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PIUS XII'S LEGACY TO WORLD FEDERALISM

REV. ROBERT F. DRINAN, S.J.*

WHEN DEATH CALLED POPE PIUS XII at 3:52 a.m. on Thursday, October 6, 1958, the world stood still in awesome admiration of the Pope of Peace whose ringing words and slender white-clad figure had become a unique and beloved symbol of stability and love during the previous two decades which had witnessed the worst upheaval in the history of the world. On October 25, 1958 — nineteen days after the death of the most international-minded of all modern Popes — the Catholic Association for International Peace opened its thirty-first annual meeting. Some twenty of CAIP's annual gatherings had been held during the pontificate of Pius XII and it is not an exaggeration to state that his magnificent leadership in urging a true community of nations formed a large part of the inspiration of those dedicated men and women who have so developed and intensified the activities of the CAIP that it now stands as one of the most vital Christian groups in the entire English-speaking world.

There was occasion in last year's gathering of the CAIP to mourn the greatest international jurist and statesman of this century, but his passing — so abrupt and so recent — precluded a quiet analysis of the legacy which Pius XII left to the family of nations concerning the urgency of their living together under a rule of love and of law. As the world grasps to understand and apply that legacy, lest it be plunged into a nuclear war more monstrous than imagination can portray, it is eminently fitting that the members of the CAIP contemplate and analyze that to which they are heirs. Many times, of course, the participants in this most important of all Catholic organizations have pondered on Pius' call to a world order, a symbiosis of free states, based on love. In this call the late Pontiff echoed with new clarity and dynamic inspiration the Catholic tradition of the law of nations which enriches the pages of Aquinas, Suarez and all the moral theologians of the Church.

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But now that the voice of this century's most respected diplomat and most beloved servant of peace is silenced forever, it is appropriate to consider what this gifted jurist stated concerning the Church's position on the growth and development of international juridical institutions. Aside from the obligation of always re-examining what the Papacy is teaching, the present reappraisal has a special urgency in view of the fact that American Catholics seem to manifest a massive reluctance to endorse any form of internationalism which requires the smallest surrender of American sovereignty.

The common opinion of Catholics in America has by instinct and tradition never been fully in total sympathy with the world federalism advocated by the late Holy Father. It is indeed a tragedy that the average Catholic in the United States, blessed with remarkable fidelity to the teachings of the Holy See, has failed in a notable way even to know, much less to radiate, the principles of international brotherhood so brilliantly expounded to the world by Pius XII.

The Pope and the War

It seems true to state that Cardinal Pacelli was startled by his election as Pope on March 2, 1939 in the shortest conclave since 1623. No Papal Secretary of State had been so elevated since 1775. The statements of Pius XII during the first few weeks of his pontificate seem to suggest that he in all humility felt unprepared to try to lead the Church and to guide the nations of the world away from the brink of disaster. The burden of virtually all of his messages during this time is an exhortation to Europe and to the world to preserve the peace by every available means. It is probably understandable that a Pontiff, who did not antici-

pate his election and who beheld before his eyes the imminent renewal of world war, did not immediately enunciate the Church's position on a juridical world organization for peace. But in the years to come, from March 2, 1939 to October 6, 1958, the Pope, destined by God to lead His Church during mankind's greatest upheaval, gradually and realistically evolved a detailed position on a world federation of nations which stands as a challenge to humanity and a rebuke to those all too numerous Catholics who have not relinquished their false notions of exaggerated nationalism and have thus failed to appreciate the mind of the Holy See on the most burning issue of our generation.

Let us review the evolution, year by year, of Pius XII's ideas on world organization. If we see chronologically how the late Pontiff reacted to events, we will then be in a better position to summarize and evaluate his over-all intellectual and spiritual legacy concerning the problem upon the resolution of which depends the very survival of the human race.

