

Papal diplomacy. The diplomacy of the Holy See is one of the distinctive features of the Catholic Church. It is a unique kind of diplomacy: not the instrument of a state, however small, but of the religious institution which is the Catholic Church, which is among other things a social fact. Its primary objectives belong in the spiritual, moral and humanitarian order, including respect for collective and individual human rights. Among these rights is included the right to religious liberty not only for Catholics, but also for adherents of all other religions. Thus Diplomacy is one of the ways of making the official presence of the Church in the international community a reality, which, nowadays, is essentially directed to using dialogue at an institutional level to bring to fruition the great hopes of humanity such as peace between nations, internal order and the progress of individual states.

In the past, the diplomacy of the holy See had a number of different names: ‘papal’, ‘pontifical’, ‘ecclesial’, Vatican. It may probably be regarded as the oldest in world history. Its importance relates first and foremost to the development of papal legations.

The legates (or envoys) of the pope are in evidence from the time when the Catholic Church, following on its public recognition by the Edict of Milan (313), and has endeavoured to consolidate this primacy with regard to spiritual questions. With a view of this liberty, so recently acquired, it became necessary to work for internal unity in order to meet effectively the challenge of sectarian and separatist movements. The term ‘legate’ was used in ancient Rome to designate men entrusted with political missions of Senate or Emperor to other peoples. The first papal legate appears in 314 at the Synod of Arles, representing pope Silvester I (314-337) in the conflict between him and the Donatists, as they were called after bishop Donatus, primate of Africa.

The first important envoys of the bishop of Rome thus appear at the ecumenical councils summoned by Roman emperors in the Antiquity, and, subsequently, by the Eastern Roman Emperors. In the West, relations of the pope with local Churches were entrusted to Apostolic Vicars, who represented the pope in the most distant provinces. They were bishops based there who had been given special powers over the other bishops of the region. This meant an office attached to an episcopal see, thus one with a permanent and stable character. It was probably pope St Damasus I (366-384) who appointed the first apostolic vicar, Acolius, bishop of Thessalonica, in charge of Illyria Orientalis. Subsequently, other sees with this role can be found in Spain (Tarragona, Seville, Toledo), in France (Reims, Arles, Lyons), in England (York and Canterbury), and in Germany (Hamburg, Mainz, Magdeburg).

Furthermore, being unable to participate in person, the bishop of Rome sent his legates to the synods and the principle councils held under the aegis of the Eastern Church. But it was not simply a matter of representing the pope: the envoys drew attention to the pope’s position of preeminence and, by virtue of this, laid claim to the presidency of the councils. And no pope before St Leo I the Great (440-461) had insisted so strongly on the ‘successor of St Peter’s’ preeminent position in the governance of the universal Church: just as Peter was endowed with a fulness of power over the other apostles, so this too his heirs ought to enjoy this position of preeminence over the other bishops.

The importance of Councils in the Eastern Church, the contest for preeminence between the Church of Constantinople and that of Rome, and the influence of the Eastern Emperor led Leo I to adopt a different approach in his relations with the Eastern Church. Going beyond temporary missions, in the fifth century permanent legates of the pope began to be sent to the imperial court at Byzantium: the so-called *Apocrisarii*. They had the task of conveying the ‘responses’ of the holy See, they resided in the imperial palace, and dealt with the affairs both of the Roman and of the universal Church. The *Apocrisarius* represented the Roman Pope (*gerebat personam Pontificis*), gave

expression to the latter's 'solicitude' in the sphere of faith and ecclesiastical discipline, pronounced on problematic issues as they came up, and supplied a constant and stream of information to the pope about the condition of the Church.

In origin, the title *apocrisiarius* (*responsalis* in Latin) referred to civil and military envoys at the imperial court. Following this model the *apocrisarii*, tied to the Roman conception of the State, were first of all understood within the conceptual framework of the Church of the Greek East. To look after their relations with the emperor, the patriarchs (of Alexandria, Antioch and Jerusalem) and then also the metropolitans, the bishops and even the most important monasteries of the East, employed above all plenipotentiary *apocrisarii*: the *apocrisiarius* was their mouthpiece. But the full powers were limited by the need to refer to the metropolitans or patriarchs on the matters of greatest importance from the Church's point of view and to wait for their replies (*αποκρίνομαι*, «rispondere»); the second stage was for the imperial to receive the replies of the metropolitans and patriarchs.

The Church of Rome employed these *apocrisarii* for the first time under St Leo I, and, from the pontificate of Saint Agapitus I (535-536), they became a permanent institution. Like the civil and military *apocrisarii*, the ecclesiastical *apocrisarii* of pope Leo I too were described as 'personal supporters' of the emperor and formed part of the imperial entourage. Initially the emperors accepted their presence, but this did not imply, as the sending of legates to the Councils of an earlier period of Christianity, recognition of the primacy of the pope.

