

Disputes between the Custody of the Holy Land and the Latin Patriarchate in the early 1920s

The difficult relationship between the Holy See, the Franciscan Custody and the Latin Patriarchate in Jerusalem dates back to the restoration of the Patriarchate (1847). It is not the purpose of this study to summarize past events down to the present, but rather to investigate certain historical aspects that led to the *modus vivendi* of 1923. The latter should have ended decades of tension between the two major Catholic institutions of the Holy Land. However, it is important to recall briefly both the origins and terms of the disputes and related discussions that occurred principally within the institution of the Propaganda Fide.

The Latin Patriarchate was founded in 1099, during the crusaders' occupation of the city of Jerusalem. When Saladin invaded Jerusalem in 1187, the patriarch moved to Acri and when Acri fell into the hands of the Saracens, he fled to Cyprus (1244). In time, the title of Latin patriarch became purely nominal and was finally abandoned in the course of the fifteenth century. This was the situation until Pope Pius IX, who in his apostolic letter *Nulla Celebrior*¹ (23 July 1847) restored the Latin Patriarchate of Jerusalem and conferred on it the jurisdiction of the territories of Palestine, Cyprus and present-day Jordan.

Historians give different interpretations of the papal initiative. According to some historians such as Romolo Tritonj,² the Custody suffered deep internal tensions because its members were not natives of the Holy Land but came rather from different European regions. Weakened and crushed by the size and age of its institution, the Custody no longer seemed able to face the new religious challenges of other churches, especially the Greek Orthodox Church, but also of the Catholic congregations that were settling in the Middle East in ever greater numbers.

Such an evaluation is also supported by various sources in the Vatican

The abbreviations used in this article are:

Acts = Archive Custody of the Holy Land, Jerusalem

Acpf = Archive Propaganda Fide, Rome

rub = file

f. = dossier

¹ Acts, Valerga, *Nulla Celebrior*, 23 luglio 1847.

² Romolo TRITONJ, *Come va risolta la questione dei Luoghi Santi* [How to resolve the issue of the Holy Places] (Roma 1925).

archives. In reference to the Propaganda Fide on his visit to the Holy Land and to the missions, Monsignor Jean-Baptiste Auvergne,³ apostolic vicar of Aleppo, pointed out on 1 June 1835 the dramatic state of paralysis in which he found the apostolate of the Custody as a result of the disputes in almost every friary between the Italian and Spanish friars.⁴

Other historians such as Jean Pierre Valogne⁵ associated the Vatican's initiative in restoring the Latin Patriarchate in Jerusalem to the increasing aggressiveness of the Greek Orthodox Church. The latter enjoyed the support of the Czar and wanted to increase its influence over the ancient Eastern Churches. For still other historians,⁶ the Pope's decision was in response to the presence of Lutheran-Anglican bishops in Jerusalem and hence to the proliferation of Protestant activities in the East.⁷

However, a closer examination of the Vatican documents reveals that concern for the religious competition with non-Catholic Churches and for the international difficulties related to those countries with religious minorities in the Middle East under their protection, was quite marginal. The controversy focused on ecclesiastical issues ranging from the structure of the local Churches to the contents and limits of jurisdiction of the various religious authorities, as well as to the relationship between missionaries and their direct superiors.

The major obstacle faced by the Holy See in the restoration of the Latin Patriarchate of Jerusalem had to do with the definition and limits of the religious authority of the patriarchs and custodes in the Holy Land, as well as the reconciliation of the duties and prerogatives of each.

Keeping in mind the profound impact of the French Revolution and the Napoleonic era, it should be noted that the new religious and missionary vitality had resulted in significant successes in the activity of evangelization. However, the consolidation, strengthening and expansion of the missions caused ever harsher conflicts in the individual religious houses and congregations, as well as among the congregations themselves. On the other hand, the Holy See, wishing to exercise a closer and more direct control over the missions, began estab-

³ Jean-Baptiste Auvergne (1788–1836) visited Egypt and Syria in 1830.

⁴ Acpf, Acta (1836), ponzona, lettera di mons. Auvergne a Propaganda Fide, 1 giugno 1835 [ponzona, letter from Mons. Auvergne to Propaganda Fide, 1 June 1835].