The first message of Pius XII adumbrates the general themes which will make up the great symphony of this teaching. The morning after his election the Pope spoke to the world in moving terms of "the peace which joins nations . . . by friendly helping alliances."¹ On June 2, 1939, the Feast of St. Eugene, the Holy Father, speaking to the College of Cardinals, solemnly offered the services of the Holy See to stay the "imminent eruption of force."² Touchingly he called for a crusade of prayer and placed "the white legions of . . . children in the

¹ KOENIG, *PRINCIPLES FOR PEACE* 554 (1943), hereinafter cited as KOENIG.

² KOENIG 570.

vanguard."³ On August 24, 1939 the Shepherd of Nations urged upon the whole world that "nothing is lost with peace; all may be lost with war."⁴

As the world plunged into a war which His Holiness called "a terrible scourge of God,"⁵ the Pontiff initiated a long series of appeals to the belligerents to observe "the laws of humanity and to act in accordance with the stipulations of international agreements"⁶ in connection with civilian populations, occupied territories and prisoners of war. He pleaded that "asphyxiating and poison gases . . . be excluded."⁷

The late Pope's first encyclical, timed to coincide with the Feast of Christ the King, is not merely a powerful denunciation of the omniscient state but suggests for the first time that after "the cruel strifes of the present have ceased, the new order of the world, of national and international life, must rest . . . on the solid rock of natural law and Divine Revelation."⁸ This "solid rock" is the very essence of the Papal plan for peace; the nations of the world should join together not because they will thereby spare themselves grief but because God intended by the law of nature that the nations of the earth form one family. The Holy Father therefore rejects outright that pernicious positivism which had for so long dominated the field of international law, that positivism which, in a vicious circle, would deny the status of law to international agreements because there is no tribunal to enforce them and deny jurisdic-

tion to an international tribunal because the nations of the world are not willing to consent to any diminution of their sovereignty by submitting to the authority of an international court.

The first of Pius' nineteen Christmas addresses looks ahead amid the chaos and calamities of the war and urges that "in order to avoid . . . unilateral interpretations of treaties, it is of the first importance to erect *some juridical institution* which shall *guarantee* the loyal and faithful fulfillment of the conditions agreed upon. . . ."⁹ The Pope does not spell out the nature of this needed "institution" but does insist that it be able to "guarantee" its objectives.

During the early years of the war the Holy Father seemed to be too anguished over the millions of souls whose lives had been devastated to ponder deeply on the nature of a new international legal order. One does not think of a new family home while the flames still consume the home that one loves. The Holy Father expressed his tender concern for humanity and for the people of Germany, among whom he had spent so many devoted years, when he denounced the demand for unconditional surrender agreed to by the allied forces at Casablanca. Pius' tenderness for war prisoners, refugees and orphans found expression in addresses truly classical in their moving compassion for the victims of war. Many addresses assert repeatedly the *need* for a new international order, but the specific *nature* of that order is not treated in detail.

As the war dragged on, the Holy Father spoke from time to time of his hopes for a new order. On September 1, 1944, for example, the fifth anniversary of Hitler's

³ *Id.* at 571.

⁴ *Id.* at 585.

⁵ *Id.* at 589.

⁶ *Id.* at 588.

⁷ *Ibid.*

⁸ *Id.* at 607.

⁹ *Id.* at 637. (Emphasis added.)

attack on defiant Poland, the Pope stated that

An old world lies in fragments. To see rising as quickly as possible from those ruins a new world, healthier, *juridically better organized*, more in harmony with the exigencies of human nature — such is the longing of its tortured people. . . . Since today . . . the desire to secure a new world-wide peace institution . . . is ever more occupying the attention and care of statesmen and peoples, We gladly express Our pleasure and form the hope that its actual achievement may really correspond in the largest possible measure to the nobility of its end, which is the maintenance of tranquility and security in the world for the benefit of all.¹⁰