Among the most prominent papal *apocrisarii* at the imperial court of Constantinople may be mentioned the future popes Pelagius I (556-561), *rector apostolicae fidei*, who, in his capacity as *apocrisiarius*, brought about the condemnation of the doctrine of Origen, and St Gregory the Great (590-604), who led between 579 and 585 a quasi-monastic life at the imperial court when he was *apocrisiarius*. The last *apocrisiarius* held office in 743 at the court of the emperor Constantine V (718-775). Pope St Zacharias (741-752) recalled him during the first phase of the so called Iconoclasm controversy, since the worship of images and symbols, to which miracles were in part attributed and through which divine intercession was sought, was considered at the imperial court to contradict the Old Testament prohibition (cf. Exodus 20: 4).

The formula *a latere Pontificis*, which first appears in the first half of the fifth century as the designation of envoys from the Roman province, was transformed into the expression *legatus a latere* which, in the Middle Ages, became the usual formula for characterizing papal envoys of the highest level. The first person to deal with this issue was the canon law teacher 'Gratian' who in the chapter "On the office of a legate" of his famous work the *Concordance of discordant canons* (the so called *Decretum* of Gratian), composed probably in two stages in the middle decades of the twelfth century, wrote that 'legates are to be honoured like the one – the Pope – whom they represent; the legate ought to be able to legitimate his role as such with letters of legation (letters of accreditation; he should not pursue his own advantage but that of the Church; he cannot limit the jurisdiction of the local bishop; within the boundaries of his legatine authority he can adjudge the cases which come to him on appeal; the authorization of a papal legate is necessary for a council to qualify as 'general'; subdeacons too can be *legati a latere* and be employed in any juridical or diplomatic situation; finally, according to the *Decretum*, anyone who prevents a legate from exercising his functions is liable to excommunication. The *Decretum Gratiani* is the first to draw a distinction between three classes of legate: legates *a latere*, *legati missi* (also called apostolic nuncios), and *legati nati*.

If this can be regarded as a first phase in the history of the development of diplomatic representation of the papacy, it was in a later period that permanent nunciatures became established. This can be dated from the end of the fifteenth century, when Gonzalo Fernandez de Heredia, the first the first

Spanish ambassador of the ‘Catholic Kings’ of Aragon and Castille, who received accreditation at Rome in 1482, had from 1492 a counterpart in Francisco des Prats, the first permanent *Nuntius et Collector* in Spain in 1492.

The Holy See’s practice of sending permanent representatives began, not without difficulty, with Popes Sixtus IV (1471-1484) and Alexander VI (1492-1503), and was not immediately extended to all states. Pope Leo X (1513-1521) is generally regarded as the founder of modern papal diplomacy. This pope, under whom the first blueprint for the working of the system was created, aimed to maintain and increase the prestige of the Church by means of diplomatic activity, and to strengthen understanding between the Catholics of the states of Europe in the face of the consequences of the religious struggles in France, Switzerland and Germany.

The institution of permanent Nunciatures took a clearly defined shape from the pontificate of Gregory XIII (1572-1585) – a watershed in the history of nunciatures – and reached its definitive form towards the beginnings of the seventeenth century. At first the nuncios were regarded as personal representatives of the popes, and not of the holy See. In parenthesis, it was the same with the secular ambassadors of that period, who were held to be representatives of the sovereign, not of the state. A consequence was that a nuncio’s mission with the powers that went with it came to an end with the death of the pope.

The Congress of Vienna (1814-1815) confirmed the right of the pope qua spiritual head of the Catholic Church to appoint and receive ambassadors. The proof of the importance of the See of the holy on the international scene and of its right to send apostolic nuncios to the various states and to give accreditation to ambassadors sent by those states was given in the years following the dissolution of the papal state and the occupation of Rome in 1870, when the holy See, though it no longer had a territory, not only maintained diplomatic relations with other states, but engaged in an intense activity of arbitration, mediation and resolution of conflict between states. The adoption of the Vienna Settlement of 19 March 1815 (Annex IV of the final act of the Congress of Vienna, 9 June 1815), completed by the Protocol of Aix-la-Chapelle of 1818, papal diplomacy received furthermore a remarkable mark of international recognition in that it was established that apostolic nuncios should be the Deans of the Diplomatic Corps.

Today, the apparatus of papal diplomatic representation includes a variety of diverse roles depending on the level of representation and its type – whether an extraordinary and temporary or an ordinary and permanent mission is in question. With respect to permanent missions, the papal legates who carry out today the regular function of representing the pope with states and with the local hierarchy are the apostolic nuncios who according to a long established custom which was, furthermore, confirmed at the Convention of Vienna in 1961, are recognized as being the *de iure* Deans of the Diplomatic Corps not only in Catholic states but also in every other state which intends to apply the rule. Up until 1990 the title ‘pro nuncio’ was also employed, for papal representatives who, while carrying out exactly the same duties as a nuncio, did not enjoy the right of precedence as Dean. Nonetheless, while retaining the distinction between the two categories, it was decided not to confer the title Pro Nuncio in the future and to use only that of nuncio, even in cases in which the papal representative was not recognized as having precedence. The *internunzio* (*interinus nuntius*) exercised the office of nunzio when there was none in place. At the present time this legally defined role has practically disappeared.