⁵ Jean Pierre VALOGNE, *Vie et mort des Chrétiens d'Orient* (Paris 1994).

⁶ Pierre MÉDEBIELE, *Le diocèse patriarcal latin de Jérusalem* (Jérusalem 1963); Anton ISSA, *Les minorités chrétiennes de Palestine à travers les siècles. Etude historico-juridique et développement moderne international* (Jerusalem 1976); Bernardin COLLIN, *Rome, Jérusalem et les Lieux Saints* (Paris 1982).

⁷ A. L. TIBAWI, *British Interests in Palestine, 1800–1901* (Oxford 1961).

lishing an increasing number of apostolic vicariates, removing the missions from the exclusive jurisdiction of the individual religious orders.

In fact, the idea of restoring the Latin Patriarchate in Jerusalem fitted well into Vatican plans for separating the missions of Lower Egypt from the vicariate of Aleppo. The aim was to annex them to the missions of Upper Egypt in order to form a new vicariate. Furthermore, the apostolic vicar of Egypt was meant to hold the position of apostolic delegate for Arabian and Abyssinian Catholics of both the Latin and Eastern rites. This would have limited the jurisdiction of the apostolic delegate of Aleppo, which was extended to Lebanon, Syrian, Palestinian, Mesopotamian and Egyptian territories. The Egyptian missions, however, had been mainly assigned to the Franciscans of the Holy Land Custody, who also constituted the diocesan clergy. Thus the members of the Franciscan Order were subject, on the one hand, to the authority of the heads of the Custody of the Holy Land, since they were Franciscan missionaries, and on the other hand, to the authority of the local ordinary, since they served as diocesan priests as well. This caused jurisdictional conflicts between the apostolic vicars and the custodes of the Holy Land.

The controversies between the Franciscan Custody and the Latin Patriarchate of Jerusalem were not the only ones, nor were they unusual. On the contrary, a closer look at the Vatican archives shows that disagreements within the Catholic communities in the Far East – “East Indies” in Propaganda Fide’s terminology – were a lot more serious and numerous. The Holy See was compelled to attend to these matters continually and for a longer period of time than that devoted to the problems of the Middle East.

The characteristics of the disputes between the Custody of the Holy Land and the Latin Patriarchate of Jerusalem are related, in fact, to the particularity of their location, the Holy Land. At the same time, these disputes are related to the specific character of the Custody, which is a Franciscan province and simultaneously an international body to which the Holy See has assigned exclusive prerogatives and rights.

Because of the difficulties in resolving the questions of the jurisdiction between the custos and the future Latin patriarch, the Holy See postponed the restoration of the Patriarchate in Jerusalem until 1847. In January of that year, Propaganda Fide granted its “*placet*,” but did not fully define the jurisdictional limits that should have been assigned to the Patriarch. Propaganda Fide merely established that the patriarch could be a diocesan priest or even a Franciscan father, but that his office should be separated from that of the custos of the Holy Land. In addition, the Patriarch could officiate and pontificate in any church, though he would not have his own.

Propaganda Fide obtained from Pope Pius IX the provision that the amount and source of money assigned to the new patriarch of Jerusalem for the maintenance of his office should not be specified in the papal brief of appointment. Propaganda Fide also ensured that the *modus* for assigning the honorary title of “Knight of the Holy Sepulchre” would not be specified. Furthermore, with respect to the right of the patriarch to officiate and pontificate in any church, no mention was made of the shrines and especially of the Holy Sepulchre Basilica. These requests were meant not only to stave off resentment by the Franciscan Order, but also possible claims for higher titles and power by the patriarchs of Alexandria and Constantinople. In a way, the fact that such problems were left pending reflected the traditional attitude of the Holy See of taking its time until the terms of disputes might be clarified. However, this caused deep conflicts that, beginning in 1847, would characterize all relationships between the Custody of the Holy Land and the Latin Patriarchate of Jerusalem.