With the famous 1944 Christmas address on democracy, the Holy Father could be said to have entered a new phase of outlining his aspirations for a new world order. The message struck the world like a thunderbolt because, in the words of the document itself, “beneath the sinister lightning of the war . . . the peoples have, as it were, awakened from a long torpor.”¹¹ To avoid another war there must be, Pius XII stated, “the possibility of censuring and correcting the actions of public authority” and this power must be vested “in the people.” This democratic power calls for great “moral maturity” so that from the democracies of the world there will emerge an organization with an authority which “must be real and effective over the member states.” The Pope, expressing by implication the hope that the Dumbarton Oaks proposals would be successful, goes on to state that

An essential point in any future international arrangement would be the formation of an organ for the maintenance of peace,

of an organ invested by common consent with supreme power to whose office it would also pertain to smother in its germinal state any threat of isolated or collective aggression.¹²

The call of the Pope for a “War on war” includes a call for

The threat of judicial intervention by the nations and of chastisement inflicted on the aggressor by the society of states, so that war will always be subject to the stigma of proscription, always under surveillance and liable to preventive measures. . . .¹³

The Holy Father was sterner in this message than ever before when he outlawed “all wars of aggression as legitimate solutions of international disputes.”¹⁴

Five months after the ringing Christmas Eve message of 1944, the Pope exulted on V-E Day; on that day, May 9, 1945, he spoke on the radio in the most moving terms of the “moulders and builders of a new and better Europe, of a new and better universe.”¹⁵ Three weeks later the Holy Father in an address to the College of Cardinals returned to the theme that the peoples of the world “claim the right to take their destinies into their own hands.”¹⁶ With manifest deep interest the Pope stated that the “thought of a new peace organization is inspired . . . by the most sincere and loyal good will.” He goes on:

What a bitter disillusionment it would be if it were to fail, if so many years of suffering and self-sacrifice were to be made in vain, by permitting again to prevail that spirit of oppression from which the world hoped to see itself at last freed once and for all.¹⁷

¹² *Id.* at 73.

¹³ *Ibid.*

¹⁴ *Id.* at 72.

¹⁵ *Id.* at 385.

¹⁶ *Id.* at 455.

¹⁷ *Id.* at 456.

¹⁰ POWERS, ed., *PAPAL PRONOUNCEMENTS ON THE POLITICAL ORDER* 172 (1952). (Emphasis added.)

¹¹ 43 *CATHOLIC MIND* 66 (1945).

The Pope and the United Nations

The words just cited were enunciated by the Holy Father as the United Nations Conference met in San Francisco. Forty-six nations participated but the Holy See was not invited. If the Holy Father was disappointed at the weaknesses inherent in the UN Charter, signed on June 26, 1945, he did not so indicate and in fact made no reference to the UN until January 1946. On November 18, 1945 the Administrative Board of the National Catholic Welfare Conference in the annual message of the American hierarchy made clear the bishops' objections:

The charter which emerged from the San Francisco Conference, while undoubtedly an improvement on the Dumbarton Oaks proposals, *does not provide for a sound, institutional organization of the international society.* The Security Council provisions make it no more than a virtual alliance of the great Powers for the maintenance of peace. These nations are given a status above the law. Nevertheless, our country acted wisely in deciding to participate in this world organization. It is better than world chaos. . . . *In time . . . we may have a sound institutional organization of the international community which will develop, not through mere voluntary concessions of the nations, but from the recognition of the rights and duties of international society.*¹⁸

By the summer of 1947 the limitations of the United Nations had become evident. The smaller nations in particular were dissatisfied with the domination of the great powers in the Security Council. Speaking to the new Minister of El Salvador, one of the world's smallest states, Pius XII urged the lesser nations not to "renounce the use" of the forum of the UN but to employ it

"to prod the conscience of the world."¹⁹ This address along with several others exhorted nations to make every possible use of the UN while at the same time urging them to work for its strengthening.

