockcrow" services. In a similar vein, he called vigils "watch nights" and agape meals "love feasts".⁴² While in the early church, there were "catechumens," Wesley organised converts into "classes" and "bands". These "classes" were formed to enable mutual accountability and the pursuit of holiness. Members of classes made personal confession in the group and they prayed for one another. Those who progressed well were then invited to be part of "bands" - another level of Christian discipleship for those who had evidenced progression in holiness. Wesley tried

39 FREDERICK HUNTER, *John Wesley and the Coming Comprehensive Church* (London: Epworth Press, 1968) 54-56.

40 *Ibid.*, 54.

41 This is illustrated by Whitefield's own justification of the Methodist Societies "stedfast in the Apostles Doctrine Take then my Brethren the primitive Christians for your Ensamples Their Practices are recorded for our learning No Power on Earth can forbid or hinder your imitating them," see GEORGE WHITEFIELD, *A Letter from the Rev. Mr. George Whitefield to the Religious Societies in England* (Edinburgh: T. Lumisden & J. Robertson, 1742) 7. <https://bit.ly/3TYODaD>
 ↪ URL Retrieved: 22 November 2022

42 FREDERICK HUNTER, *John Wesley...*, *op. cit.*, 59-60. In addition to the above, Wesley remained committed to fasting. Though he no longer demanded people fast on Wednesdays and Fridays like the early church he insisted that fasting was pivotal for the Christian life, see *Ibid.*, 57-58.

37 *Ibid.*, 136.

38 *Ibid.*, 140-141.

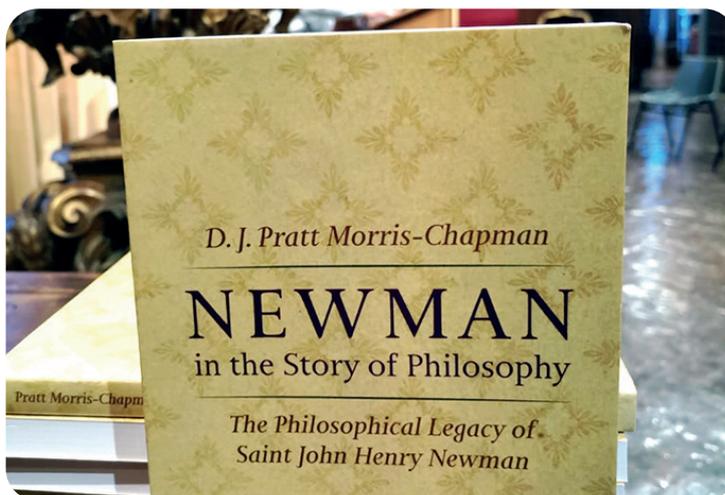
to discipline the “Class” and “Band” members in a manner comparable to the primitive church. He issued what he called “class tickets” and these were required for admission to “love feasts” (agape meals). This was very similar in many ways to the practice of the early church. Moreover, he appointed lay class leaders to train the classes and he consulted with these before allowing members to have tickets – withholding tickets from those who were not progressing in the faith. When someone fell into sin, they were not given penances but Wesley did prescribe special prayers, exhortations and even the singing of certain hymns. Here again we see an attempt by Wesley to contextualise what he believed to be the practices of the early church. Wesley encouraged the formation of lay leaders, “helpers”, who would evangelise, give exhortations, lead prayers and offer pastoral oversight. Moreover, Wesley encouraged the ministry of “sick visitors” who resembled Apostolic Deaconesses.⁴³

The above indicates that Wesley consciously tried to draw parallels between his “extraordinary” mission and what he understood to be the practices of the early church. In all of this Wesley maintained and was driven by his firm belief that true holiness must be an inward holiness; entailing purity of intention and the calling to be perfect as God is perfect. These principles were the foundation of his ministry even if the practices he deployed in Georgia evolved on his return to London. This indicates that those who would claim, that Wesley later abandoned all thought of these Early Christian principles are mistaken.⁴⁴

In stating the above, it remains true that the outward form of Wesley’s ministry was reshaped

so as to “serve the present age”.⁴⁵ However, while his actions sometimes led him to deviate from 18th century Anglican practice, he continued to affirm the importance of the Church’s apostolic ministry, believing Deacons, Priests and Bishops to be of divine appointment. Nevertheless, while affirming this structure he recognised the “extraordinary” missionary situation in which he found himself following the huge success of his field preaching.⁴⁶ While he had possessed no intention or desire for preaching outside, in such a “vile” way, this extraordinary situation led him to conclude that God was calling extraordinary messengers to be evangelists. This in no way displaced his conception of church order (indicated above) but rather was fused into it in the sense that God was doing something special and it was necessary to be obedient to the Holy Spirit in this extraordinary missionary situation.⁴⁷

Wesley proclaimed and indeed did “live and die a member of the Church of England”.⁴⁸ However, it must be acknowledged that his extraordinary calling led him into conflict with the church he loved, so much so that the question was posed in 1788 as to whether the Methodists should formally separate from the CofE:



One of the most important points considered at this Conference was, that of leaving the Church. The sum of a long conversation was, That, in a course of fifty years, we had, neither premeditatedly nor willingly, varied from it in one article, either of doctrine or discipline.

45 JOHN WESLEY, *The Works...*, *op. cit.*, 9:59.

46 FREDERICK HUNTER, *John Wesley...*, *op. cit.*, 58.

47 *Ibid.*

48 JOHN WESLEY, *The Works...*, 12:274 and JOHN WESLEY, *The Letters of John Wesley*, ed. John Telfor (London: Epworth Press, 1931) 4:146.

43 *Ibid.*, 61-62.

44 *Ibid.*, 54-56.

2. That we were not yet conscious of varying from it in any point of doctrine. 3. That we have, in a course of years, out of necessity, not choice, slowly and warily varied in some points of discipline, by preaching in the fields, by extempore prayer, by employing lay preachers, by forming and regulating societies, and by holding yearly Conferences. But we did none of these things till we were convinced we could no longer omit them but at the peril of our souls .⁴⁹

In the above we discern the key practical differences between Wesley’s Methodism and the Church of England of his day. He encouraged lay leadership, evangelical preaching by the laity outside the doors of the church, the use of extempore prayer, the formation of preaching houses, societies in which members of small groups (bands and classes) confessed their sins to each other, studied the Scriptures together, prayed together and were disciplined predominantly by lay leaders.⁵⁰ However, here it is important to clarify that these features of the Methodist movement were not incommensurate with Anglicanism. Indeed, as a Tractarian Newman acknowledged that if “a place [could] not be found” for “field preaching”, “repentance” and “conversion” then the 18th Century Church was in a sorry state “claims to be the Church.” Indeed, Newman maintains that, had the Church been in better health, it would have found a place “in her economy” for “Wesley and Whitfield ... as truly as St. Francis, or St. Philip Neri”.⁵¹ Indeed, it is clear that Wesley did not intend to create a separate church but a discipleship movement shaped for mission.⁵² This is confirmed by his refusal to allow lay preachers

to preside at the Eucharist and his insistence that Methodist meetings should not take place on Sunday when he encouraged all Methodists to receive communion in their local Anglican parish churches.

Wesley saw his ministry as an extraordinary apostolic calling to evangelise British Isles, to spread Scriptural Holiness throughout the land.⁵³ He was not a schismatic but he did take extraordinary measures to ensure that those who hunger and thirst for righteousness could be filled (Matthew 5:6). While this at times brought him into tension with the Church of England he concluded that he must be faithful to the calling he had received:

What is the end of all ecclesiastical order? Is it not to bring souls from the power of Satan to God, and to build them up in his fear and love? Order, then, is so far valuable as it answers these ends; and if it answers them not, it is worth nothing.⁵⁴

Here we gain an insight into Wesley’s particularist approach to ecclesiology, whereby, the missionary imperative is paramount. In a similar vein, *Lumen Gentium* reminds us that “The Catholic Church strives constantly and with due effect to bring all humanity and all its possessions back to its source In Christ, with Him as its head and united in His Spirit”.⁵⁵

Integrating Wesley’s Vision into the Catholic Church of Today

In the above we have identified what might be considered the essential components of Wesley’s discipleship movement shaped for mission. To summarise, it entails:

- 1) Scriptural Holiness (inward and Outward)
- 2) Lay Evangelists (Male and Female) preaching outside the Church under Wesley’s supervision

49 LUKE TYERMAN, *The Life and Times...*, op. cit., 547-548.

50 HENRY D. RACK, “Religious Societies and the Origins of Methodism,” *The Journal of Ecclesiastical History* 38 (1987) 586, doi: 10.1017/S0022046900023654 and GEORGE WHITEFIELD, *A Letter...*, op. cit., 16.

51 JOHN HENRY NEWMAN, “Memoir on the Countess...” op. cit., 275-276.

52 MARTYN ATKINS, *Resourcing Renewal: Shaping Churches for the Emerging Future* (Peterborough: Inspire, 2007) and ROGER L. WALTON, “A discipleship movement shaped for mission: forming a new ecclesial identity for British Methodism?” *Holiness* 1 (2015) 57-77,  <https://bit.ly/3GEVanY>  URL Retrieved: 22 November 2022

53 Deed of Union. *Minutes of the Uniting Conference Held in London September 20th-23rd 1932* (London: Methodist Publishing House, 1932).

54 JOHN WESLEY, *The Letters...*, op. cit., 7:6.

55 SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church *Lumen Gentium* 1964,  <https://bit.ly/3Euisdh>  URL Retrieved: 22 November 2022

3) Small discipleship groups led by lay people (Male and Female) under Wesley's supervision

4) The central place of extempore prayer

Having identified some of the essential features of Wesley's movement I now want to explore whether or not Wesley's movement can coherently be incorporated within the Catholic church of today.⁵⁶

The Call to Holiness

There is no need here to discuss the universal call to holiness which has been affirmed by both our traditions in the Methodist Catholic Dialogue in the Catholic church.⁵⁷ Moreover, John Wesley's understanding of the central place of holiness is shaped considerably by the Catholic tradition.⁵⁸ However, I think it is helpful here to explore whether the central role given to lay preaching in Methodism coheres with the teaching of the Catholic Church?

An Extraordinary Calling

Geordan Hammond maintains that Wesley's ministry in an America context, not so dissimilar to the context which inspired the Amazon synod, shaped the foundations of the extraordinary revival in Britain.⁵⁹ Indeed, the special circumstances in which the Church finds herself ministering in today, have provoked important reflections about the nature of the Church's ministry:

In the specific circumstances of the Amazon region ... The laity can proclaim God's word, teach, organize communities, celebrate certain sacraments, seek different ways to express popular devotion and develop the multitude of gifts that the Spirit pours out

56 "Towards a Statement on the Church...", *op. cit.*, §24.

57 JOINT COMMISSION BETWEEN THE ROMAN CATHOLIC CHURCH AND THE WORLD METHODIST COUNCIL, "The Call to Holiness, Houston 2016," §69. <https://bit.ly/3OtoijH>
URL Retrieved: 22 November 2022

58 EDUARDO A. COLÓN-EMERIC, *Wesley, Aquinas, and Christian Perfection: An Ecumenical Dialogue* (Waco, TX: Baylor University Press, 2009).

59 GEORDAN HAMMOND, *John Wesley in America...*, *op. cit.*



in their midst. But they need the celebration of the Eucharist because it "makes the Church". We can even say that "no Christian community is built up which does not grow from and hinge on the celebration of the most holy Eucharist".⁶⁰

Here we see the Church wrestling with questions not dissimilar to the challenges facing Wesley. An extraordinary revival compelled him to step outside the ecclesiological contours of his tradition in order to explore new ways of fostering ministry. In a similar manner, the Synod affirmed that the Church's ministry in the Amazon requires the development of a "distinctively lay" ecclesial culture in order for the Amazon peoples to receive both "God's word and growth in holiness".⁶¹

Lay Preachers

This is not for a moment intended to diminish the three orders of ministry (Bishop, Priest and Deacon). To his death, Wesley upheld the teaching that only ordained priests should preside at the Eucharist. So too, the Catholic Church upholds the necessity of the ordained ministry. Nevertheless, as Wesley equipped lay people to carry out the evangelistic mission to which he believed God had called his people, so the *Querida Amazonía* reminded the Church that:

60 FRANCIS, Post-Synodal Apostolic Exhortation *Querida Amazonía*, § 89, <https://bit.ly/3EU8X8R>
URL Retrieved: 22 November 2022

61 *Ibid.*, § 93.

Priests are necessary, but this does not mean that permanent deacons (of whom there should be many more in the Amazon region), religious women and lay persons cannot regularly assume important.⁶²

This echoes *Apostolicam Actuositatem* which states that where Catholics are “widely dispersed” the laity need “for special reasons” do “what they can to take the place of priests”.⁶³ In like manner, *Querida Amazonía* states that:

A Church of Amazonian features requires the stable presence of mature and lay leaders endowed with authority and familiar with the languages, cultures, spiritual experience and communal way of life in the different places, but also open to the multiplicity of gifts that the Holy Spirit bestows on every one.⁶⁴

These points echo *Christifideles Laici* which strongly encouraged the laity to “reawaken” with “missionary zeal” for a more “extensive spreading of the gospel” far wider than would be possible without them.⁶⁵ From the above, it is clear that, under extraordinary circumstances, Bishops may entrust deacons and lay persons to undertake important pastoral responsibilities. However, it is important to recognise that while Wesley deemed the circumstances in which he found himself to be extraordinary, it remains the case that lay preaching was absolutely intrinsic to the Methodist revival and remains a central feature of Methodism. This indicates that it is not simply an emergency measure, permissible in emergency situations, but a fundamental part of the Methodist movement. Does this cohere with the Catholic church of today?

The Catholic Church is clear that: “the whole Church is missionary, and the work of evangelization is a basic duty of the People of God.” All Christians have a “responsibility for spreading the Gospel” and “may do their share in missionary work among the nations”.⁶⁶ In *Apostolicam Actuositatem* it states that “lay people” are called to “announce Christ,” and to “explain and spread his teaching” and that “innumerable opportunities” should be “open to the laity for the exercise of their apostolate of evangelisation and sanctification”.⁶⁷ In *Evangelii Gaudium* Pope Francis likewise states that “there is a kind of Preaching which falls to each of us”.⁶⁸ While it is apparent that this statement refers to informal forms of preaching, outside the church, it is also clear that the evangelical preaching undertaken by Wesley’s lay preachers was also undertaken “on the street[s]” in “city square[s]” and indeed during many arduous “journey[s]” wherein lay evangelists traversed the British isled



62 *Ibid.*, §§ 92-93.

63 SECOND VATICAN COUNCIL, Decree on the Apostolate of the Laity *Apostolicam Actuositatem* (1965) § 17. <https://bit.ly/3Vio2WV> URL Retrieved: 22 November 2022

64 *Querida Amazonía*, § 94.

