

The Lateran Treaty.

TO a lawyer, the Treaty lately entered into between the Italian Government and the Vatican is full of interest. It must of course be looked at in its historical setting to understand its importance and meaning.

Up to the year 1870 there existed in Italy what were known as the Papal States over which the Pope exercised the papal claim of temporal supremacy. These States comprised nearly 16,000 square miles. The great work of Garibaldi and other Italian patriots, found its consummation in 1870 when Napoleon III., who had supported the Papacy, withdrew his garrison from Rome and the troops of the King of Italy marched in. The Papal States were taken away from the hierarchy of the Church and became incorporated in the newly united Kingdom of Italy. The only territory left to the Pope was the Vatican premises. A large sum by way of indemnity was set aside by the government of Italy in respect of the lands taken over, payable only upon recognition of the political sovereignty of the State. It was consistent with the claim of the Head of the Romish Church that as the Vice-gerent of Christ no one might have any jurisdiction over him, that the indemnity was not accepted. It was on the same principle that the Pope has been pleased ever since 1870 to be the "Prisoner of the Vatican," never going outside its confines, since to do so would be to place him for the time within the jurisdiction of the Civil Government.

That state of things has existed until the Lateran Treaty of the present year was entered into, and effect given to it by four bills passed by the Parliament. Under the Treaty not only does the Pope retain his temporal sovereignty over the Vatican premises but certain territories hitherto held by Italy have been ceded to him. The total territory now forming an independent State covers an area of 108.7 acres. The ceded territory is in the immediate vicinity of the Vatican. A considerable sum of money, part of the "Indemnity," has been paid by the State to the Papal authorities.

In the City of Rome, therefore, are to be found two Sovereignities existing side by side, namely, the Italian State and the Vatican City. In the one the Civil laws of Rome prevail; in the other the Canon law, which is the Ecclesiastical law of Papal Rome. If a man commits an offence in Civil Rome and walks into the ceded territory, there the King's writs run out. Therefore extradition provisions have had to be made. Provision

is also made that "for the execution in the Kingdom of the sentences pronounced by the tribunals of the Vatican City the rules of international law will be applied." It would seem that to carry this into effect the Canon law will have to be supplemented by a penal code. There will be separate sets of postage stamps and a fresh issue of coinage. The new State will have its municipal buildings. In short, it will be practically a foreign city within the city. It may be of interest to note that the Treaty secures the Church of St. Peter remaining open to the general public for worship, and the priceless treasures of art and science within the Vatican State remaining open to visitors subject to regulations to be made by that State.

What effect will all this have upon Italy in general; upon non-Catholic communities; and upon education? The answers to these questions time alone can adequately supply. Already grave objection has been raised by the Papacy to statements made by Signor Mussolini as to the words used by him in reference to the Catholic Church and to forms of non-Catholic worship. The Pope is "offended" by the frequent expressions that the State has made no renunciation or concession to the Church, and by the references to continued control and supervision over the Church as if they were dealing with "suspicious characters to say the least." So far as Protestant thought in this country is concerned it cannot but have its suspicions as it looks back upon past history. On the face of the Treaty, it would seem, however, that the Pope has no increased powers outside the Vatican City, except that in Rome he has been given about nine centres which have the rights of Embassies.

The liberties of non-Catholic communities are not restricted in any way by the Treaty. Signor Mussolini has very clearly laid down the principle of absolute religious liberty. As regards marriage, Ecclesiastical marriages are now made valid whether they are Protestant or Catholic. This is in fact an additional right conferred upon Churches.

The most serious point, in my estimation, is that of education. The Catholic Church is recognised as the State Church. Religious teaching in the schools is made compulsory, but the wishes of the majority of the parents of the scholars attending a school must be consulted. This is no real protection, as the majority will, it is assumed, always be Catholic. Certainly the extension of religious instruction in the State schools appears to be one of the concessions most esteemed by the Vatican. In view of what has just been stated as to the majority of parents being consulted it is obviously possible, though perhaps unlikely, that even in schools supported by Protestant Churches, the priest may have to be admitted.

Some exception was taken by a Catholic paper to Signor Mussolini's use of the word "admitted" rather than "tolerated" in regard to forms of non-Catholic worship. On this point the Pope's recent utterance is significant. He says he would not attribute too much importance to each of the three words "tolerated," "admitted," or "permitted," which are used to describe non-Catholic cults, because "it is and remains clearly and loyally understood that the Catholic Religion is, according to the statutes and the treaties, the religion of the State, with the logical and juridical consequence of such a situation in constitutional law, particularly as regards propaganda." There is small doubt that the Romish Church will seek to use the extension of religious instruction in the schools to the fullest of her power. Another significant recent utterance by the Pope says, "The attempt to ensure absolute liberty of conscience, is not admissible. Such liberty would mean that the creature is not subject to the Creator."

In conclusion, none should fail to observe how unchanged through all the years the Church of Rome is. She claims temporal and secular sovereignty; and that the Pope cannot be a subject of any secular sovereign. The implications of this are tremendous. It behoves us in our dear Protestant land to never cease to watch with diligent care the manifold activities of the Romish Church. She never changes, and never sleeps.

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