The Holy See was therefore compelled periodically to issue new and not always clear dispositions. The disputes were related to a fundamental matter: should the so-called “lustre and pride” (i. e. the prestige) of the Latin Patriarchate of Jerusalem rest on the care, guardianship and protection of the Holy Places, with all the corresponding consequences at both the economic and international diplomatic levels? To this day, the question remains unsolved. This has led to polemics that have characterised the history of the relationship between the Custody of the Holy Land and the Latin Patriarchate of Jerusalem. These were particularly serious in the nineteenth century during the time of the Patriarchs Valerga and Bracco.

In the hope of reducing the polemics, Propaganda Fide appointed in 1889 Ludovico Piavi, a Franciscan father and former *custos* of the Holy Land, as patriarch. Piavi did not pursue the controversies started by his predecessors regarding guardianship of the sanctuaries and thus succeeded in establishing better relationships with the Custody. These improved relations were maintained during the following years under the next patriarch, Monsignor Filippo Camassei. At that time, a succession of serious problems within the Custody – such as the unexpected number of *custodes* who did not complete their terms of office⁸ and the diplomatic conflict with Spain⁹ – contributed to the further lessening of these disputes.

⁸ Onorato Carcaterra was *custos* from 1912 to 1913. His successor, Serafino Cimino, was *custos* from 1913 to 1914. Because of the outbreak of World War I, the appointment of the subsequent *custos*, Ferdinando Diotallevi, was postponed until 1918.

⁹ Patrocinio GARCÍA BARRIUSO, *España en la historia de Tierra Santa. Obra Pía Española a la sombra de un regio patronato (Estudio histórico-jurídico)* [Spain in the History of the Holy

The subsequent outbreak of World War I forcefully induced both the Patriarchate and Custody to subordinate tensions to the overriding problems of the period. At the end of the war, the past conflicts came to the fore again and new ones arose.

In April 1919, the Patriarchal Chapter sent Propaganda Fide six petitions charging the Custody with not adhering to Vatican directives on the patriarch's jurisdictional authority. Worthy of note is that the Patriarchal Chapter regarded the papal decrees related to the Patriarch's authority and tasks as legally incontestable, while the Vatican congregations considered these decrees ambiguous and sometimes even contradictory. According to the Patriarchal Chapter, therefore, the decades-long disputes with the Franciscan Order were due to the latter's resentment at the loss of ancient privileges. This made the Order reluctant to submit to papal directives favourable to the Latin Patriarchate.¹⁰

In June 1919 the Latin Patriarchate submitted to Rome four new petitions against the Custody.¹¹ In the main, the Patriarchate objected to the following:

- the solemn entrance to the Holy Sepulchre on the first Saturday of Lent made in 1917 by the custodial president and not by the patriarchal pro-vicar;
- the demolition of the wall, recklessly built by Greek Orthodox monks in 1850, separating the presbytery from the rest of the basilica of Bethlehem;
- the non-participation of the patriarchal pro-vicar, the Austrian Monsignor Franz Fellingner, in the thanksgiving-mass for the end of World War I celebrated by the custos in the Holy Sepulchre basilica;
- the inclusion of some religious, who were guests of the Custody, in the list of priests celebrating mass on Christmas night in Bethlehem in 1918;

Land], vol. 2: Siglos XVIII, XIX y XX (Madrid 1994); El Conde de CAMPO REY, *Historia diplomática de España en los Santos Lugares 1770–1980* [The Diplomatic History of Spain in the Holy Places] (Madrid 1982); Andrea GIOVANELLI, *La Santa Sede e la Palestina* [The Holy See and Palestine] (Roma 2000); Daniela FABRIZIO, *Identità nazionali e identità religiose: diplomazia internazionale, istituzioni ecclesiastiche e comunità cristiane di Terra Santa tra Otto e Novecento* [National Identities and Religious Identities: International Diplomacy, Ecclesiastical Institutions, and Christian Communities in the Holy Land from the Eighteenth to the Nineteenth Centuries] (Religione e società 48, Roma 2004).

¹⁰ Acts, Patriarcato Latino e Custodia, vertenze, relazione presentata a Propaganda Fide, aprile 1919 [Latin Patriarchate and Custody, disputes, report to Propaganda Fide, April 1919].