65 JOHN PAUL II, Post-Synodal Apostolic Exhortation *Christifideles Laici* of His Holiness John Paul II on the Vocation and the Mission of the Lay Faithful in the Church and in the World, 1988, § 69. <https://bit.ly/3XBt0QO> URL Retrieved: 22 November 2022

66 SECOND VATICAN COUNCIL, Decree *Ad Gentes* on the Mission Activity of the Church (1965), §35 <https://bit.ly/3ACCVvt> URL Retrieved: 22 November 2022 and JOINT COMMISSION BETWEEN THE ROMAN CATHOLIC CHURCH AND THE WORLD METHODIST COUNCIL, “The Apostolic Tradition, Singapore 1991,” § 58. <https://bit.ly/3gw4LCL> URL Retrieved: 22 November 2022

67 *Apostolicam Actuositatem*, § 6.

68 FRANCIS, Apostolic Exhortation *Evangelii Gaudium* of the Holy Father Francis to the Bishops, Clergy, Consecrated Persons and the Lay Faithful on the Proclamation of the Gospel in Today’s World, 2013, <https://bit.ly/3BA89ma> URL Retrieved: 22 November 2022 § 127.

to proclaim the gospel.⁶⁹ This suggests that the kinds of preaching that Wesley and his preachers undertook outside the doors of the church are coherent with current Catholic teaching. While there remain a number of questions here, it is possible to envisage a way in which lay preaching of this kind can be commensurate with Catholic teaching.⁷⁰

Small Discipleship Groups led by the laity

Having explored the place of lay preaching I now want to explore the place of small discipleship groups within the Catholic tradition. Here we turn again to *Apostolicam Actuositatem* which encourages lay people to “gather into smaller groups for serious conversation” so as to give “spiritual help to one another through friendship and the communicating of the benefit of their experience”.⁷¹ Moreover it encourages them to be intimately involved in “catechetical instruction” by offering their “skills to make the care of souls” more effective and by “giving spiritual help”.⁷² *Evangelii Nuntiandi* likewise states that these communities nurture the “bond of the agape” by offering space for “worship, deepening of faith, fraternal charity, prayer” and for “listening to and meditating on the Word.” While this is particularly true in places where the “shortage of priests does not favor the normal life of a parish community” it is acknowledged that these groups offer a way for believers to “live the Church’s life more intensely”.⁷³ The social dimension of this is reinforced in *Querida Amazonia* which also encourages the formation of small groups, not only for the purposes of evangelism and discipleship but in order to inspire social holiness

by defending the rights of others “with missionary proclamation and spirituality”.⁷⁴ This indicates that groups such as the class and band meetings, which made an enormous spiritual and social contribution during the Methodist revival and after, are coherent with the Catholic tradition.

The Place of Extempore Prayer

The important place given to extempore prayer for the Methodist tradition is affirmed in the Call to Holiness which indicates how it “has always been at the heart of Methodist worship”.⁷⁵ While the Catholic Church has, over time, been concerned to ensure the orthodoxy of prayers conducted during public mass, it remains clear that the most ancient liturgical texts (*Didachê*)⁷⁶ gave considerable space for extempore prayer. Nevertheless, while it remains the case that in public masses vocal prayers are written, celebrations of the mass with children and young people allow space for spontaneous prayer. Moreover, spontaneous prayer is possible in a private mass for groups.⁷⁷ This suggests that there is scope to incorporate this central aspect of Wesley’s movement into the Church of today.

Wesley’s *Consociationes Cristifidelium*?

The code of canon law has described groups of laity gathered with a common purpose as *piae uniones* (Pious Associations), later called *consociationes cristifidelium*.⁷⁸ This description resonates with the appellation given by Wesley to the Methodist “societies” which were intended to compliment, and not substitute, the ministry of the Church of his day.⁷⁹ In like manner, *consociationes*

69 *Ibid.*

70 No one would deny, including Wesley himself, that “serious preparation is needed for all workers of evangelisation.” This clearly indicates that appropriate training should be given to all those called to be itinerant preachers and evangelists, see PAUL VI, *Evangelii Nuntiandi*, Apostolic Exhortation of His Holiness Pope Paul VI, 1975, § 73 <https://bit.ly/3UXSztq> URL Retrieved: 22 November 2022

71 *Apostolicam Actuositatem*, § 18.

72 *Ibid.*, § 10.

73 *Evangelii Nuntiandi*, § 58.

74 *Querida Amazonia*, § 96.

75 “The Call to Holiness...,” *op. cit.*, § 85.

76 “DIDACHE, or Teaching of the Twelve Apostles” <https://bit.ly/3i4z6cb> URL Retrieved: 22 November 2022

77 *Ordinamento Generale del Messale Romano* 2007, §§ 69-71. <https://bit.ly/3U0qnVt> URL Retrieved: 22 November 2022

78 “Code of Canon Law” 1983, Can. 298 §1. <https://bit.ly/3GBuDyD> URL Retrieved: 22 November 2022

79 HENRY D. RACK, “Religious Societies and the Origins of Methodism,” *The Journal of Ecclesiastical History* 38 (1987) 582. doi: 10.1017/S0022046900023654.



❖ *A group of attendees along with the lecturer*

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organic unity. Moreover, it is to be remembered that, theologically, Wesley died an Anglican and the fruit of the Anglican-Roman Catholic International Commission (ARCIC) indicates that considerable agreement is possible between the Anglican faith upheld by John Wesley and the contemporary Catholic faith.⁸²

However, here I think it is sufficient to say that, should a group of Christians seek to form an association analogous to the form of Methodism envisaged by John Wesley I trust that it could successfully be integrated into the life of the Catholic Church of today. Let me close with a quote from Newman:

Whatever spiritual gift Whitfield and Wesley possessed, it came, as from the Most High, so through His Church. By the Church they were baptized, by the Church they were ordained; from the Church they received the creed ... She gave them the grace of baptism, in order that they might show forth their light, or rather her light in them; she ordained them, in order that they might preach repentance and gather souls into her bosom.⁸³

82 Lambeth Conference, 1988, "Resolution 8 - Anglican-Roman Catholic International Commission (ARCIC)"
🔗 <https://bit.ly/3VlkbZq> 🔄 URL Retrieved: 22 November 2022

83 JOHN HENRY NEWMAN, "Memoir on the Countess...",
op. cit., 294-295.



crisifidelium (societies of the Christian faithful) are associations of the Christians which operate in a similar way. Here I turn to *Christifideles Laici* which indicates that there is ample "freedom for lay people in the Church to form such groups".⁸⁰ The same principle would it seems apply to a religious movement like early Methodism should an equivalent contemporary association (analogous to the movement founded by Wesley) seek to be integrated in to the church and come under its authority.⁸¹ Hence, the question as to whether a contemporary, lay religious association of Christian faithful – equivalent in shape to the contours of the movement presided over by John Wesley to spread scriptural holiness throughout the land can it seems be integrated in to the Catholic Church of today.

Further Questions

There are of course a number of unresolved questions here - not least the question as to the role of priests, or even Methodist presbyters (many of whom are married), in the oversight of such a movement. Moreover, there are also significant theological difficulties to be surmounted which I have not even begun to address. Nevertheless, six decades of Methodist Catholic dialogue have made an enormous contribution in this regard and I do not believe these doctrinal questions present an insurmountable obstacle to full

80 *Christifideles Laici*, § 29.

81 *Ibid.*

MARSHALL J. BREGER ◀ |

Professor of Law, The Catholic University of America, Washington, DC

Conference given at the Centro Pro Unione

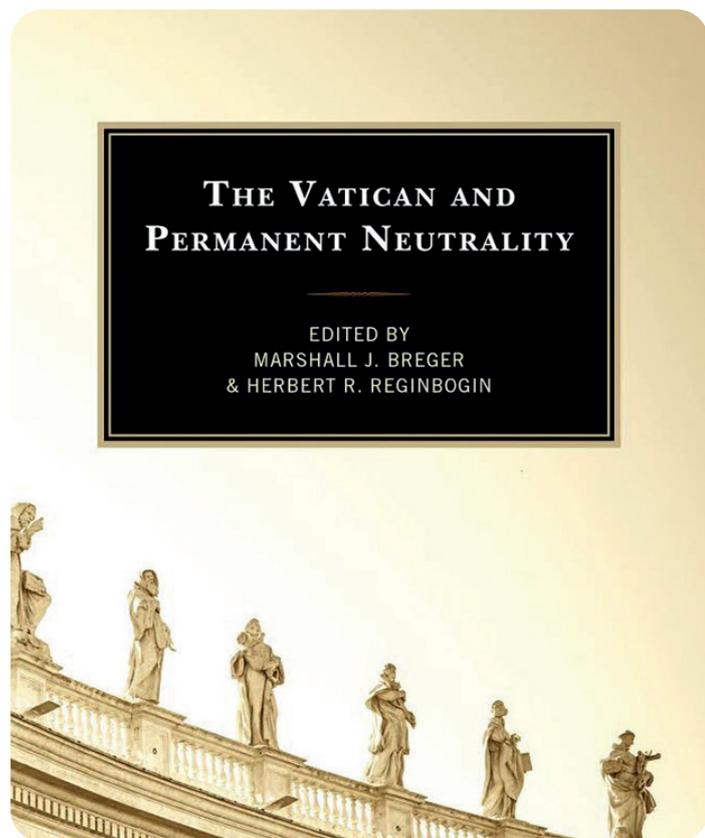
Thursday · 17 May 2022

Book Launch: *Vatican and Permanent Neutrality*

Good afternoon, my name is Marshall Breger, and I teach at the Catholic University Law School in Washington DC. I am filled with apologies; I expected to be with you today, but some unforeseen family issues have kept me from flying over to Rome. However, I am happy to open this discussion about *The Vatican and Permanent Neutrality*¹ by this recording.

So let me say first, that my interest in this subject really grew from reading a text (an article in the 1993 Fundamental Agreement between Israel and the Holy See) in which the Holy See recognized the state of Israel and laid the framework for

¹ MARSHALL J. BREGER and HERBERT R. REGINBOGIN (eds.), *The Vatican and Permanent Neutrality* (Lanham/Boulder/NY/London: Lexington Books, 2022). Hereafter cited *VPN*.



MEDIA

Lecture video

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Audio podcast

Intro + Q&A · bit.ly/Podcast-Book-Launch-May-2022

Lecture · bit.ly/Breger-Podcast-Lecture-May-2022

relations between the Holy See and Israel. The language is quite interesting. The Holy See declared itself “a stranger to all merely temporal conflicts”. This struck me as fascinating. I am used to international law language as prosaic, indeed boring, and here is a text that is redolent of poetry – “a stranger to all merely temporal conflicts.” They were clearly discussing the Israel-Palestine conflict, and they didn’t want to take a stand on which side to favor. But, it led me to thinking about Vatican ideas of neutrality, which led to a workshop at the Catholic University of America (CUA) in 2021 with my colleague Herbert Reginbogin, an acknowledged expert on issues of neutrality. And this led to the present book, *The Vatican and Permanent Neutrality*, which we are launching today.

Neutrality has a long “distinguished” pedigree in the legal literature, in diplomatic practice, and in international law. The academics, the text writers, like Grotius and Vattel, in the 18th century and earlier, wrote extensively about the idea of neutrality. There is extensive case law on maritime trade and neutrality. It includes questions such as what is a prize ship? When can you capture a neutral ship or a ship that claims to be neutral?;

what is the procedure to adjudicate whether it is a prize? etc.

Book Cover · *The Vatican and Permanent Neutrality*

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These were very important subjects in the 18th and 19th century, and indeed, politically there was an increased interest in neutrality in the 19th century. The 1859 Hague Peace Conference discussed neutrality. And in 1907, the Hague Conference on the Role and Duties of Neutral States laid out more clearly in international law the situation of neutrals. After World War I (the Great War), the exhaustion of nations and of peoples led to an increased interest in neutrality. It also led to some confusion in terminology, a confusion by the way that also exists today in some discussion of Vatican ideas on neutrality. The term as popularly used conflates three strands of thought: 1) Isolationism, a view that flourished after the First War. For example, we had notions that because of isolationism, the US should be neutral. The United States Neutrality Act of 1937, and other neutrality acts are examples. And the notion of America First, a significant strain in the 1930s, returned in the Trump administration. 2) a strain of pacifism. European examples include the 1933 Oxford Union debates, where the students at the Oxford Union voted that they would not fight for “King and Country”. Another example is the extraordinary attraction of an exhausted post-war European population to Eric Remarque’s novel “All Quiet on the Western Front” about the futility of war. And, at the jurisprudential level, the growth of treaties in the 1920s which outlawed war and other treaties and international documents in the 20s and 30s to that effect. We think it fanciful now, but people spent days and months of work drafting these treaties and having them ratified. 3) And, of course, there is the sense that encompasses the bulk of this book – neutrality is not taking sides.

World War II saw the discussion of neutrality pretty much fall off the table and that’s because neutrality became associated with appeasement of National Socialism, of fascism, and no country wanted to be associated with that. But, a concept that serves the needs of international politics

cannot be denied or hidden away, and indeed, we see after WWII, Austria, Finland (after 1945), Switzerland, even Turkmenistan all proclaimed themselves neutral. And even today, with Finland and Sweden voting to enter NATO, the concept still has value.

But we’re not here to talk about neutrality in international law, we are here to talk about the Vatican idea of neutrality. And it’s clear that through the 18th century the Vatican, being a player in European politics (it controlled the Papal States), was not neutral. It was actively involved in alliances, the shifting alliances of the great powers in Italy and in the rest of Europe. You

Streaming Lecture
given by Marshall J. Breger

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would expect that after the Congress of Vienna and the restoration that this would continue. But in the Neapolitan crisis of 1821 (yet one more dispute between the people of Italy and European powers) Cardinal Ercole Consalvi stated that the Holy Father “will maintain...a perfect neutrality toward all nations”. And surprisingly, this view was reiterated during the Revolution of 1848, where one would imagine that the Vatican, as a “status quo” power, would side clearly with the establishment powers. But, no. They said that they would maintain neutrality.

And, this neutrality continued in WWI. In 1914, the *L'Osservatore Romano* stated very clearly that the Vatican maintained absolute neutrality. In the controversial 1917 “Papal Peace Note”, Pope Benedict XV explicitly opted for neutrality saying it is for every thinking man abundantly clear that

in this frightful conflict that the Holy See will be increasingly watching it with the closest attention must preserve the most absolute neutrality. This idea created problems for the Holy See; British Catholics, in particular, were very unhappy with papal “neutrality”. Alfred Loisy, a Catholic critic, stated that this absolute neutrality, which became understood as absolute impartiality, is bereft of morality. And the Church in England sought to struggle with explaining absolute neutrality or absolute impartiality, which was understood as forbidding any public declaration on the morality of belligerent activity. And during World War II, Pius XII in the 1943 encyclical, *Mystici Corporis Christi* pointed out, albeit in the most abstract language, that Catholics look “to the Vicar of Jesus Christ as to the loving Father of them all, who, with absolute impartiality” takes up the cause of charity and peace.²

There is a tension between neutrality and impartiality, between absolute neutrality and absolute impartiality. And it’s going to continue through the rest of the century and even today. For one, absolute impartiality seems to ignore the idea of the “just war”. If there is a “just war,” you can’t be absolutely impartial or neutral. Secondly, to be frank, it’s hard to really know whether this “just war” talk was really a rhetorical flourish or a true theological principle.