On September 1, 1948 the Pope expressed his concern for the forthcoming session of the Assembly of the United Nations in these terms:

If any assembly of men, gathered at a critical cross-road in history, needed the help of prayer, it is this assembly of the United Nations.²⁰

In his 1948 Christmas message Pius XII returns to the UN and expresses the following aspirations:

May the United Nations Organization become the full and faultless expression of this international solidarity for peace, erasing from its institutions and statutes every vestige of its origin, which was of necessity a solidarity in war!²¹

Although the Pope spoke almost as bluntly as the American hierarchy about the limitations of the UN, the Pontiff, like the American bishops, has repeatedly urged the fullest cooperation with this less than perfect world organization. The Pope in July 1951 stated that

We are happy to assure all the agencies and offices of the United Nations, destined to bring international assistance to the working man, that the Church is ever prepared to support their efforts with her most sympathetic collaboration.²²

¹⁹ Koenig, *Pius XII and the U.N.*, 52 CATHOLIC MIND 143-48 (1954).

²⁰ *Id.* at 147.

²¹ *Ibid.*

²² Address of His Holiness, Pope Pius XII, to members of the International Catholic Congress on Rural Problems, July 2, 1951, in 49 CATHOLIC MIND 708, 711 (1951).

¹⁸ Cited in Conway, *Catholics and Revision of the U.N. Charter*, 88 AMERICA 230 (1952).

Pius XII and World Government

After the deficiencies of the United Nations became ever more apparent the late Holy Father began to work — cautiously but clearly — to advance the ideas of world government or world federalism. In several statements His Holiness impliedly expressed his dissatisfaction with the UN Charter and at least by implication stated that the UN was a series of compromises, that it ran counter to the ideas he had enunciated during the war and that it had been weakened by the concessions made at Teheran, Yalta and Potsdam. But the Holy Father was never bitter; he never once called for anything even approaching a preventive war even though almost one-sixth of the members of the Mystical Body were being martyred behind the Iron Curtain in the satellite nations.

The Holy Father was well aware on April 6, 1951 that the world federalists advocated the transformation of the United Nations by charter revision into an organization comparable to that which he himself had called for at Christmas of 1944, a body “with supreme authority and with power to smother in its germinal stages any threat of isolated or collective aggression.”²³ Yet in an historic address on that day the Holy Father stated:

Your movement dedicates itself to realizing an effective political organization of the world. Nothing is more in conformity with the traditional doctrine of the Church. . . . It is necessary therefore to arrive at an organization of this kind, if for no other reason than to put a stop to the armament race. . . .

His Holiness added only one qualification

to his endorsement of the program of the world federalists:

You are of the opinion that this world political organization, in order to be effective, must be federal in form. If by this you understand that it should not be enmeshed in a mechanical unitarism, again you are in harmony with the principles of social and political life so firmly founded and sustained by the Church.²⁴

The one qualification of Pius XII is that the structure of a world federation of nations must not be mechanical but organic and based on what he would later call the “divinely-willed unification” of humanity.²⁵

It is significant to note that in late July of 1953 the Vatican Pro-Secretary of State, Monsignor Giovanni B. Montini, writing in the name of the Holy Father to the *Semaines Sociales* meeting in France, in strong terms rebuked Catholics insensible to admonitions of the Papacy. The letter read:

How many . . . continue to shut themselves up within the narrow confines of a chauvinistic nationalism, incompatible with the courageous effort to start a world community demanded by recent Popes.²⁶

On October 3, 1953, Pius, in an address to the International Congress of Penal Law, vigorously called for an international penal code and for a Court with jurisdiction reaching into individual sovereign states. On December 6, 1953 the Holy Father, in perhaps his most significant address on world government, asserted that:

The setting up of a community of peoples, which today has been partially realized, but which is striving to be established and con-

²⁴ *Id.* at 232.

²⁵ 4 THE POPE SPEAKS 195, 196 (1959).

²⁶ Graham, *War and Peace at PAU*, 89 AMERICA 497 (1953). (Emphasis added.)