¹¹ Acpf, 1919, rub. 126, f. 630, esposto del Patriarcato Latino di Gerusalemme a Propaganda Fide, giugno 1919 [statement submitted to Propaganda Fide by Latin Patriarchate of Jerusalem, June 1919]; Acts, Patriarcato Latino e Custodia, vertenze, lettera del card. van Rossum a Serafino Cimino, Roma 23 giugno 1919; lettera di Cimino a Ferdinando Diotallevi, Roma 26 giugno 1919 [Latin Patriarchate and Custody, disputes, letter from Cardinal van Rossum to Cimino, Rome, 23 June 1919; letter from Cimino to Diotallevi, Rome, 26 June 1919].

- the presentation by the Custody at the conference of Versailles, without patriarchal authorization, of the memorandum on claims of Catholic rights over the Holy Places and the losses suffered by the Custody during the war;¹²
- the departure of the custos for Versailles to plead in favour of Catholic interests over the sanctuaries without patriarchal authorization;
- the development of projects for the repair and construction of the Tabor and Gethsemane basilicas without patriarchal authorization;
- the handing over of the pontifical vestments to Cardinal Bourne during a mass celebrated in the Holy Sepulchre.¹³

Upon presentation of these petitions of the patriarch, Willem Marinus van Rossum asked on 23 June 1919 for clarifications regarding economical reports drawn up by the Custody. The cardinal's request was not fortuitous: during World War I, the Custody had not paid the Patriarchate the sum of money due from the alms collected for the Holy Land, amounting to 75,000 francs per annum. This resulted in a shortage in the Patriarchate's revenues. As a consequence, in 1919, the patriarch, Monsignor Camassei, had not been able to give Luigi Barlassina, the new auxiliary bishop, the monthly cheque for his personal expenses as established by canon law. Barlassina had therefore complained to the Propaganda Fide.

On 1 September 1919, the custos Ferdinando Diotallevi replied to Propaganda Fide with regard to the Patriarchate's petitions against the Custody, as well as to four petitions filed by the Custody against the Patriarchate.¹⁴ In his comments on the Patriarchate's petitions, Diotallevi wrote in his diary that some of them were "artificial and poorly drawn up,"¹⁵ while some were "absolutely false."¹⁶ According to him, all the accusations were groundless since the

¹² Les Lieux Saints de la Palestine, pro manuscripto (Jerusalem 1922).

¹³ Francis Bourne (1861–1935) travelled in the Middle East and in the Balkan countries at the beginning of the year 1919. The London government promoted his travel to counteract French and Italian propaganda against British policy in the eastern area of the Mediterranean. Cardinals Filippo Giustini and Louis Ernest Dubois visited Palestine a short time later. Acts, ministro generale, copialettere di corrispondenza (1913–1921), lettera di Diotallevi a Cimino, Gerusalemme 29 gennaio 1919 [the minister general, copybook of correspondence (1913–1921), letter from Diotallevi to Cimino, Jerusalem, 29 January 1919]; Daniela FABRIZIO, Ferdinando Diotallevi: diario di Terrasanta [Ferdinando Diotallevi: Diary of the Holy Land] (Milano 2002) 80–84.

¹⁴ Acts, Patriarcato latino e Custodia, vertenze, risposte ai ricorsi contro la Custodia di Terra Santa, Gerusalemme 1 settembre 1919 [Latin Patriarchate and Custody, disputes, reply to appeals against the Custody of the Holy Land, Jerusalem, 1 September 1919].

¹⁵ FABRIZIO, Ferdinando Diotallevi 107.

¹⁶ Ibid.

patriarch reproached the Franciscans for their execution of Vatican orders.¹⁷ In fact, it was the Holy See that had issued the order to send the memorandum to Versailles and had authorized the departure of the *custos* for Paris, as well as the demolition of the wall in the basilica of Bethlehem. To the contrary, Diotallevi charged the Patriarchate with never having deposited in the common alms-fund the income derived from the rights of the Holy Sepulchre Knighthood and of the Holy Land Standard.