We see then when it comes to Bolshevism, the Vatican seemed prepared to engage with the Bolsheviks from 1918 although this effort petered out in the late 1920’s. Indeed, Eugene Pacalli negotiated with the Soviets in the 20’s before he concluded agreements with Mussolini and Hitler.³ All this told, we must recognize the strong if not Manichean anti-Bolshevik positions of the Vatican which led to the creation of a kind of Catholic anti Bolshevik Comintern in the 20s and 30s, and intense anti-communism in the Cold War.

But at the same time, we see a lack of papal action during the Holocaust, a failure to make its position clear on the genocide of the Jews and other depredations of Nazi Germany. As one commentator suggested, “For much of the war, the Pope was hoping to play the role of unbiased mediator between the two sides, and that’s part of the rationale for not taking a stand against the Nazis. He saw his main obligation as supreme pontiff as protecting the reputation of the church. If you look at it that way, that explains a lot of his actions.”⁴ And at the time, since “[e]veryone wanted to claim the pope was on their side,...political leaders weren’t going to publicly chastise [him] or accuse him of cozying up to fascists or Nazis.” And so during the war he was largely given a pass.⁵ The opening of the Vatican archives will assist in answering these questions. Suzanne Brown-Fleming has made

2 *Mystici Corporis Christi* (June 29, 1943) 3.
<https://bit.ly/3V4GrHh> URL Retrieved: 22 November 2022

3 Professor FEDERICO ALESSANDRINI of the *Observatore Romano* suggested when asked if the Holy See would have signed an agreement with Stalin responded “I believe so. Do not forget that the Holy See finally agreed on a concordat even with the French Revolution,” in HANSJAKOB STEHLEHELD, *Eastern Politics of the Vatican 1917-1979* (Athens, OH: Ohio University Press. 1981) 6. Indeed, then Vatican Secretary of State, PIETRO GASPARRI held that “the Church has- theoretically speaking - no prejudice against a communist form of government,” in GIULIANA CHAMEDES, *A Twentieth Century Crusade: The Vatican’s Battle to Remake Christian Europe* (Cambridge: Harvard University Press, 2019) 73.

4 DAVID I. KERTZER as told to Olivia B. Waxman in “The Vatican Will Unseal Records About Holocaust-Era Pope Pius XII. Here’s What We Already Know about His Controversial Legacy”, *Time* March 4, 2019.

5 *Ibid.*



an initial foray into these archives in a paper for this volume.⁶ There are others, including David Kertzer’s *The Pope at War: The Secret History of Pius XII, Mussolini and Hitler*.⁷

This tension continues to play itself out. What is the Vatican’s attitude towards nuclear war? Towards non-proliferation? These topics are discussed in the papers in our book by Soho Matsumoto⁸ and Maryann Cusimano Love.⁹

This brings us to just war issues. While innumerable Catholic theologians condemned the Russian invasion, there was some difference of opinion regarding the response. Some theologians focused on “what means are appropriate in responding to the invasion”.¹⁰ Latin American liberation theologians have argued that the war “must stop immediately to curtail more suffering”.¹¹ The fate of “just war” theory in a permanent neutrality environment is inherently problematic.

The use of absolute impartiality as a way of preserving the church’s pastoral role in the Philippines in WWII, and its use during the first and second Iraq wars and the Syrian conflict, are

discussed by Luke Cahill in this book. And in recent years, the Church has promoted a concept of “positive neutrality”, in which Cardinal Parolin, the Vatican Secretary of State, said “the Holy See deploy[s] that positive neutrality that is typically its own. i.e. not the neutrality of one who stands at the window and watches the course of conflicts between powers, but rather that of one who without taking part in either one or the other takes positive action to favor the overcoming of conflict”. So we see a new understanding of neutrality – “don’t stand by the window but still be neutral”.

While this book was at press, the Russian invasion of Ukraine (or “special military action” in Kremlin parlance) began. Significant issues of Vatican neutrality and “just war” theory were triggered by the conflict. Questions abound: Why did the Vatican not condemn Russia at the beginning of the invasion;¹² can the goal of peace trump “just war” theory? Should the fate of civilians factor into one’s judgement as to the morality of a conflict? How does the requirement that war is the last resort relate to “just war” theory and the Ukraine?

To understand the notion of neutrality in Vatican diplomacy, we have to analyze the Lateran treaties, with which the Vatican and Holy See said they would remain permanently neutral, and we are favored by the presence of Professor Maria d’Arienzo, who is the author of an exhaustive paper on this subject in our book. We are proud her paper is in our book. So I will stop now, and hand the discussion over to Professor d’Arienzo and to others, and I thank you very much.

12 This same question was asked in 1999 regarding the conflict in Kosovo. ANDREW GREELEY, “How Can the Vatican Stay Neutral?” *New York Times*, May 4 1999.

6 SUZANNE BROWN-FLEMING, “Pope Pius XII, Vatican Neutrality and the Holocaust: Case Studies from the Newly Opened Vatican Archives”, *VPN* 105-118.

7 (NY: Random House, 2022).

8 SOHO MATSUMOTO, “Vatican’s Holy See Approach to Non Proliferation: The United States and Japan”, *VPN* 225-243.

9 MARYANN CUSIMANO LOVE, “The Church and the Bomb: Holy See Diplomacy and Nuclear Weapons”, *VPN* 203-223.

10 THOMAS REESE, “Catholic theologians question the morality of Ukraine’s violent resistance”, *Religion News Source*, March 7, 2022.

11 EDUARDO CAMPOS LIMA, “The war in Ukraine is not as simple as good versus evil for scholars of liberation theology”, *America: The Jesuit Review*, March 24, 2022 .



MARIA D'ARIENZO



Conference given at the Centro Pro Unione

Ordinaria di Diritto ecclesiastico e canonico Università degli Studi "Federico II" di Napoli

Thursday · 17 May 2022

Book Launch: *Vatican and Permanent Neutrality*

La pubblicazione del volume *"The Vatican and Permanent Neutrality"* costituisce l'occasione per esaminare la complessità degli aspetti della neutralità della Santa Sede. Negli ultimi anni la dottrina ecclesiasticistica si è perlopiù incentrata sulla disamina delle dinamiche concordatarie e sulle problematiche derivanti dalla regolamentazione degli istituti nell'ambito degli specifici ordinamenti giuridici.

La ricorrenza dei novant'anni della sigla dei Patti lateranensi del 1929 ha contribuito a rinnovare l'interesse per le prospettive attuali della diplomazia vaticana e delle diverse comunità religiose, così come dello stesso dialogo interreligioso nella promozione dei diritti umani.¹ Come ha autorevolmente affermato S. Em. Card. Pietro Parolin nella Sua prolusione al Convegno da me organizzato proprio all'Università "Federico II" di Napoli per la celebrazione del novantesimo anniversario dei Patti lateranensi e dei rapporti tra Stato e confessioni religiose in Italia, i Patti lateranensi ben presto assunsero il ruolo di "levatrice saggia"² rispetto alla successiva azione internazionale che la Santa Sede, anche

1 In merito, cfr. MARIA D'ARIENZO (ed.), 1929-2019. *Novant'anni di rapporti tra Stato e confessioni religiose. Attualità e prospettive. Quaderno monografico n. 1. Supplemento alla Rivista Diritto e Religioni*, 1, 2020 (Cosenza: Luigi Pellegrini Editore, 2020) 1-254, in cui sono raccolti gli Atti del Convegno tenutosi il 30 e il 31 ottobre 2019 presso il Dipartimento di Giurisprudenza dell'Università degli Studi "Federico II" di Napoli.

2 Così PIETRO PAROLIN, "Chiesa e comunità politica. Dinamiche giuridiche delle relazioni internazionali della Santa Sede", in MARIA D'ARIENZO (ed.), 1929-2019, *op. cit.*, 129.

MEDIA

Lecture video

www.prounione.it/webtv/live/17-may-2022

Audio podcast

Intro + Q&A · bit.ly/Podcast-Book-Launch-May-2022

Conferenza · bit.ly/DArienzo-Podcast-Lecture-May-2022

sulla scorta degli approdi conciliari del Vaticano II, avrebbe profuso, su scala globale, a tutela della libertà e della dignità dell'uomo. Impegno reso possibile proprio grazie alla valorizzazione della duttilità e flessibilità degli strumenti pattizi, chiamati ad accogliere nuove materie nel novero delle *res mixtae* – come la bioetica, i beni culturali, i mezzi di comunicazione sociale, la tutela della riservatezza – in una prospettiva di tutela della libertà religiosa non più solo dei cattolici, ma dei diritti fondamentali di ogni uomo.

Il punto di partenza per esaminare compiutamente l'azione internazionale della Santa Sede nella società moderna non può non essere individuato, pertanto, nello statuto giuridico riconosciuto con il Trattato lateranense alla Santa Sede dopo la *debellatio* dei territori

Relatrice

Presentazione Maria d'Arienzo

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della Stato pontificio,³ come ha ben evidenziato Kurt Martens nel suo contributo al volume che presentiamo.⁴

Difatti, sebbene durante la c.d. “Questione Romana” la Santa Sede non rinunciò al ruolo riconosciutale sul piano internazionale,⁵ non vi è dubbio che la *debellatio* condizionò negativamente – come ricordato nel contributo di John Pollard – le relazioni diplomatiche intrattenute con alcuni Stati, su tutti l’Impero britannico e la Repubblica Americana,⁶ almeno fino alla creazione, grazie al Trattato Lateranense, dell’entità politica dello Stato della Città del Vaticano. In altri termini, il superamento della c.d. “Questione Romana” – avvenuto soltanto nel 1929 con la stipulazione dei Patti Lateranensi – postulava per il Regno d’Italia la necessità di realizzare un difficile contemperamento tra le esigenze di politica interna e i risvolti internazionalistici che la condizione giuridica della Santa Sede poneva all’interno del territorio italiano all’indomani della spoliamento dello Stato pontificio.⁷ Tale questione, non a caso, costituì il problema principale a cui lo Stato unitario italiano cercò di dare soluzione unilaterale attraverso la “Legge delle Guarentigie

pontificie”,⁸ emanata dal Parlamento italiano nel 1871 al fine di garantire la libertà della Santa Sede per svolgere la sua missione universale.⁹

La soluzione unilaterale, come noto, non trovò l’accoglimento della Santa Sede. La mancata accettazione della “Legge delle Guarentigie pontificie” da parte del Papa¹⁰ e dei suoi successori risiedeva essenzialmente nel mancato riconoscimento della piena sovranità della Santa Sede necessaria non soltanto per garantire la sua indipendenza, ma soprattutto la sua posizione di “neutralità” rispetto alle possibili strumentalizzazioni politiche nelle contrapposizioni tra gli Stati, derivante dalla particolare dimensione giuridica della società ecclesiale nella comunità internazionale.

3 Sul tema vedasi inoltre VITTORIO VIDOTTO, *20 settembre 1870* (Roma-Bari: Laterza, 2020). Cfr., inoltre, CARLO MARIA FIORENTINO, “Dalle stanze del Vaticano: il venti settembre e la protesta della S. Sede (1870-1871)”, in *Archivium Historiae Pontificiae*, 28(1990) 285-333; GIUSEPPE DALLA TORRE, “XX settembre 1870”, in *Diritto e Religioni*, 2 (2020) 191-196.

4 Come sottolineato da Kurt Martens la posizione di neutralità della Santa Sede sul piano internazionale non costituiva un fenomeno conseguente alla stipulazione dei Patti Lateranensi. Al contrario, come dimostra quanto avvenuto in relazione ai Trattati di Pace siglati dopo la Prima Guerra Mondiale, il principio di neutralità era operativo già prima della stipulazione del Trattato. KURT MARTENS, “The Holy See and Neutrality in the Aftermath of World War I: The Consequences of the Treaty of Versailles and Other Peace Treaties”, in MARSHALL J. BREGER and HERBERT R. REGINBOGIN, (eds.), *The Vatican and Permanent Neutrality* (Lanham/Boulder/NY/London: Lexington Books, 2022) 23 ss. Di seguito citato VPN.

5 KURT MARTENS, “The Holy See...”, *op. cit.*, 23 ss.

6 Sulle conseguenze della *debellatio* dello Stato Pontificio nei rapporti diplomatici della Santa Sede vedasi JOHN F. POLLARD, “The Holy See and Neutrality: Vatican Diplomacy 1870-1929”, in VPN 3 ss., specialmente p. 5.

7 Cfr. MARIA D’ARIENZO, “The Lateran Treaty and the Hermeneutics of the Holy See Neutrality”, in VPN 40 ss.

8 Per una ricostruzione dei lavori parlamentari relativi alla discussione del relativo disegno di legge e per la disamina degli obiettivi di politica ecclesiastica sottesi all’emanazione della Legge delle Guarentigie tema si rinvia ad ANNA RAVÀ, “La legge delle guarentigie pontificie”, in PIETRO AGOSTINO D’AVACK (ed.), *La legislazione ecclesiastica. Atti del congresso celebrativo del centenario delle leggi amministrative di unificazione* (Vicenza: Neri Pozza, 1967) 193-227; GIOVANNI BATTISTA VARNIER, “Aspetti della politica ecclesiastica italiana negli anni del consolidamento dello Stato unitario”, in RUDOLF LILL, FRANCESCO TRANIELLO (ed.), *Il “Kulturkampf” in Italia e nei Paesi di lingua tedesca* (Bologna: Il Mulino, 1992) 163-212. La “Legge sulla prerogative del Sommo Pontefice e della Santa Sede, e sulla relazione dello Stato con la Chiesa” è stata promulgata il 13 maggio 1871. In occasione del centocinquantenario dell’emanazione della Legge delle Guarentigie la *Rivista Diritto e Religioni* 2 (2021), ha dedicato un’apposita sezione al tema: “1871-2021. Nel centocinquantenario della Legge delle Guarentigie pontificie”. Cfr. MARIA D’ARIENZO, “La ‘Legge delle Guarentigie Pontificie’ nel centocinquantenario. Note introduttive”, in *Diritto e Religioni*, 2 (2021) 428 ss.; FRANCESCO MARGIOTTA BROGLIO, “I centocinquant’anni della Legge delle Guarentigie”, in *Diritto e Religioni* 2 (2021) 432 ss.; ALESSANDRO TIRA, “Nei 150 anni della legge delle Guarentigie”, in *Diritto e Religioni* 2 (2021) 395 ss.; GIOVANNI BATTISTA VARNIER, “Un liberal-moderato nel Risorgimento: Terenzio Mamiani relatore in Senato della legge delle Guarentigie in equilibrio tra giurisdizionalismo e separatismo”, in *Diritto e Religioni* 2 (2021) 415 ss.