For temporary missions without a diplomatic character to ecclesiastical authorities we have: *legati a latere* (Cardinals entrusted with the task of representing the pope as his *alter ego* at a particular celebration or solemn assembly); the ‘special envoy of his Holiness’; the ‘visitor’ or apostolic delegate on the other hand are representatives of a non-diplomatic character of the pope – to local

churches; in the region assigned to them (for a visit or apostolic delegation), which generally includes a number of dioceses or vicariates and apostolic prefectures, they inspect the state of the Catholic Church, and keep the pope informed of it. The use of the name 'apostolic delegate' was definitively clarified in a communication of the Secretary of State of 8 May 1916 (cf. ASS 8 (1916), p. 213), which assigns this title to those who represent the pope in a non-diplomatic capacity.

The holy See, in addition to sending diplomatic representatives, exercises the passive right of diplomatic representation, which is to say that it receives representatives that are sent by states either on a special and temporary mission or in an ordinary and permanent capacity. The representatives of states sent with a ordinary and permanent diplomatic character constitute, taken as a whole, the diplomatic corps accredited to the apostolic see. In times of both peace and war they enjoy all the prerogatives and immunities that pertain to diplomats according to international law. All the foreign diplomatic representatives are currently accredited to the holy See with the title of 'extraordinary and plenipotentiary ambassadors'.

Alongside the traditional bilateral diplomacy, the growth of international organizations, governmental and non-governmental, has led to the development of a new sector of papal diplomatic activity, the so-called multi-lateral diplomacy.

The holy See can be represented at international organizations or institutions by members of the secular clergy, by members of religious orders or by laymen, as leaders or as members of the mission. If the apostolic See is a member of the organization, the papal representatives have the title of 'delegate'; if it is not a member, they have the title of 'observer'.

The status of permanent observer is such as to ensure that they have a formal presence and the possibility of continuous involvement in the activities of the organization. The observer does not have the right to vote, but can assist at all the sittings and receive the relevant documentation. Although he does not have the right to speak, he can have documents circulated on behalf of the apostolic see. He can be invited to make statements if, for example, the delegate of a member state requests this of the president of the sitting, and if the other delegations do not oppose this. Furthermore he has the right to make known, by whatever means allowed by the organisation, proposals, observations, and memoranda of the holy See. He enjoys diplomatic privileges and immunity. On the other hand the status and diplomatic activity of the delegate or permanent representative do not have defined limits, given the complex of rights and duties that pertain to members of an international organization.

Up until our own time the Catholic church is the only religious community in the world which, by virtue of its status as a permanent and active public law entity, has a sovereign government which still enjoys sovereign rights and can avail itself of envoys to carry out this role. Today there are around 180 papal diplomatic missions (nunciatures or apostolic delegations) in the world. More than two thirds of the world's states have formally recognized the sovereignty of the holy See.

The diplomatic activity of the holy see relates, then, to the relations within the nation, relations that the Church weaves together with individuals, and to contacts with the those responsible for political life. According to St John Paul II, there is another dimension to diplomatic activity, one which is about the capacity to understand national identities and the 'soul' of a people, their identity and richness: here we are dealing with crucial aspects of diplomacy and they need to be given their due, for the sake of solidarity and peace. At the root of the Polish pope's thought on international life is the conviction that 'the true heart of international life is not so much the states, but man [...] There are interests that transcend the state: these of the interests of the human person, and human rights'". (*Discourse to the Diplomatic Corp accredited to the Apostolic See*, 16 January, 1991).

For this fundamental reason, the duties of states and of the international community are first and foremost and above all about the human person. This attitude, according to st John Paul II, ought not to characterize the activity of papal diplomacy only, but every diplomatic activity as such. Addressing himself to the diplomats accredited to the apostolic See with the expression: ‘You are men of peace’ (Discourse to the Diplomatic Corps accredited to the holy See, 16 January 1982), the pope refers to diplomacy as the capacity for dialogue not only in the sense of being open to the demands that the other side is putting on the table, but also and above all as an openness to what the two parties, understood as states, but also as peoples and nations, have in common at a fundamental level. In other words, ‘diplomatic relations do not consist only in sitting at a table with a certain readiness to negotiate on the basis of different and often conflicting demands, but rather in a mental and, in the last analysis, spiritual attitude of openness and readiness to give a welcome and space to the history, the potential, and to the tremendous material and spiritual needs of other peoples in relation to our own. Diplomacy fosters dialogue and peace when it permits this fusion of horizons, bring the distant nearer and recognized the value of diversity in unity’ (Pontifical Council for Justice and Peace’, *John Paul II and the family of peoples. The holy Father and the Diplomatic Corps (1978-2002)*, Vatican City, 2001, pp. 13-14).

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