²³ See Conway, *Catholics and Revision of the U.N. Charter*, 88 AMERICA 230, 231 (1952).

solidated on a more elevated and perfect level, is an ascent . . . *from a pluralism of sovereign states to the greatest possible unity.*²⁷

One can conclude from this that Pius XII felt that the UN had "partially realized" the desired "supra-national juridical community" but that more was yet to be achieved before the world would witness "*a higher community of men, [the one] willed by the Creator and rooted in the unity of their common origin, nature and final destiny.*" After a carefully balanced definition of true sovereignty the Holy Father enunciates a "fundamental theoretical principle for coping" with the difficulties in the "establishment, maintenance and functioning of a real community of states, especially one which would embrace all the peoples."²⁸ The principle reads:

Within the limits of the possible and the lawful, to promote everything that facilitates union and makes it more effective; to raise dykes against anything that disturbs it; to tolerate at times that which it is impossible to correct, but which, on the other hand, must not be permitted to make shipwreck of the community of peoples, because of the higher good that is expected from it.²⁹

Pius XII and European Unity

While never retreating from the ideal of a truly juridical supra-national organization Pius XII worked incessantly "to promote everything that facilitates union." He was especially active in encouraging anything that advanced European unity; he told members of the NATO college on November 3,

1955 that their work was an indispensable necessity in a "deeply divided world."³⁰ On June 6, 1954 he inaugurated an all European television network with a dramatic appeal for a "world community."³¹ On November 10, 1955 the Pope told the delegates of 71 nations to the Food and Agricultural Organization (FAO) of the UN that the "Holy See could not hold aloof from so beneficial and necessary an undertaking" and expressed gratitude that the Holy See had been admitted in 1950 as a permanent observer at the FAO — "a status which it alone has up to the present."³² In his Easter message of 1954 the Holy Father affirmed that he would "endeavor to bring about, by means of international agreements . . . the effective proscription and banishment of atomic, biological and chemical warfare."³³ It seems important to point out that the Holy Father cooperated in and encouraged all these efforts towards peace even though they were not organized on a religious basis following that principle which he enunciated on another occasion: "[C]ooperation for the good of the community, in institutions where God is not recognized expressly as the author and law-giver of the universe" is not forbidden.³⁴

But the fearful "co-existence in terror," as Pius described the post-war period in his brilliant Christmas message of 1954, brought the attention of His Holiness back again and again to the limitations of the existing juridical machinery for the preservation of peace. On November 10, 1956, after witnessing a broken Hungary and an

²⁷ Cited in Conway, *Pius XII on "The Community of Peoples,"* 90 AMERICA 335, 336 (1953).

²⁸ *Id.* at 335.

²⁹ *Id.* at 336.

³⁰ 2 THE POPE SPEAKS 341-42 (1955).

³¹ 1 THE POPE SPEAKS 161, 164 (1954).

³² 2 THE POPE SPEAKS 327 (1955).

³³ 52 CATHOLIC MIND 438, 439 (1954).

³⁴ 4 THE POPE SPEAKS 195, 197 (1957).

exploding Middle East, the Pope made an unprecedented radio appeal to governments and peoples "to bind closely in a solid public pact all those" who seek a peace worthy of the sons of God.³⁵ His eighteenth Christmas message spells out as never before the inadequacies of the United Nations. In an address on December 23, 1956, relayed by Radio Free Europe and the Voice of America to all the conquered nations of Eastern Europe, the Vicar of Christ urges that the

exercise of their rights, as members of this organization [the United Nations] be denied to states which refuse even the admission of observers — thus showing that their concept of state sovereignty threatens the very foundations of the United Nations.³⁶

After the disillusionment of Geneva and the intervention of Suez the Holy Father writes with unusual directness:

This organization [the UN] ought also to have the right and power of forestalling all military intervention of one state in another, whatever be the pretext under which it is effected, and also the right and power of assuming, by means of a sufficient police force, the safeguarding of order in the state which is threatened.³⁷