9 Cfr. MARIA D’ARIENZO, “The Lateran Treaty...”, *op. cit.*, 42.

10 La legge delle Guarentigie venne respinta dal Pontefice Pio IX con l’Enciclica *Ubi nos*. Cfr. Pio IX, Lettera Enciclica *Ubi nos*, 15 maggio 1871, in *Acta Sanctae Sedis* 6 (1871) 257 ss.

Una condizione di specialità che derivava dalla sua potestà morale e spirituale che, in concordanza con la dottrina canonistica della *potestas indirecta Ecclesiae in temporalibus*, era da ritenersi superiore proprio ai fini temporali propri delle società civili e statuali.¹¹

Sebbene la soggettività giuridica internazionale della Santa Sede fosse implicitamente contemplata nelle prerogative garantite dalle disposizioni contenute nella “Legge delle Guarentigie pontificie” – tanto da costituire la precondizione per addivenire alla stipula dei Patti del Laterano, ossia di accordi bilaterali di natura internazionale¹² – la Santa Sede rivendicava tuttavia la piena ed esclusiva proprietà e sovranità su un territorio (il più piccolo possibile)¹³ al fine di essere riconosciuta sul piano internazionale come Stato territoriale e per poter così esercitare in piena indipendenza il proprio ministero spirituale.

La richiesta di una sovranità territoriale della Santa Sede nello Stato italiano tuttavia inizialmente incontrò l’opposizione di Mussolini¹⁴ e, per superare lo stallo delle trattative,¹⁵ fu proprio la Santa Sede a proporre l’inserimento all’interno

del Trattato di una solenne dichiarazione tesa a sottolineare che la costituzione di uno Stato della Santa Sede fosse esclusivamente finalizzato alla visibilità della propria indipendenza. In particolare, nel Preambolo e nell’art. 12 dello Schema di Trattato,¹⁶ si garantiva il governo italiano sulla natura specifica della sovranità territoriale della Santa Sede strumentale al solo esercizio della libera potestà spirituale, con l’impegno dichiarato esplicitamente del “fermo proposito” a non ingerirsi nelle competizioni temporali tra Stati e a non partecipare a Congressi internazionali su questioni temporali, né di volere essere “sospinta” o “sollecitata” ad intervenire.¹⁷ Ciò permise di addivenire alla denominazione di *Stato della Città del Vaticano*, che comparve per la prima volta solo nell’ultima stesura prima della firma del 31 gennaio 1929, come può constatarsi dai progetti precedenti, nei quali l’espressione usata era “Città del Vaticano”, senza il riferimento esplicito alla statualità.¹⁸ Veniva così superata anche formalmente l’iniziale opposizione del governo italiano all’espresso riconoscimento della sovranità della Santa Sede in quanto sovranità “statuale” all’interno dello Stato italiano.¹⁹

11 Sulle diverse posizioni dottrinarie relative alla soggettività giuridica internazionale della Santa Sede prima dei Patti lateranensi, cfr. JEAN-PIERRE SCHOUPE, *Diritto dei rapporti tra Chiesa e Comunità politica. Profili dottrinali e giuridici*, (Roma: Edusc, 2018) 259 ss.

12 GIORGIO BALLADORE PALLIERI, “Il diritto internazionale ecclesiastico”, in PROSPERO FEDOZZI, SANTI ROMANO (ed.), *Trattato di diritto internazionale*, vol. XII (Padova: Cedam, 1940) 33 ss; KURT MARTENS, *op. cit.*, 23 ss.

13 FRANCESCO PACELLI, *Diario della Conciliazione con verbali e appendice di documenti*, a cura di MICHELE MACCARRONE (Città del Vaticano: Libreria Editrice Vaticana, 1959) 12.

14 Come può leggersi dalle annotazioni alla prima minuta del trattato pubblicate da Francesco Pacelli, il governo voleva che la Santa Sede non fosse uno: “Stato vero e proprio nel senso di poter prendere parte a tutte le competizioni di carattere internazionale, e che debba invece limitare la sua attività ai problemi religiosi, morali, di civiltà, ecc.”. Così FRANCESCO PACELLI, *Diario della Conciliazione.., op. cit.*, 14.

15 GIOVANNI BARBERINI, “Riflessioni sull’origine e sul significato dell’art. 24 del trattato lateranense”, in *Stato, Chiese e pluralismo confessionale*, Rivista telematica (www.statoechiese.it), dicembre 2010, 3 ss.

16 Cfr. art. 12 dello *Schema* di Trattato: «Nell’ accettare quanto sopra, la S. Sede dichiara, in relazione alla sovranità che le compete anche nel campo internazionale, che Essa intende di continuare a rimanere estranea alle competizioni fra gli Stati dirette a fini temporali, e che pertanto, pur riservandosi di far valere la sua influenza morale e spirituale, non parteciperà a congressi internazionali in cui si agitano questioni politiche od economiche (o territoriali od economiche) (o territoriali o temporali) e non vuole essere sollecitata a simili partecipazioni. In conseguenza di ciò, il territorio assegnato alla S. Sede sarà in ogni evenienza considerato neutrale ed inviolabile». Cfr. FRANCESCO PACELLI, 14.

17 «... Che la S. Sede, dovendo la sovranità politica servirle solo come mezzo per il libero esercizio della sua potestà spirituale, ha manifestato il fermo proposito di non voler mai prendere parte a competizioni temporali fra gli Stati, né essere comunque dai medesimi sospinta ad intervenire; che quindi il territorio assegnato alla S. Sede dovrà essere trattato sempre come neutrale ed inviolabile», *Ivi*, 210 ss.

18 *Ivi*, 484

19 *Ivi*, 14.

L'acconsentimento del governo italiano ad aggiungere il termine "Stato" appena prima della firma dei Patti - e dunque ad accordo ormai concluso - può collegarsi con le solenni dichiarazioni della Santa Sede sul rapporto tra sovranità e neutralità che scongiuravano ogni possibile pericolo di un ritorno alla situazione giuridica e politica antecedente al 1870.²⁰ Nondimeno, nelle intenzioni di Mussolini la rilevanza dei Patti doveva apparire di natura bilaterale, e non internazionale,²¹ come si rileva dall'autorizzazione data agli ambasciatori italiani di comunicare "a semplice titolo di cortesia" la firma del Trattato ai Ministri degli esteri nei Paesi in cui erano accreditati.²²

Del resto Mussolini si oppose fermamente alla registrazione del Trattato presso la Società delle Nazioni.²³

Il nuovo scenario di rapporti tra Santa Sede e Stato italiano che diede vita alla sigla dei Patti lateranensi comportò di fatto l'inizio di un diverso indirizzo politico nella regolamentazione del fattore religioso, caratterizzata dal ridimensionamento sostanziale dell'ideologia Stato-centrica che aveva contraddistinto, fino a quel momento, la realtà ordinamentale italiana.²⁴ La creazione dello Stato della Città del Vaticano segnava dunque un'inversione di tendenza rispetto al periodo precedente nei rapporti con la Santa Sede in relazione al riconoscimento attraverso il Trattato della sua piena soggettività internazionale, che trovava il suo risvolto sul piano interno nell'impegno dello Stato ad attuare una nuova politica ecclesiastica con la normativa di derivazione pattizia prevista nel Concordato.

Nella regolamentazione degli istituti su cui insistevano gli interessi sia dello Stato che della Chiesa - in materia matrimoniale, di riconoscimento di enti ecclesiastici, di istruzione religiosa nelle scuole pubbliche, di libero esercizio della giurisdizione ecclesiastica - la dottrina e la giurisprudenza adoperarono difatti le categorie proprie dei rapporti giuridici interordinamentali - quali il rinvio formale e recettizio o la delibazione delle sentenze - nel tentativo di preservare in tal

20 Cfr. GIOVANNI BARBERINI, "Riflessioni sull'origine...", 7.

21 L'intento di internazionalizzare la soluzione della cosiddetta "questione romana" aveva trovato la forte opposizione dei governi italiani negli anni precedenti alle trattative per la Conciliazione. Basti pensare al Patto di Londra del 1915, che fissava le condizioni per l'entrata in guerra dell'Italia a fianco delle Potenze alleate. L'art. 15 del Patto di Londra stabiliva, su forte pressione dell'Italia, l'impegno della Francia, Gran Bretagna e Russia ad escludere la Santa Sede dalla partecipazione ai negoziati per la pace, nel timore che, così come prospettato nelle trattative segrete dalla Germania e dall'Impero austro-ungarico, si sarebbe in quella sede provveduto alla soluzione della questione romana nel quadro della determinazione del nuovo assetto europeo nella Conferenza di pace.

In merito cfr. ITALO GARZIA, "La genesi dell'art. 15 del Patto di Londra", in *Storia e Politica* 4 (1974) 523-549; ID., *La Questione romana durante la prima guerra mondiale* (Napoli: Edizioni Scientifiche Italiane, 1981); GABRIELE RIGANO, "'Un così necessario dissidio'. La Santa Sede e la Conferenza per la Pace: politica religiosa, questione romana e diplomazia internazionale (1914-1919)", in *Storia e Politica. Annali della Fondazione Ugo La Malfa* 32 (2017) 104-138.

22 Ministero degli Affari Esteri, Commissione per la pubblicazione dei documenti diplomatici, *I documenti diplomatici italiani*, VII serie, vol. VII (Roma: Istituto Poligrafico dello Stato, 1970), documento n. 240.

23 Al dispaccio dell'Ambasciatore Paolucci de' Calboli Barone, sottosegretario generale della Società delle Nazioni, con cui si riferiva il favore dei responsabili della Società delle Nazioni alla registrazione del Trattato, pur escludendo la possibilità di partecipazione della Santa Sede, Mussolini risponde con il seguente dispaccio del 16 febbraio 1929: «Il Governo Italiano non desidera (dico non) che l'accordo lateranense sia registrato alla S.d.N. La S.d.N. non c'entra ... Nel Trattato fra l'Italia e la Santa Sede Ginevra non c'entra né ci deve entrare... La cosa è importante e delicata», *Ivi*, documenti n. 253 e n. 258.

24 Cfr. MARIA D'ARIENZO, "The Lateran Treaty...", *op. cit.*, 43.

modo dal punto di vista formale l'impostazione Stato-centrica della realtà giuridica.²⁵

In altri termini, la nascita dello Stato della Città del Vaticano delinea una realtà nuova sia in prospettiva storica, rispetto allo Stato pontificio cessato per *debellatio* nel 1870, sia dal punto di vista politico-istituzionale, per la peculiarità che contraddistingue la natura del nuovo Stato sul piano internazionalistico.²⁶ Il carattere costitutivo dello Stato della Città del Vaticano è la sua funzione strumentale "alla piena e visibile sovranità e indipendenza della Santa Sede nella sfera temporale e politica".²⁷ Il nuovo Stato creato con il Trattato lateranense come ebbe a dichiarare Papa Pio XI il giorno della firma dei Patti, costituiva "quel tanto di corpo che bastava per tenersi unita l'anima".²⁸ L'elemento essenziale che pertanto contraddistingue lo Stato della Città del Vaticano rispetto agli Stati-nazione era dunque quello di costituire una entità statale priva di quelle prerogative proprie della sovranità internazionale. La sua natura di Stato-apparato e non di Stato-comunità risultava

così funzionale alla indipendenza dell'esercizio della missione universale della Sede Apostolica.²⁹ Ne discende che la sua sovranità e soggettività internazionale non può essere disgiunta, ma al contrario è condizionata e servente alla Santa Sede in quanto entità territoriale soggetta alla piena proprietà e esclusiva potestà e giurisdizione sovrana della Sede Apostolica,³⁰ come afferma l'art. 3 del Trattato lateranense.³¹ La riconosciuta sovranità internazionale dello Stato della Città del Vaticano non è tuttavia separata da quella della Santa Sede, proprio per la natura di strumento della indipendenza del Pontefice.³²

La realtà complessa che contraddistingue il rapporto tra lo Stato della Città del Vaticano e la Santa Sede emerge dal collegamento del secondo comma dell'art. 24 del Trattato lateranense – con cui è affermata la neutralità e l'inviolabilità dell'entità territoriale – con il primo comma in cui si dichiara l'estraneità della Santa Sede alle questioni di carattere temporale.³³



25 MARIA D'ARIENZO, "The Lateran Treaty...", *op. cit.*, 43. Cfr. GAETANO LO CASTRO, "Fonti pattizie nella metamorfosi della sovranità, in Stato, Chiesa e pluralismo confessionale", *Rivista telematica* (www.statoechiese.it) 2010; ROBERTO PERTICI, *Chiesa e Stato in Italia. Dalla Grande Guerra al nuovo Concordato (1914-1984)* (Bologna: Il Mulino, 2009). Attraverso lo strumento del Concordato, in altri termini, la Santa Sede riuscì ad esercitare una forma di pressione sugli Stati totalitari e il "Concordato italiano divenne il modello di riferimento per accordi simili con altri Stati non democratici". Così PIETRO PAROLIN, "Chiesa e comunità politica...", *op. cit.*, 129. Sull'atteggiamento di Pio XI nei confronti dei totalitarismi, cfr. YVES CHIRON, *Pio XI. Il papa dei Patti Lateranensi e dell'opposizione ai totalitarismi*, tr. it., (Cinisello Balsamo: San Paolo, 2006).

26 Cfr. FRANCESCO BONINI, "Uno Stato nuovo", in MATTEO CARNÌ (ed.), *Santa Sede e Stato della Città del Vaticano nel nuovo contesto internazionale (1929-2019)* (Roma: Studium, 2019) 19 ss.

27 Cfr. MARIA D'ARIENZO, "The Lateran Treaty...", *op. cit.*, 44.

28 Così Pio XI, Allocuzione "Il nostro benvenuto", 11 febbraio 1929: "Ci pare insomma di vedere le cose al punto in cui erano in S. Francesco benedetto: quel tanto di corpo che bastava per tenersi unita l'anima", in AAS 21 (1929) 103-110, 108.

29 Cfr. CARLO CARDIA, *Ordinamenti religiosi e ordinamenti dello Stato. Profili giurisdizionali* (Bologna: Il Mulino, 2003) 39 ss., specialmente 41 ss.

30 Per il can. 113 *Codex iuris canonici* del 1983, la Chiesa e la Santa Sede hanno autonoma personalità giuridica. Cfr. VINCENZO BUONOMO, "Considerazioni sul rapporto tra diritto canonico e diritto internazionale", in *Anuario de Derecho canonico* 4 Abril 2015, 13-70.

31 CARLO CARDIA, *Ordinamenti religiosi...*, *op. cit.* 39 ss

32 Cfr. MARIA D'ARIENZO, "The Lateran Treaty...", *op. cit.*, 52.

33 Cfr. MARIA D'ARIENZO, "The Lateran Treaty...", *op. cit.*, 45.

La costituzione di un'entità statale con piena soggettività internazionale, ma con capacità giuridica limitata dalla condizione di neutralità permanente³⁴ appare costituire indubbiamente la diretta conseguenza della dichiarazione di estraneità della Santa Sede alle competizioni di carattere temporale. È dunque proprio l'art. 24 del Trattato lateranense, oggetto peraltro del mio specifico contributo al volume,³⁵ a costituire il perno della riflessione sul rapporto tra sovranità e neutralità. Se difatti la sovranità della Santa Sede è definita sovranità *sui generis*, altrettanto *sui generis* potremmo definire la neutralità della Santa Sede, se relazionata al concetto di sovranità e di neutralità assunti sul piano internazionalistico in rapporto alle entità politiche statuali.