On 20 October 1919, Father Pratalata¹⁸ informed Diotallevi of Propaganda Fide's satisfaction with the answers to the Latin Patriarch's petitions, but recommended a better definition of the privileges granted by the Holy See to the Franciscan Order with regard to guardianship of the shrines.¹⁹ On the following 22 December the report requested by Pratalata was sent to Rome by Diotallevi.²⁰

The disputes between the Custody and the Latin Patriarchate and the reciprocal petitions submitted to Rome dragged on for months. Indeed, any small incident, even the most insignificant that occurred in Palestine became an excuse for new polemics and for sending new petitions to Rome. The situation had become unsustainable.

Thus, on 14 June 1920, Propaganda Fide held the longest session ever dedicated to the Holy Land, during which the controversies between the Custody and the Latin Patriarchate were examined from both juridical and political-religious points of view.

The chairman, Cardinal Michele Lega, attributed the controversies to two principal juridical causes: (1) the non-definition of power and the jurisdictional limits of both parties by the Holy See, resulting in ambivalent and contradictory instructions given time and again to both the Custody and the Patriarchate; (2) the deplorable practice adopted both by Propaganda Fide and by the Vatican Secretariat of State of separately summoning the Custody and the Patriarchate without informing the other party. This generated an overlapping of orders and interference between Propaganda Fide and the Secretariat of State. The result was great confusion.

¹⁷ Acts, Patriarcato latino e Custodia, vertenze, risposte ai ricorsi contro la Custodia di Terra Santa, Gerusalemme 1 settembre 1919 [Latin Patriarchate and Custody, disputes, reply to appeals against the Custody of the Holy Land, Jerusalem, 1 September 1919].

¹⁸ Giuseppe Maria Pratalata (1853–1928) was general secretary for the Franciscan missions.

¹⁹ Acts, ministro generale, corrispondenza (1906–1924), Cimino, lettera di Pratalata a Diotallevi, Roma 20 ottobre 1919 [the minister general, correspondence (1906–1924), Cimino, letter from Pratalata to Diotallevi, Rome, 20 October 1919].

²⁰ Acts, Patriarcato latino e Custodia, aggiunta alle risposte e al promemoria inviati a Propaganda Fide, Gerusalemme 22 dicembre 1919 [Latin Patriarchate and Custody, disputes, additions to the replies and memorandum submitted to Propaganda Fide, Jerusalem, 22 December 1919].

Cardinal Lega furthermore believed that a solution to the controversies between the Custody and the Latin Patriarchate could not be achieved outside the Palestinian political and religious context of the time. In this regard, he maintained that “inside enemies” and “outside enemies” threatened the presence of Catholics. The former referred to the excessive nationalistic spirit of the religious congregations and the disputes among the clergy, which were paralysing religious activities. The latter referred to the mutation of Arab nationalism into Muslim religious fanaticism, to the success of Zionist activities and to the Christian Protestant Churches. How could Catholicism be supported and protected from such threats?

According to Cardinal Lega, an exhaustive answer could not be fully contemplated because of the variability of Middle Eastern realities and their complexity, and of the international aspect of the problem of the Holy Places. This caused wavering and contradictions in Vatican policy toward the Custody and the Patriarchate, which became proportionately more serious as the debate came to focus on the nature of the missionary-work (e.g., whether to impose the Latin rite or promote the Eastern rites) and on the role of the Church in the world (universality vs. local community).

Cardinal Lega then listed the principal historical matters to which the Holy See had not given an answer. At the top of the list, he put the necessity of enhancing the patriarch’s power with the aim of strengthening his ecclesiastical authority in Palestine, which had been under consideration for some time. Such a solution would consolidate the position of Palestinian Catholicism as a local Church and not only as a European missionary reality.

Increasing patriarchal power, however, meant reshuffling the rights and privileges of the Custody. The Holy See had proved to be reluctant to implement such a solution and therefore chose to continue granting guardianship of the sanctuaries to an international body such as the Custody. The Vatican considered the local Palestinian Church still too young and unstable to cope with such a task as the protection of sanctuaries.

On the other hand, guardianship of the shrines constituted the “lustre and pride” of all the patriarchs of Jerusalem, except for the Latin Patriarch. This honour belonged instead to the Custody. Actually, the Custody did not limit its power to the guardianship of shrines. In the course of many centuries, it had become the most powerful missionary institution in the Middle East. Could the Custody, then, be reproached for its activity in favour of Catholicism? Was it advisable to curtail the course of the Franciscan missionary activities in the Middle East?