The Pope goes on with specific directives:

We desire to see the authority of the United Nations strengthened, especially for affecting the general disarmament which we have so much at heart. . . . In fact only in the ambit of an institution like the United Nations can the promise of individual nations to reduce armaments . . . be mutually exchanged under the strict obligation of international law. [O]nly the United Nations is at present in a position to exact the observ-

ance of this obligation by assuming effective control of the armaments of all nations without exception.³⁸

Work for World Unity on Three Levels

It can be seen from the foregoing that Pius XII urged work for peace on three levels — first and most important, the untiring reaffirmation of the necessity of a supra-national juridical world order based on the natural law; second, the acceptance of the United Nations but with ceaseless efforts to strengthen it; and third, the fullest cooperation and collaboration with every agency that promotes international friendship. The late Pontiff was an unabashed internationalist. He desired and sought and prayed for a "future world political organization . . . true to the spirit of federalism."³⁹ At the same time he was using the influence of the Holy See to promote "the idea of a United Europe, the Council of Europe and other movements of the kind" which to Pius XII were "a manifestation of the world's need to break through, . . . politically and economically, the old rigid lines of geographical frontiers. . . ."⁴⁰

Conclusions

Pius XII therefore very firmly committed the Holy See to the support of the basic principles behind the movement for world federalism. By asserting that the present legal machinery to preserve the peace is inadequate the late Pope had at least infer-

³⁵ 96 AMERICA 214 (1956).

³⁶ 3 THE POPE SPEAKS 331, 344 (1956).

³⁷ *Id.* at 344-45.

³⁸ *Id.* at 345.

³⁹ Cited in Pollock, *Address to World Federalists*, April 6, 1951.

⁴⁰ Address of His Holiness, Pope Pius XII, to the First International Private Law Congress, July 15, 1950, in 48 CATHOLIC MIND 754, 755 (1950).

entially stated that the United Nations is a compromise solution among nations too jealous of their own sovereignty to form a union of nations which would be in fact a supra-national federation outlawing war and giving juridical enforceability to the unity of mankind.

How has the Catholic world responded to the Pope's imperious demand for a new and "juridically better organized" world? How have American Catholics reacted to the challenge of Pius XII's statement that

Catholics . . . are extraordinarily well equipped to collaborate in the creation of a climate without which a common action on the international plane can have neither substance nor prosperous growth. . . . There is no other group of human beings so favorably disposed, in breadth and in depth, for international understanding. . . . Catholics . . . above all . . . must realize that they are called to overcome every vestige of nationalistic narrowness. . . .⁴¹

Do not Catholics therefore have a special mandate to continue on all three fronts the work of Pius XII? Do not Catholics, for example, have the obligation of insisting on the ratification by America of the Genocide pact, the repeal of America's reservation to the jurisdiction of the Inter-

national Court of Justice enacted on the floor of the Senate in 1946 in the Connally Amendment? And who can deny the duty of Catholics to work for the reorganization of the United Nations in order to make it more consistent with that world institution which Pius XII stated should have "supreme power"?

Time has not eroded but rather deepened the urgent necessity of implementing the commitments made by Pius XII and by the hierarchies of the entire English-speaking world. A distinguished body, the Catholic Association for International Peace, has met to explore and to analyze the greatest legacy it has ever received, the intellectual and spiritual teaching of the greatest jurist of our age. May its study be fruitful and its recommendations wise. And may its deliberations — which are of such enormous consequence to all mankind — be carried on in the spirit of the inspiring words of the late Pontiff of Peace:

The task confided to you by Providence in this crucial hour is not to conclude a weak and timid peace with the world but to establish for the world a peace really worthy in the sight of God and man.⁴²

⁴¹ POLLOCK, ed., *THE MIND OF PIUS XII* 81-82 (1955).

⁴² Address of His Holiness, Pope Pius XII, on Feast of St. Eugene, June 2, 1947.