Il collegamento dei due commi dell'art. 24, tuttavia, consente di specificare la non perfetta sovrapposibilità dei concetti di neutralità e di estraneità alle competizioni temporali della Santa Sede poiché l'estraneità non sempre assume l'accezione di disinteresse o indifferenza politica o ideologica in rapporto alle questioni temporali come potrebbe intendersi nell'accezione negativa di neutralità.³⁶ La neutralità quale categoria del diritto internazionale riferita alla condizione propria delle entità statuali, poteva essere adottata in riferimento allo Stato pontificio, ma dopo il Trattato del Laterano appare non adeguato all'attività degli organi di governo della Chiesa universale.³⁷ La neutralità ideologica rispetto alle diverse posizioni contrapposte delle entità sovrane, consistente in un'astensione dallo schieramento a favore di una parte o nella condanna dell'altra parte richiesta agli Stati neutrali, difficilmente è adattabile all'esercizio della funzione magisteriale, quale diritto-dovere in cui si concretizza la potestà morale e spirituale del Pontefice che pur astenendosi dall'intervenire direttamente nelle competizioni temporali, è libera di pronunciarsi sulle questioni concrete relative alla difesa dei valori superiori di difesa dei diritti.³⁸

Come è specificato nella dichiarazione del primo comma dell'art. 24 del Trattato, infatti, la Santa Sede si obbliga a non operare a favore di alcuna delle parti in competizione, ma senza rinunciare al ruolo di mediazione ed arbitrato nel caso in cui dovesse essere richiesto. In altri termini, la Santa Sede non rinuncia all'esercizio della sua autorità morale per trovare una soluzione "politica" alle conflittualità di carattere temporale in difesa della vita umana, come sottolineato anche dai contributi di Piotr Kosicki³⁹ e di Arpad von Klimo and Margit Balogh⁴⁰ in relazione all'attività diplomatica della Santa Sede durante la c.d. Guerra Fredda.

Il concetto di estraneità, pertanto, acquista un'accezione più ampia rispetto a quello di "neutralità" e assume anche sfumature diversificate rispetto all'accezione di imparzialità che potrebbe essere data al termine.⁴¹ Se rispetto al significato che storicamente la neutralità ha assunto nel cosiddetto diritto internazionale nel tempo di guerra,⁴² l'estraneità alle competizioni temporali costituisce un'evoluzione in quanto si riferisce ad una condizione non più transitoria, legata allo stato di guerra, ma permanente e dunque ad una condotta equidistante tra le competizioni tra entità sovrane, tale condizione non si traduce necessariamente nella neutralità ideologica della politica di uno Stato,⁴³ ossia in

39 Cfr. PIOTR H. KOSICKI, "No Neutrality in Ideology: The Holy See and the Cold War", in *VPN*, 121 ss.

40 ARPAD VON KLIMO and MARGIT BALOGH, "The Holy See's Efforts to Secure the Departure of Cardinal Mindszenty: Diplomacy in a Cold War Context", in *VPN*, 143 ss.

41 MARIA D'ARIENZO, "The Lateran Treaty...", *op. cit.*, 45 ss.; GIOVANNI BARBERINI, "Riflessioni sull'origine...", *op. cit.*, 14.

42 LUIGI SICO, s. v. "Neutralità", in *Enciclopedia del diritto*, XXVIII, (Milano: Giuffrè, 1978), 166; ALBERTO MIELE, *L'estraneità ai conflitti armati*, vol. II (Padova: Cedam, 1970) 52 ss.; SARA TONOLO, "Neutralità e non intervento nel diritto internazionale attuale", in DANIELE ANDREOZZI (ed.), *Attraverso i conflitti. Neutralità e commercio fra età moderna ed età contemporanea* (Trieste: EUT Edizioni Università di Trieste, 2017) 131-145.

43 Sull'evoluzione del concetto di neutralità, cfr. RITA BENIGNI, "La neutralità della Santa Sede (Percorsi teorici e ipotesi ricostruttive)", in *Archivio Giuridico* 2 (2002) 252-253; ENRICO GIARNIERI, *Lo Status della Santa Sede e della Svizzera presso l'Onu. Una neutralità differenziata* (Torino: Giappichelli, 2008).

34 GIOVANNI BARBERINI, "Riflessioni sull'origine...", *op. cit.*, 16.

35 MARIA D'ARIENZO, "The Lateran Treaty...", *op. cit.*, 39 ss., specialmente 44.

36 MARIA D'ARIENZO, "The Lateran Treaty...", *op. cit.*, 45.

37 CARLO CARDIA, *Ordinamenti religiosi...*, *op. cit.* 236.

38 MARIA D'ARIENZO, "The Lateran Treaty...", *op. cit.*, 46.

un' imparzialità asettica.⁴⁴ Per la natura propria della soggettività internazionale della Santa Sede, la sua politica di imparzialità rispetto agli interessi in gioco nelle competizioni temporali consente di poter essere libera di valutare di far valere la propria potestà morale e spirituale in una posizione non di mera equidistanza - e pertanto come forma di autolimitazione nell'assunzione di posizioni politiche - ma al contrario in funzione attiva, nel suo ruolo di potere morale *super partes* nella difesa dei valori superiori di giustizia e di ricerca della pace,⁴⁵ come peraltro già dimostrato all'indomani della stipula dei Patti Lateranensi con le prese di posizione della Santa Sede rispetto alle guerre coloniali fasciste e allo scoppio della Seconda Guerra Mondiale, come ben evidenziato nei contributi al volume di Lucia Ceci,⁴⁶ di Pascal Lottaz e di Susanne Brown-Fleming.⁴⁷

La partecipazione della Santa Sede alla Conferenza di Helsinki determina l'abbandono della funzione di mero arbitro nella risoluzione delle controversie internazionali per assumere una nuova dimensione finalizzata alla cooperazione a livello internazionale per la sicurezza e la giustizia sociale.⁴⁸

44 Cfr. MARIA D'ARIENZO, "The Lateran Treaty...", *op. cit.*, 46.

45 *Ibid.*

46 Cfr. LUCIA CECI, "Neutrality to the Test: The Vatican and the Fascist Wars of the 1930s", in *VPN*, 63 ss., specialmente 68, in cui l'Autrice afferma che un "test" del principio di neutralità della Santa Sede si ebbe proprio durante la campagna militare d'Etiopia, in considerazione della contrarietà opposta da Pio XI alle guerre di conquista fasciste.

47 Con riguardo alla posizione assunta dalla Santa Sede durante la Seconda Guerra Mondiale si rinvia ai contributi di PASCAL LOTTAZ, "Vatican Diplomacy and Church Realities in the Philippines during World War II," in *VPN*, 83 ss.; SUZANNE BROWN-FLEMING, "Pope Pius XII, Vatican Neutrality, and the Holocaust: Case Studies from the Newly Opened Vatican Archives", in *VPN* 105 ss.

48 GIOVANNI BARBERINI, "La partecipazione della Santa Sede alla Conferenza di Helsinki", in SILVIO FERRARI, TULLIO SCOVAZZI (eds), *La tutela della libertà di religione. Ordinamento internazionale e normative confessionali* (Torino: Giappichelli, 1998) 149 ss.; GIOVANNI BARBERINI, *Pagine di storia contemporanea. La Santa Sede alla Conferenza di Helsinki* (Siena: Cantagalli, 2010).

Negli ultimi decenni si è potuta registrare una notevole intensificazione delle attività dello Stato della Città del Vaticano,⁴⁹ oltre che della Santa Sede, per la cooperazione internazionale, che talvolta ha richiesto anche degli adattamenti conformativi dell'ordinamento vaticano all'ordinamento internazionale⁵⁰ ai fini della partecipazione della Santa Sede alla definizione dei «processi di pacificazione e di giustizia sociale, a partire dal contrasto alle molte forme di discriminazione, di sfruttamento e di povertà originate, tra l'altro,

49 Diverse sono state le posizioni dottrinarie, di stampo ecclesiasticistico e internazionalistico rispetto alla realtà complessa che contraddistingue l'atipicità della nuova realtà istituzionale determinatasi con la creazione dello Stato della Città del Vaticano, che possono essere classificate in teorie moniste, dualiste e miste. Cfr. MARIO TEDESCHI, s. v. "Santa Sede (diritto ecclesiastico)", in *Enciclopedia del diritto*, XLI, (Milano: Giuffrè, 1989) 288 ss.; ID., "Vaticano (Stato della Città del)", in *Enciclopedia del diritto*, vol. XLVI, (Milano: Giuffrè, 1993) 284-296. Tali riflessioni dottrinarie derivano dall'attività internazionale propria dello Stato della Città del Vaticano che ha siglato accordi finalizzati alla tutela di interessi specifici dell'entità territoriale. Basti pensare agli accordi tra Stato Città del Vaticano e l'Italia per i rapporti in materia giudiziaria che si svolgono secondo le procedure di diritto internazionale; alla partecipazione dello Stato della Città del Vaticano a diversi accordi con Organizzazioni internazionali in relazione a materie di natura tecnica relativi al funzionamento dell'entità territoriale. Al riconoscimento della personalità giuridica internazionale che oltre al Trattato è riconosciuta esplicitamente in alcune Convenzioni quali il Concordato con la Repubblica dominicana del 1954 (in *AAS*, 46 [1954] 433-457, art. II.1) e la Convenzione con il Venezuela del 1964 (in *AAS*, 56 [1964] 925-932). Sui tratti evolutivi dell'attività internazionale della Santa Sede, cfr. LUCA CAVEADA, *Questioni aperte sulla presenza della Santa Sede nel diritto internazionale* (Padova: Cedam, 2018).

50 Cfr. GIAN PIERO MILANO, "La conformazione del diritto vaticano al diritto internazionale", in MARIA D'ARIENZO (ed.), *1929-2019..., op. cit.*, 88 ss

da un distorto uso della finanza e da predatorie pratiche mercantili». ⁵¹ In tal senso è significativo lo sforzo conformativo profuso dall'ordinamento vaticano, sin a partire dall'adesione all'Euro e alla Convenzione Moneyval, ⁵² rispetto al contrasto dei fenomeni terroristici e del riciclaggio di denaro di provenienza illecita. ⁵³

In questa direzione si muovono le più recenti riforme promosse da Papa Francesco. Con il Motu Proprio *Fin dall'inizio* del 25 novembre 2018 è stata promulgata una nuova legge in materia di governo dello Stato della Città del Vaticano per proseguire "il processo di revisione delle istituzioni dello Stato della Città del Vaticano e una progressiva sostituzione delle iniziali leggi

del 1929 contestuali alla sua creazione", ⁵⁴ a completamento del processo già avviato nel 2000 con la promulgazione, da parte di Papa Giovanni Paolo II, della *Legge fondamentale dello Stato della Città del Vaticano*. ⁵⁵ Nel chirografo con il quale il Papa delegava al Presidente del Governatorato dello Stato della Città del Vaticano, S. Em. Card. Bertello, la potestà di redigere una nuova legge e i connessi regolamenti, ⁵⁶ è precisato che è divenuta urgente la necessità "di riorganizzare la struttura dello Stato e renderla rispondente alle odierne esigenze" nell'intento di "rendere ancor più chiara la peculiare finalità istituzionale dello Stato della Città del Vaticano chiamato per sua natura a garantire alla Sede di Pietro *l'assoluta e visibile indipendenza*". ⁵⁷ In questa direzione va segnalata - oltre agli interventi normativi del 2020 ⁵⁸ - la *Lettera Apostolica in forma di "Motu*

51 Così GIAN PIERO MILANO, "La conformazione...", *op. cit.*, 88. L'A. rileva che: «Con il passare del tempo, questo compendio normativo eteroprodotto ha mostrato di non essere più in grado di cogliere le dinamiche evolutive cui anche lo Stato Vaticano non poteva non adeguarsi. In parte questa carenza è stata superata con leggi interne vaticane in materie attinenti ai servizi pubblici e di interesse sociale, il lavoro e le provvidenze correlate, le attività amministrative. Ma il passaggio determinante è stato compiuto con la decisione di aprire l'ordinamento vaticano ad un adattamento conformativo alle norme di diritto internazionale generale o a quelle derivate da Trattati sottoscritti dalla Santa Sede anche per conto dello Stato Vaticano».

52 In argomento cfr. FABIO VECCHI, "L'affievolimento di sovranità dello Stato Città del Vaticano per assorbimento nell'area monetaria dell'euro", in *Il diritto ecclesiastico* 1 (2002) 1045; DAVID DURISOTTO, "I rapporti internazionali dello Stato Città del Vaticano alla luce degli interventi normativi in materia finanziaria", in *Stato, Chiese e pluralismo confessionale, Rivista telematica* (www.statoechiese.it) 24, 2017.

53 Sul tema si rinvia al contributo di HERBERT REGINBOGIN, "Power and Spirituality: The Collision of Canon and International Law", *VPN*, 245 ss.

54 FRANCESCO, "Legge sul governo dello Stato della Città del Vaticano, 25.11.2018", n. CCLXXIV, approvata dal Santo Padre con motu proprio *Fin dall'inizio*, in *Bollettino della Sala stampa della Santa Sede* (06.12.2018). VINCENZO BUONOMO, "Annotazioni sulla nuova Legge sul governo dello Stato della Città del Vaticano", in *Ius Ecclesiae* 81 (2019) 647-659; ALESSIO SARAI, "Brevi considerazioni sulla nuova legge sul governo dello Stato della Città del Vaticano", in *Monitor Ecclesiasticus* 123 (2018) 237-258.

55 "Legge fondamentale dello Stato della Città del Vaticano, 26 novembre 2000, Proemio", in *Acta Apostolicae Sedis Suppl.*, 71 (2000) 75-80.

56 Cfr. la "Nota esplicativa della Presidenza del Governatorato sulla Nuova Legge sul Governo dello Stato della Città del Vaticano", in *Bollettino della Sala stampa della Santa Sede* (06.12.2018), consultabile all'indirizzo: <https://bit.ly/3EUfPmw> URL Retrieved: 22 November 2022. In argomento cfr. Maria d'Arienzo, *The Lateran Treaty and the Hermeneutics of the Holy See Neutrality*, 52.

57 Il corsivo è mio. Cfr. "Nota esplicativa...", *op. cit.*

58 Cfr. FRANCESCO, "Lettera Apostolica in forma di «Motu Proprio» del recante disposizioni sulla trasparenza della gestione della finanza pubblica", in *Diritto e Religioni* 1 (2021) 650 ss. L'intervento normativo ha ricevuto sollecita attuazione attraverso l'emanazione dell'"Ordinanza n. CDXXIV del Presidente del Governatorato dello Stato della Città del Vaticano del 21 giugno 2021", consultabile in *Diritto e Religioni* 1 (2021) 740 ss.

Proprio” recante disposizioni sulla trasparenza della gestione della finanza pubblica del 26 aprile 2021⁵⁹ e

59 Cfr. in particolare: la “Legge n. CCLI sull’ordinamento giudiziario dello Stato della Città del Vaticano del 16 marzo 2020” e la “Lettera Apostolica in forma di «Motu Proprio» sulla trasparenza, il controllo e la concorrenza nelle procedure di aggiudicazione dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano del 1 giugno 2020” (consultabili entrambi in *Diritto e Religioni*, 1 [2020] 471 ss. e 482 ss.); l’“Ordinanza n. CCCLXIV del Presidente del Governatorato dello Stato della Città del Vaticano relativa agli obblighi di prevenzione e contrasto delle attività illegali in campo finanziario e monetario e il Decreto del 9 ottobre 2020 n. CCCLXXII del Presidente del Governatorato dello Stato della Città del Vaticano recante modifiche alla Legge n. XVIII in materia di trasparenza, vigilanza ed informazione finanziaria dell’8 ottobre 2013” (consultabili entrambi in *Diritto e Religioni* 2 [2020] 468 ss. e 470 ss.). Si segnalano inoltre i seguenti ulteriori interventi normativi: FRANCESCO, “Lettera apostolica in forma di Motu Proprio recante disposizioni sulla trasparenza, il controllo e la concorrenza nelle procedure di aggiudicazione dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano, 19 maggio 2020”, in *L’Osservatore Romano*, 19 maggio 2020. Le “Norme sulla trasparenza, controllo e concorrenza dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano” (allegato A) e le disposizioni in tema di “Tutela giurisdizionale in materia di trasparenza, controllo e concorrenza dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano” (allegato B) sono reperibili all’indirizzo: www.vatican.va. Con il “Decreto del Delegato Pontificio n. 1 del 2021” è stato inoltre emanato il “Regolamento di attuazione della Lettera Apostolica in forma di Motu Proprio del 19 maggio 2020 recante «Norme sulla trasparenza, il controllo e la concorrenza dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano»”. Il testo integrale del *Regolamento della Segreteria per l’Economia* è reperibile all’indirizzo: <https://bit.ly/3EwMEVf> URL Retrieved: 22 November 2022. Sul tema mi sia consentito rinviare a MARIA D’ARIENZO, “La circolarità dei «modelli culturali e giuridici» nelle recenti riforme di diritto penale vaticano, canonico e italiano. Brevi spunti di riflessione,” in *Diritto e Religioni* 1 (2022) 318 ss., specialmente 319-320.

Sala Conferenze
Partecipanti alla presentazione

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il “Decreto n. CDLXII del 16 dicembre 2021 della Pontificia Commissione per lo Stato della Città del Vaticano recante modifiche al regolamento in materia monetaria”.⁶⁰

La difesa del bene comune globale viene dunque realizzata proprio a partire dal rispetto dei principi di trasparenza da parte dello Stato della Città del Vaticano, soprattutto in materia economica e finanziaria. Al contempo, il Pontificato di Papa Francesco ha ulteriormente dilatato il perimetro entro cui l’azione diplomatica internazionale della Santa Sede si dispiega per il superamento della “globalizzazione dell’indifferenza” e della “cultura dello scarto”, tema approfondito nel contributo di Massimo Fagioli.⁶¹ La cooperazione con la comunità politica internazionale, così come il dialogo interreligioso, si snoda anche nei nuovi ambiti della crisi ambientale e della non proliferazione nucleare – argomento affrontato

60 Il “Decreto n. CDLXII del 16 dicembre 2021 della Pontificia Commissione per lo Stato della Città del Vaticano recante modifiche al regolamento in materia monetaria, adottato con Decreto n. CLXXXVI, del 14 dicembre 2012”, è consultabile in *Diritto e Religioni* 2 (2021) 686 ss.

61 Cfr. MASSIMO FAGGIOLI, “The Liminal Papacy of Pope Francis and a New Context for Vatican Neutrality and Sovereignty”, in *VPN*, 161 ss. Vedasi anche PASQUALE FERRARA, *Il mondo di Francesco. Bergoglio e la politica internazionale* (Cinisello Balsamo: San Paolo, 2016); GIANNI LA BELLA, *Santa Sede e ONU*, edited by MARCO MUGNAINI (Milano: Franco Angeli, 2018) 174 ss.



nei contributi di Maryann Cusimano Love e di Saho Matsumoto⁶² - e che si ripresenta nella sua attualità a seguito dello scoppio del conflitto russo-ucraino.

La funzione strumentale dello Stato della Città del Vaticano rispetto alla missione della Chiesa come "Avvocato della Persona Umana"⁶³ e la sua neutralità, sancita dall'art. 24 del Trattato Lateranense, costituiscono il fondamento dell'azione internazionale della Santa Sede e dell'intensificarsi delle forme di cooperazione con gli attori internazionali, sia politici che religiosi, per la tutela e promozione del bene comune.

62 Sull'attività diplomatica della Santa Sede sul tema della non proliferazione atomica cfr. MARYANN CUSIMANO LOVE, "The Church and the Bomb: Holy See Diplomacy and Nuclear Weapons", in *VPN*, 203 ss.; SAHO MATSUMOTO, "Vatican's / Holy See's Approach to Nonproliferation: The United States and Japan", in *VPN*, 225 ss.

63 Così PIETRO PAROLIN, "Chiesa e comunità politica...", *op. cit.*, 129.



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Relatori e Moderatore Conferenza 

*Sinistra a destra —
Teresa Francesca Rossi,
Lucia Ceci,
Fr. James Puglisi, sa,
Maria d'Arienzo,
Herbert R. Reginbogin,
Giovanni Maria Vian*

LUCIA CECI



Full Professor of Modern History, University of Rome Tor Vergata

Conference given at the Centro Pro Unione

Thursday · 17 May 2022

Book Launch: **Vatican and Permanent Neutrality**

Fascist Racism in the Italian Colonies: Building a Legal Discrimination

In September 1938 the government led by Benito Mussolini issued a series of legislative measures which deprived Italian Jews of the right to education, the right to practice their profession in public bodies, the right to possess property according to the guarantees provided for all Italian citizens.

A choice that from the persecution of rights will lead to the persecution of lives with the deportation of over 8 thousand Italian Jews, in the death of 6 thousand of them, in the laceration of the lives of a much larger number of families, people, children.

The subject of my presentation is *Fascist Racism in the Colonies*. So why do I start with Holocaust?

The date of 1938 has in many cases been almost removed from the context of the history of fascism. Instead, it must be deconstructed and grasped within the political choices of the fascist regime, in order to identify the mechanisms that have presided over the elaboration, emanation, and implementation of anti-Semitic laws.

This means that the fascist policy against the Jewish belongs tout court to the history of fascism and cannot be dismissed as a consequence of the alliance with Germany.

The development of the study of the fascist racism has been greatly enriched by the progress made in the study of Italian colonialism.

There is an aspect that is considered increasingly relevant: the connection between colonial racial politics and anti-Jewish politics. I'd like to quote Michele Sarfatti, one of the main scholars of Italian Shoah:

MEDIA

Lecture video

www.prounione.it/webtv/live/17-may-2022

Audio podcast

Intro + Q&A · bit.ly/Podcast-Book-Launch-May-2022

Lecture · bit.ly/Ceci-Podcast-Lecture-May-2022

“With the launch of explicitly defined provisions of racism in colony, Mussolini, fascism, the monarchy realized a ‘terrible formal turning point’”. I could add to this list, the Vatican leaders.

The turning point of 1935-1936 is central, because it's then that Mussolini, with the conquest of the sovereign state of Ethiopia and the proclamation of the fascist Empire, defines the perspective of a culturally and biologically “Italian” Empire and promotes the first laws that touch on the question of race.

Well, I will try to explain in four sections the main aspects of this turning point dealing with 1) the setting, i.e. the war of aggression; 2) The colonial racist provisions and the juridical discourse; 3) the other instruments of racial segregation in the colonies; and 4) the Vatican position.

Speaker — Moderator
Lucia Ceci, Giovanni M. Vian

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1. The setting: the war of aggression

On May, 9 1936 Mussolini announced to a crowd in jubilation: "The Empire reappeared on the destined hills of Rome".

Four days earlier, Marshal Badoglio had entered Addis Ababa, after having defeated the Abyssinian armies in five battles.

The war began seven month before, without a formal declaration of war. The occupation had been conducted with enormous forces and the sending of an army like the black continent had never seen: great commitment of men (about four hundred thousand) and of means (machine guns, airplanes, tanks, gas). A war of aggression that caused about three hundred thousand deaths among Ethiopians.

The proclamation of the Empire was followed by a low-intensity war, with episodes of guerrilla war and massive recourse to repression by the Italian authorities.

In the Spring of 1937, the viceroy Rodolfo Graziani, after the attack he suffered on 19 February, triggered a repression that, just in the first three days, led to the summary execution of over 3000 people in Addis Ababa, to the destruction of villages and to the massacre Debre Lebanos, the Coptic convent were, in a week, more than 300 monks and young deacons were shot by the Italian troops led by the General Pietro Maletti.

2. The juridical discourse and the colonial racist provisions

This is the scenario in which the first legislation that in Italy touched on the question of race was issued.

In the case of colonial racism the question of so called "half-breeds" ("meticci"), children of Italian-Eritrean unions, is crucial. The subject is very broad, it should be included in the history of Italian colonialism, compared with other colonial cases, addressed at the level of cultural history and gender history. For reasons of time and in an attempt to provide a limited but consistent framework, I will focus only on the most relevant issues.

In legal texts the notion of race appears for the first time in the "Organic Law for Eritrea and Somalia" of 1933, which established the general principles on the basis of which it was possible to access Italian citizenship by those born of unknown parents in colonies.

Overall, it was a system that tended to assimilate half-breeds to national citizenship to a greater extent than the previous liberal legislation. At the same time though, the law opened the construction of the legal concept of race. The most innovative provisions were contained in the Article 17.

"Art. 17

The individual born in Eritrea or in Italian Somalia from unknown parents, when the physical characters and other possible clues make it plain that both parents are white, is declared Italian citizen. Citizenship is attributed to him by a provision of the judge of the colony, who, having verified the conditions referred to in the first paragraph of this article, disposes with a justified order the registration of the person as an Italian citizen".

In the speech given at the presentation of the bill to the Chamber of Deputies, the Minister of the Colonies Emilio De Bono introduced an expression destined shortly to enter in the juridical debate as if it was a juridical concept: it's "the proof of the race" that also became the title of a well-known article by Ernesto Cucinotta, published in the journal *Rivista delle colonie italiane* in September 1934: to have Italian citizenship it was necessary to demonstrate to be of white race.

Relating to the Organic law of 1933, the article underlined the absolute novelty represented by the introduction of the concept of race understood in the biological sense into the Italian legal system:

"With the new provisions, the concept of race is introduced into our law system, to represent a character of the concrete status of persons for the purpose of their belonging to a given nation. It comes now to constitute, in other words, a strictly juridical concept. Up to now the concept of race had been exclusively sociological, linking to certain social groups derived from a social processing, not already natural".

Starting from this moment the Italian juridical culture begins discussing about categories and formulas that make thinkable, and therefore applicable, racial measures. This debate involves jurists like Berlindo Giannetti, Stefano Mario Cutelli, and Carlo Costamagna.

It's debate that of course interacts with the fascist political discourse, identifies continuity and discontinuity in the colonial legislation of the Kingdom, inserts comparisons with the legal systems of other colonial powers.

The path and the issues - sometimes very technical - of this debate have been recently studied by scholars including Olindo De Napoli and Silvia Falconieri.

Their research has highlighted the formation of a racial law in the juridical doctrines and in the same jurisprudence, but also, clearly, the link that is established between race and empire, race and totalitarianism. Finally, this scholars highlighted the direct activism of Benito Mussolini.

In the conquest of Ethiopia, in fact, Benito Mussolini wanted to play - immediately - a leading role assuming the responsibility of the ministry of the Colonies from January 1935 to June 1936, and inaugurating an explicitly racist policy towards colonial subject.

In Mussolini's view, the Fascist Empire had to have an "Italian" cultural, anthropological and biological homogeneity: it had to represent a showcase for the realizations of the regime. In this context, an obstacle to be removed was represented by the "half-breeds", whose very existence was considered detrimental to the prestige of the Italian race in that it blew up the clear line of separation between rulers and colonial subjects.

The regulation of interracial sexuality was not a prerogative of fascism, but a key element of all colonial governments. Rules against concubinage had also been applied in the African colonies of other European powers (Great Britain, Holland, France).

The regulation of interracial sexuality was, in fact, considered a key element of colonial government strategies, as it aimed to define the boundaries between colonizers and colonists,

and to build or strengthen colonial hierarchies when they were perceived as vulnerable.

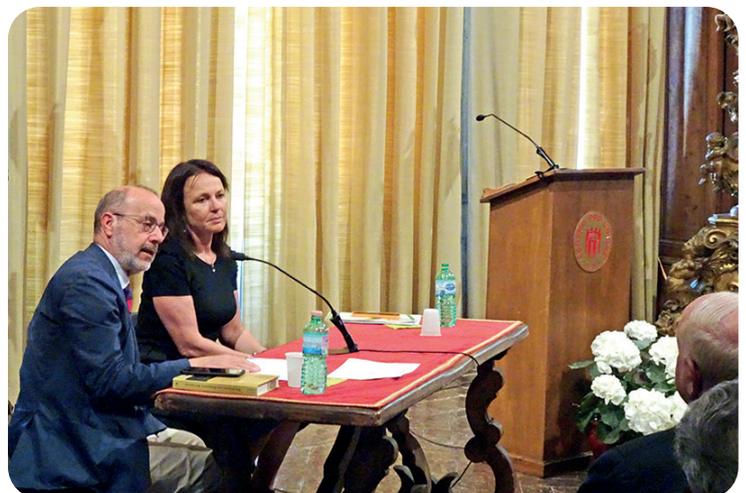
If building a fully segregated colonial society was not a specific feature of fascism, the means and styles of the racial politics of the regime in East Africa were peculiar.

The control of sexuality in the Empire was already given great importance months before the war, through the opening of brothels in which sexual services were offered exclusively by white prostitutes.

In the phase of military conquest, the domination over Africans had passed through the language of weapons and a predatory sexuality. We should just think of the success of the popular song *Faccetta nera* (*Little black face*), which had an implicit erotic meaning with the idea that Italian men will be able to give sexual satisfaction to the pretty Abyssinian. Or I should mention the dense traffic of postcards and photos of nude African women. As Sandra Ponzanesi has shown in her analysis of the relationships between race and gender, in the political context of colonial domination, Ethiopian women were attributed sexual charm and desire to be conquered: traits, attitudes that European women were not allowed or who seemed to have lost.

However, after the military conquest, the goal became an Empire populated by Italian families and to prevent the formation of a generation of "half-breeds", who were seen as an offense to the dignity of the "dominatrix race" and a serious danger to public order.

There is a significant documentation of this. I start from a private source: the Diary of the last Mussolini's mistresses Claretta Petacci [but I refer



to the pages passed to the scrutiny of Giorgio Fabre in the essay *Mussolini, Claretta and the question of race. 1937-38*, that was published in 2009].

I quote just the Diary entry, dated 28, August 1938. Claretta writes that she joined her lover at the beach of Castel Porziano, near Rome. I was there last Sunday. Mussolini, after reading a report from the African colonies, heats up and lashes out against the “disgusting and unconscious” Italians, without dignity and “without conscience of the race”, who live in the huts with the black women or have sexual relations with them.

In another Diary entry, Mussolini reportedly told Petacci: “We need to give Italians the sense of race, so they don’t create half-breeds, and don’t spoil what is most beautiful in us”.

But the most relevant level is the public one.

On January 9, 1937, the newspaper “La Stampa” hosted in the front page an article written by Alessandro Lessona, the minister for Italian East Africa. The occasion for the article was the presentation to the Council of Ministers of the project entitled *Provisions for the integrity of the race, that was after amended in Provisions for relations between nationals and natives*.

The title of Lessona’s article was instead Politics of race. The Italian minister defined the mestizos “a painful sore” and argued that the “coupling with inferior creatures” was “abnormal” on the physiological level, and “deleterious” for the “dominating race”.

The next day, the fascist newspaper “Il Popolo d’Italia” wrote that “fascist Italy doesn’t want in its overseas lands half-breed generations” and was taking steps to issue a radical legislative provision in order to “defend the race from irreparable contaminations”.

On April 19, 1937, the Fascist government issued the Lessona Decree, better known as the “Legge sul madamato” (law on concubinage). The provision was intended to regulate, or rather to clamp down on, temporary relationships more uxorio between Italian citizens (especially soldiers) and native women in the colonies.

It consisted of a single article that prescribed a period of imprisonment of between one and five years for an “Italian citizen who in the territory

of the Kingdom or the Colonies has a relation of conjugal type with a subject of Italian East Africa or an assimilated woman”.

The concept of race did not explicitly appear in the text, but was its foundation since it represented the juridical asset that the law was aimed to protect.

The Lessona Decree had been anticipated, almost one year before, by some directives to the viceroy Rodolfo Graziani, with more detailed indications about separation from natives. These directives imposed all the married persons to bring the families into a colony as soon as the conditions of the environment allow it, asked to organize ‘brothels’, even street vendors, with white women, absolutely forbidding access to the natives to avoid “madamismo” and “sciarmuttismo” (indigenous prostitution reserved for soldiers and ordinary workers).

3. Other instruments of racial segregation in the colonies

Racial segregation in colony was pursued using a variety of instruments: propaganda campaigns, repression, urban planning. The initiatives were all behind the constant, personal impulse of Mussolini who monitored and intended to model even the most minute aspects of interracial relations.

The implementation of a discriminatory policy against blacks turned also into a “racist pedagogy” that penetrated the school and youth organizations.

In the slide I show an elementary school notebook with a written text on the Italian Empire in East Africa, and a picture in which the brutalization of the black murderer is opposed to the gentle and peaceful man with the crucifix, in this case Father Reginaldo Giuliani.

In 1939, the National Fascist Party gave some “colonial notions” for women’s organizations in which the racist perspective of the government is very clear:

“The Italian colonization in East Africa, putting in contact large numbers of workers and soldiers with the indigenous population, has made today the problem of protecting the purity of our race for Italy, avoiding crossings with the black people. The coupling with

inferior creatures should be considered as a shift towards social promiscuity: inevitable consequence in which our best qualities of dominant races would be drowned.

The fascist law on race is aimed at preserving, even in the national territory, the purity of the Aryan race, to which the Italic race has the pride of belonging, preserving it from the pollution of the Semitic blood or of other inferior races”.

In these positions we find a shift from a view [philosophy] of history based on the myth of progress to a conception based on the idea of history as the result of a struggle of civilizations or races and an obsession with decadence and degeneration.

The fascist racism in Italian East Africa, therefore, not only obtained legitimacy by the juridical discourse, but it was carried out through the use of the criminal law instrument (unique case in the context of European colonialism). The regime could then count on the control of the media and on the other propaganda instruments. Finally, in the colonies, Italian Government effectively resorted to the arrest to punish the concubinage between whites and natives.

At the same time in the Italian popular memory a good-natured image of the interracial sexuality in the colony remained, thanks to the trivializations offered by public figures such as the journalist Indro Montanelli, who in more than one occasion recalled having bought a very young “madama” (a little girl 12 years old) when he was in Eritrea in 1936, or the notoriety of the sexual costumes of the governor of the Ahamara, Pirzio Biroli General Pirzio Biroli often indicated as a lover of beautiful Ethiopian women with whom he often accompanied himself in his villas in Gondar, while he was often seen going to the Gondar market to choose himself the best native women for the night.

These trivializations have to be grasped within the difficulty of abandoning the predatory conception of interracial sexuality (we also think of the novel *Tempo di uccidere, A Time to kill* by Ennio Flaiano, Premio Strega 1947), and of the difficulty of the regime’s repressive machine to operate among the same senior managers.

It is “The Imperfect State”, to quote the fine title of a book. Speaking of “Imperfect State”, it seems to me important to recall the position taken in this crucial passage from the Vatican leaders, who had yet supported the regime in the phase of military conquest.

4. The Vatican position

The Lessona decree did not interfere with the Lateran Pacts signed by the Holy See and the Italian Government in 1929, because it did not mention marriages – unlike the provisions against Jews of November 1938 – but rather “concubinage” between Italians and natives.

At the same time, the provision touched on areas such as sexuality, birth rate, parenting that were regarded as particularly important on the pastoral and magisterial level. As I myself highlighted thanks to the new Vatican archival documentation, the Secretariat of State Eugenio Pacelli was asked to give an opinion on the merits by the cardinal Tisserant, Prefect of the Congregation for the Eastern Church.

The Vatican leaders, after hearing the Nuncio Borgongini Duca and the Prefect of the Congregation of the sacraments Domenico Jorio, took a position in a document which displays more political opportunism than moral principles. In its foreword it confirmed the main question of principle at stake by categorically denying that there could exist, from the Catholic point of view, differences in race such as to impede marriages. But in its conclusions the document offered the Church’s full support to the government in its implementation of the Lessona Decree in the colony.

In its lengthy preamble the document described in fact various examples of how the Catholic Church in its legislation through the centuries had “never established impediments for marriages to be contracted between subjects of different race”, indeed had even promoted such marriages to foster the conversion of ‘barbarians’ and ‘pagans’. Jorio added another important point, which touched on the question of eugenics, a practice condemned by the Catholic Church.

It was a question, he said, on which Catholic reflection had been focused a few years previously in Germany: “The maximum freedom

HERBERT R. REGINBOGIN • PH.D.



Conference given at the Centro Pro Unione

Fellow, Institute for Policy Research, The Catholic University of America, USA

Thursday • 17 May 2022

Power and Spirituality • The Collision of Canon and International Law

The Vatican, like any other state, has transformed into an entity uniquely providing spiritual and moral sustenance in world affairs. The Holy See's use of neutrality became the principal statecraft in its diplomatic toolkit. This concept of "permanent neutrality," as codified in the Lateran Treaties of 1929, is a central concept adding to the Vatican's uniqueness. As a result, the analysis of its policies does not easily fit within standard international relations or foreign policy scholarship.

The book: *The Vatican and Permanent Neutrality* considers in detail the Vatican's history with "permanent neutrality" and its application in diplomacy toward delicate situations as, for instance, vis a vis Fascist Italy, Nazi Germany,



and Imperial Japan, but also in the international relations of the Cold War in debates about nuclear non-proliferation, or outreach toward the third world, including Cuba and Venezuela. The book also considers the ineluctable tension between pastoral teachings and realpolitik or spirituality and power, as the Church faces a reckoning with its history as illuminated by the issues raised in the following cases

MEDIA

Lecture video

www.prounione.it/webtv/live/17-may-2022

Audio podcast

Intro + Q&A • bit.ly/Podcast-Book-Launch-May-2022

Lecture • bit.ly/Reginbogin-Podcast-Lecture-May-2022

1. Centuries-long worldwide cruelties of sex abuse and molestation of children and adult victims with thousands of pedophilia cases within the Catholic Church.
2. Financial corruption results from no legal oversight and amoral finances demonstrated by money laundering crimes and malfeasance.
3. The Vatican's unwillingness to seek justice for historical wrongs of the past by rebuffing the 2001 International Catholic-Jewish Historical Commission efforts to access Vatican archives of the Pontificate of Pius XII

to investigate the role of Pope Pius XII during the Holocaust.

Lecturer

Herbert R. Reginbogin

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For the last 150 years, canon

and international law have competed. Thus, events like Pope John XXIII giving human rights under canon law as the first Pope a central place in his encyclical in *Pacem in Terris*. The encyclical suggests a paradigm shift underscoring that human rights "flow from the very nature of the human person...they are universal and inviolable". When Pope John XXIII announced the convocation of the Second Vatican Council II, he aimed to renew the Church in a spirit of (*aggiornamento*) in contrast to Pope Pius IX, who, in a last-ditch effort to offset the secular and anti-clerical challenges to the Church as well as the simmering internal dissent, called all bishops and cardinals to the First Vatican Council to debate



the Church's role in opposing rationalism. Of the hundreds of leading Catholic theologians able to attend between 1869 and 1870 before the devastation of the Papal State, the aim was to discuss whether a Pope's authority had limits. They decided to centralize the ecclesiastical power of the Holy See by declaring the Pope's primacy and infallibility concerning faith or morals pertaining to the entire Church according to Canon Law 749 §1:

In all matters of faith and morals, according to the dogma of the 1870 Vatican Council, the Pope is infallible when he speaks *ex-cathedra*. His jurisdiction also extends to "all those matters which appertain to the discipline and the law of the Church throughout all the world. He has the power not merely to alter individual canons but even to codify and reform the whole of canon law".

After shedding the last remnants of temporal power following King Victor Emmanuel II's seizure of Rome in 1870, the Vatican would remain deprived of territorial sovereignty for the next 59 years. During this 'territorial interregnum,' the Holy See transitioned from a small, semi-feudal, and territorial Papal State to pursue the dogmatic issues of the Pope's infallibility during the First Vatican Council, refused laws that infringed on the authority of the Church, and chartered new waters in the international order while its sovereignty as it turned out was not adversely affected by the loss of that temporal power. The scholar Father Thomas Reese wrote that the purpose of Vatican II was "to reorient Catholicism away from its nineteenth-century fortress mentality, to open a new dialogue with the modern world, to look more deeply into the Catholic past in order to prepare for the Catholic future, and to usher in an era of evangelization and renewal". The progressive expectations for renewal afforded accommodation for many conservatives as the spirit of the 1960s were considered a transformation of the Church resembling the Protestant ecclesial spirit of the Church. In pursuance of the pastoral approach taken by Vatican II, The Code of Canon Law of 1917 was revised in 1983, enumerating a set of rights and obligations for the laity and clergy extending from freedom of conscience; research freely in the field of theology; make political

decisions; the right and even obligation to criticize Church officials; the right of laypersons to participate in the decision making; and the right of women to equality in the Church. Still, Canon Law would face further challenges and revisions in the new millennium to comply with international law, raising questions beyond the scope of the operating approach of utilizing both historical natural law and legal jurisprudence approaches with greater intensity to frame the principles of the Church with the evolving social changes in society and scientific understanding boiling down to handling the trend of culture wars in Europe and the USA.

Two divided camps arose in the post-conciliar Church. One followed the actual documents of the council and urged the Church to maintain continuity with Catholic teaching and tradition. The other was loyal to a 'spirit of the council' that coincided with the cultural fashions that came in its wake, reminding us how troubled this narrative is in the spiritual and secular world.

Nevertheless, in many cases, the hoped-for renewal was hijacked by those for whom renewal meant an accommodation to the spirit of the 1960s and the transformation of the Church along liberal Protestant lines. The significant tensions facing the Catholic Church in the USA due to the continuing tension between international and canon law as progressive and conservative Catholics utilize them may be the best reset by finding the deep-rooted neutrality and tolerance it has called for in its humanitarian vision for peace in the world and its goal to uphold human dignity.

Popes have been at the forefront of securing humanitarian aid and pursuing all necessary measures to alleviate the civilian population's suffering in conflict situations. The Holy See has helped mediate peaceful settlements of international disputes or cease-fires to end hostilities during two world wars, between Chile and Argentina in 1978 and the Iran hostage crisis in 1979-1981, or the official re-establishment of diplomatic relations between the US and Cuba in 2015. Even when the Pope was officially without sovereign territory between 1870-1929 and thus deprived of the traditional attributes as a sovereign, he was called upon by States to

mediate settlements of international conflicts. Even before the Vatican became a permanently neutral state, as laid out in article 24 of the Lateran Treaty (1929), the Pope maintained an aura of neutrality. Narratives about popes illuminate and depict their lines of impartiality and involvement in humanitarian efforts. The Pope was so highly regarded for his contributions to world peace that Budapest's 1896 World Peace Conference addressed a special letter to Pope Leo XIII gratefully acknowledging and thanking him for his efforts. In 1899, Tsar Nicholas II of Russia and Queen Wilhelmina of the Netherlands sought the support of the same Pope, requesting the moral help of the Holy See for the success of the Hague Peace Conference. In his reply to Queen Wilhelmina of the Netherlands' letter to Leo XIII on May 7, 1899,

“We believe that it is a specific part of our task, not only to provide moral help to such undertakings but also to cooperate in them actively: because their objectives are most noble by nature and intimately linked to our August ministry, which, through the divine Founder of the Church and by virtue of age-old tradition, in some way includes the function of mediator for peace”.

At the outbreak of World War I, Pontiff Benedict XV, with his Secretary of State Cardinal Pietro Gasparri, required the Holy See to maintain a ‘line of impartiality’ by forbidding any preference for any side at war. Furthermore, the Pope helped alleviate the suffering the war caused through various humanitarian papal relief work comparable to that of the International Red Cross, helping prisoners of war, including civilians. Specifically, these actions illustrate the Holy See’s theological views about ‘humanity’ and ‘dignity’ for humanity, for which the Church has chosen for itself the role of an “expert in humanity”. Saint John Paul II even holds the Universal Declaration of Human Rights as a “milestone on the long and difficult path of the human race” and as “one of the highest expressions of the human conscience” that emanate from the historical natural rights law theory like the American Revolution’s Declaration of Independence, but unlike the Constitution of the United States operating under legal positivism with the view that the U.S. Constitution is alive

and evolving as society changes. As a Permanent Observer to the United Nations with General Assembly (GA) resolution 58/314 as of July 16, 2004, formalizing the participation of the Holy See in the work of the United Nations, the Holy See “represents a universal idealist mission to pursue peace and work towards universal human rights within religious interpretations”. According to the Vatican Secretary of State, Cardinal Parolin, in February 2019, the Holy See delivered an important speech at Rome’s Libera Università Maria SS. Assunta on the occasion of the 90th anniversary of the Lateran Treaty. He said that Pope Francis pursues a policy referred to as ‘positive neutrality’ affirmed through the “perpetual dialogue” between the Holy See and various nations in building dialogue and contributing “to ensuring humanity a worthy future”. Thus, “...to discern the opportunities and the points of potential conflict...”.

The renowned German jurist Lassa Oppenheim held a middle position that the Holy See transformed from a state “by custom and tacit consent of most states acquire[ing] a quasi-international position” to remain a part of the international world under which it was entitled to be treated “as though she were an International Person,” just as the Pope was entitled to be treated “as though he were the head of a monarchical State,” at the same time, neither was, in fact, the case.

Although the Holy See had lost the Papal States (that is, the territory), the Pope appears through its role as a unique spiritual power cultivated by its continuing diplomatic relations “alongside the other subjects of international law, namely states and international organizations” to assume one-of-a-kind what Oppenheim calls ‘anomalous’ character referred to in the literature as ‘*sui generis*’. About statehood, “it is proximate as a state. However, it has no population, apart from resident functionaries, and its sole purpose is to support the Holy See as a religious entity”. Some jurists regard the Vatican as a state but fail to meet what might be called the ‘textbook’ criteria for statehood in international law, as articulated in the 1933 Convention on the Rights and Duties of States (Montevideo Convention). In brief, these criteria refer to four dimensions:

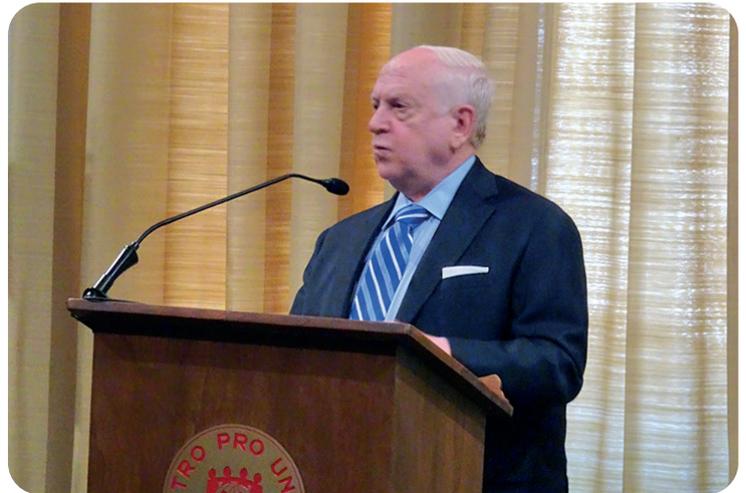
a permanent population, defined territory, government, and the capacity to enter into international agreements. Although it has no fixed population, it currently enjoys diplomatic relations with 183 countries.

Over the past one-hundred-fifty years of Vatican history, two international personalities of the Holy See and the Vatican represented the Catholic Church's interests. At first, substantive international legal personality remained in operation for the territory-free Holy See (that is to say, the papal mission and its institutions). Legal personality is said to have survived based on a kind of religious legitimacy.

After the Lateran Treaty, both the Holy See and eventually the Vatican embodied a quasi-international persona. They established a unique role in the international order with the Vatican as a permanent neutral whose foreign policy was governed by the Holy See.

In return, Church officials agreed to support the government of Prime Minister Benito Mussolini. Additionally, the Holy See was paid 750 million lire in cash – more than \$1.3 billion in today's money – and one billion lire in 5% negotiable government bonds as compensation for the land annexed to the nation of Italy.

In this way, the Lateran Treaty impacted Church finances impeding the Holy See and the Vatican to continue over the next ninety-plus years utilizing their international personalities. From June 7, 1929, onwards, when the Italian parliament ratified the Lateran Treaty, the investments of the Vatican moved into the world's financial markets. By the middle of the 1930s, the Vatican was placed at the center of a worldwide network of banking and other financial institutions due to the financial genius Bernadino Nogara whom Pius XI had asked to manage the money received from the treaty. Nogara accepted on two conditions: "That he not be restricted by religious or doctrinal considerations in his investment-making" and "that he be free to invest funds anywhere in the world". When it came to US entry in World War II following the Japanese attack on Pearl Harbor and Hitler Germany declaring war, the Vatican continued being granted dispensation by the



Secretary of the Treasury Henry Morgenthau, allowing it to pursue investments in businesses, including life insurance companies, with operations in Nazi-controlled countries due to Vatican's status as a permanently neutral state, which allowed them to continue working in these nations even then as the US was no longer neutral but a belligerent. However, Nogara knew it would be a matter of time before actual transactions under dispensation leave paper trails and potential risks of becoming blacklisted by the Allies. He shored up such an eventuality by drafting a charter to form the Istituto per le Opere di Religione (IOR) – Vatican Bank – that Pius signed on June 27, 1942. The bank was free of all independent audits, operated worldwide without any wartime regulations, paid no taxes, or disclosed annual reports or balance sheets whose practice was to destroy all files every ten years. Efforts by investigators and historians to seek answers have been stymied by the secrecy shrouding the bank's business dealings. Due to the bank's lack of a paper trail, it appears an ideal haven for money plundered from Jews and other wartime victims and to conceal the actual owner of securities or other valuables that would otherwise have been confiscated or illicit to transact, violating Trading with the Enemy Act. By the end of the war, the Vatican Bank had become a financial institution, but it is uncertain if it was involved in the Ustaša gold transactions. Instead, other Vatican agencies may have been involved in these alleged transactions. However, that the Vatican used the gold to finance the ratline to foster the escape of Ustaša war criminal

leaders is entirely plausible. Explicitly more about the role of the Vatican Bank will be known once the Vatican opens its archives for the post-war period.

Notwithstanding all this, troubling contemporary illustrations of clergy abuse, non-disclosure of vital historical records, financial scandals, and other cover-ups have left rank-and-file Catholics and world public opinion disillusioned not only of the priesthood but of the entire Church's credibility. The American journalist and educator Peter Steinfels writes that they all confirm "a festering sense that Church leaders too often said one thing in public, believed another in private, and acted in ways not necessarily consistent with each other". These events have endangered the reputation of the Holy See in the international world order.

The Church appears to have a Janus face with dual personalities. One preys on followers, while the other plays an enormous spiritual and humanitarian role in the international realm.

What role did neutrality play as canon and international law locked horns when dealing with international affairs?

The nature of these two personalities is, in fact, grounded in international law, which, on the one hand, recognizes the Holy See as a religious and spiritual entity. On the other hand, its statehood rests on the concept of the Vatican City as a sovereign territory with the Pope as its leader. While the Holy See always was the highest authority in Catholicism, the fight about its territory and the "Roman Question" regarding the popes' temporal power as rulers of a civil territory was only settled through the Lateran Treaty. The dual character of the Vatican and the Holy See also rivals the neutrality they wish to portray, along with the troubling narratives of the Church's failure to fulfill its compelling vision of humanity and human dignity in the religious and secular realm today. They are set on a collision course as their practices are founded in canon and international law.

Still viewing the humanitarian history of the Holy See in the context of the diplomatic system, several contradictory narratives are generated about the Catholic Church's chosen vision of a progressive human rights narrative in the 20th and 21st centuries. The scholarly literature questions the Church's self-portrayal of embracing the values of 'humanity,' 'dignity,' and 'neutrality' through Church clerics and officials. Through the shifting international personalities' dual legal usage, a dilemma is exposed within the temporal and spiritual contradictory self-image of a permanently neutral Vatican and criticized for not upholding its responsibility as a state and Church.



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Lecturer

Revd Dr Thomas F. Best

a pastor of the Christian Church (Disciples of Christ), was seconded by his church to the Commission on Faith and Order of the World Council of Churches in 1984, retiring as Director at the end of 2007.

In addition to producing and editing many Faith and Order texts, he is a former editor and book review editor of *The Ecumenical Review* (WCC) and *Growth in Agreement III* (WCC/Eerdmans).

In retirement he has edited *Baptism Today* (WCC/Liturgical Press) and *Growth in Agreement IV* (WCC) as well as contributing to the *Oxford Handbook of Ecumenical Studies*, serving as President and Board Member of the North American Academy of Ecumenists, and co-teaching a course on the history of the ecumenical movement at Boston University.

He is currently a member of the International Dialogue between the Christian Church (Disciples of Christ) and the Catholic Church.

Reflecting a career-long commitment, he last spoke at the Centro Pro Unione in early 2017 on *The Week of Prayer for Christian Unity as faithful witness – and challenge – to the ecumenical movement.*



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on the theme

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will include

James Loughran, sa
Director · Graymoor Ecumenical & Interreligious Institute, NY

Aaron Hollander
Associate Director · Graymoor Ecumenical & Interreligious Institute, NY

James Puglisi, sa
Director · Centro Pro Unione, Rome

Teresa Francesca Rossi
Associate Director · Centro Pro Unione, Rome
Professor of Ecumenism, Angelicum, Rome

Loredana Nepi
Librarian · Centro Pro Unione, Rome

Gabriël Quicke
Rector of the Church of St. Julian of the Flemings, Rome

Cornelius Ant. van Duin
Professional Tour Guide

and other experts

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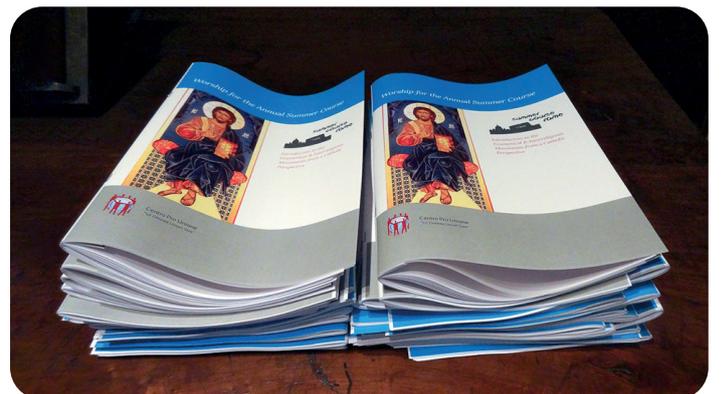
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Afternoon Program

-  St. Peter's Basilica
-  St Pauls-outside-the-walls
-  Feast of Sts. Peter and Paul Mass of the Pallium in the presence of the Delegation from the Ecumenical Patriarchate
-  St. John Lateran, Baptistry and Basilica of St. Clement
-  St. Mary Major's Basilica
-  Tour of the "Roman Ghetto", the Synagogue and Museum
-  Excavations under St. Peter's
-  Islamic Center & Mosque

Morning Prayer		8:45 — 9:00
Class I		9:00 — 10:00
Class II		10:15 — 11:15
Class III		11:30 — 12:30



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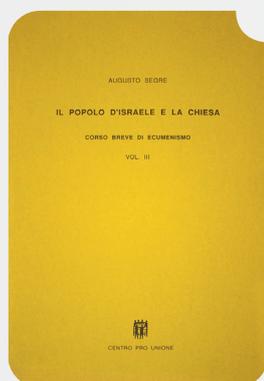
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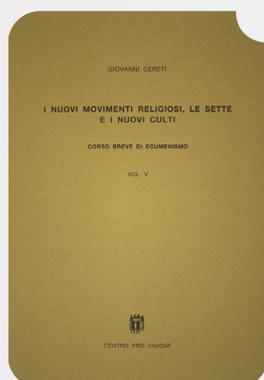
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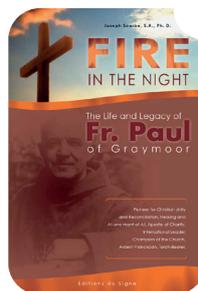


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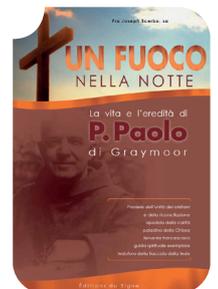
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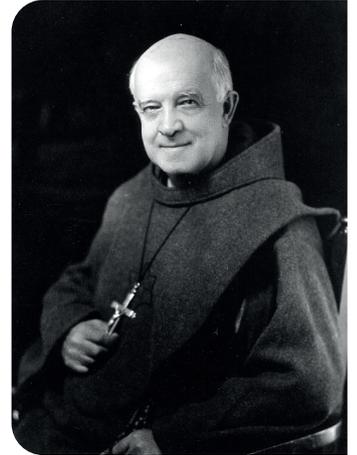
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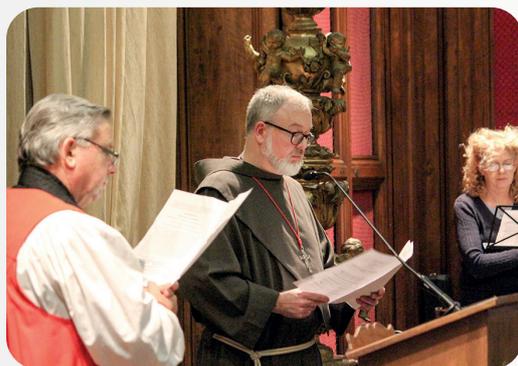
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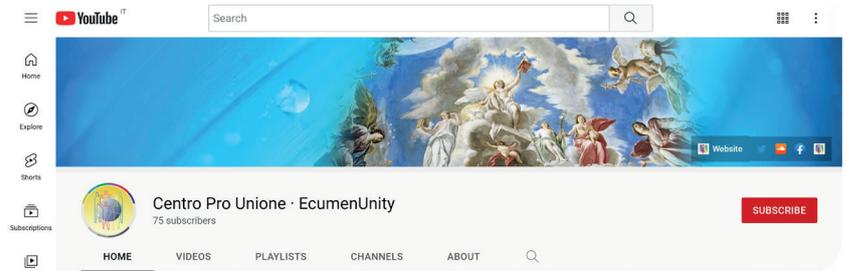
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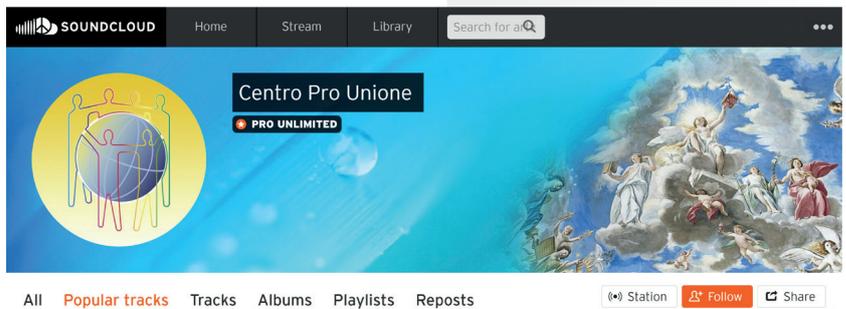
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