In conclusion, Cardinal Lega argued that a definite solution to the controver-

sies between Custody and Patriarchate required first that the problem of the Holy Sites be resolved. For centuries however, the problem of the Holy Places had remained unsolved and, at that moment, no solution seemed possible. Because of this situation, controversies between the Custody and the Patriarchate could only be mitigated, but not definitely settled.

In agreement with the approach of Cardinal Lega, Propaganda Fide dictated new directives in order to settle the principal controversies of the past and to improve the relationship between Custody and Patriarchate. The new directives established the following:

- the patriarch and the custos were to deal with all particular issues of their institutions through Propaganda Fide and not through the Secretariat of State;²¹
- the Custody was to include in its provincial governing council (known as *discretorio*) a British provincial counselor (known as *discreto*) and an American provincial counsellor and their appointment was to be made by the friars;
- the patriarch was to watch over all shrines independently from the congregation responsible for their protection. He was to grant authorization for all repairs, but before taking any initiative related to the Holy Places, he had to ask for the custos' advice. The custos, however, was to grant the patriarch free access to the Custody archives related to the shrines;
- the Custody was to pay the Patriarchate, in gold and not in paper money, the yearly sum of 75,000 francs out of the Holy Land common-fund;
- the patriarch was not required to inform the custos of decisions regarding the diocesan schools, although these were managed by the Franciscan fathers.

On 30 June 1920, van Rossum communicated to Diotallevi the solutions proposed by Propaganda Fide.²² Within a few weeks, however, difficulties began to emerge. On 16 July, Bernardino Klumper reminded van Rossum that, according to the Custody's statutes, the appointment of the provincial counsellors (*discreti*) had to be decided by the Custody and not by the minister general.²³

²¹ Ibid.

²² Acts, *modus vivendi* (1920–1924), f. 4, lettera del card. van Rossum a Diotallevi, Roma 30 giugno 1920 [letter from Cardinal van Rossum to Diotallevi, Rome, 30 June 1920]; Acts, *Cronaca di Terra Santa*, 1920, 429–436, risoluzioni di Propaganda Fide sulle questioni tra il Patriarcato Latino e la Custodia di Terra Santa [Chronicle of the Custody of the Holy Land, 1920, 429–436, solutions proposed by Propaganda Fide on the disputes between the Latin Patriarchate and the Custody of the Holy Land].

²³ Acts, *ministro generale*, *copialettere di corrispondenza* (1913–1921), lettera di Klumper a

On the other hand, Diotallevi underlined that there were no American fathers within the Custody, and the very few British fathers who carried out their mission in Egypt could not be transferred. Furthermore, the appointment of a father from the United States, from where most of the donations came, would have led to complaints from Latin American fathers, who were quite numerous in the Holy Land compared to the number of fathers from the USA. To obviate the problem, the governing council had suggested modifying the Custody statutes by using language and not nationality as a criterion for appointing the council. This would have allowed the English-speaking counsellor to be either British or American and the Spanish-speaking counsellor to be either Spanish or Latin American. This criterion for the appointment of the counsellors in the Holy Land would have reconciled the practice there with the one in use in the Order's general council.

On 20 October, van Rossum replied that he would have considered a revision of the Custody statutes, though in the meanwhile both a British and an American counsellor should have been appointed.²⁴ Thus, on 22 November 1920, father John Forest Donegan was appointed the first British counsellor of the Holy Land.²⁵ The appointment of an American counsellor had not been possible since no American father seemed suitable for that task.

The promptness demanded by Propaganda Fide in appointing new counsellors derived both from the British pressure exercised on the Secretariat of State and from the desire of the Holy See to please the British Government whose colonial mandate over Palestine was about to be confirmed by the League of Nations. The relationship between the Holy See and British authorities had been severely tested by events that had occurred during the previous months. The Vatican had objected to the appointment of a committee of inquiry regarding the Holy Places as proposed by the British Government. The Holy See had also expressed reservations as to the appointment of Sir Samuel Herbert, a British Jew and Zionist, as High Commissioner for Palestine, and had requested British support for Zionist and Protestant activities.

Diotallevi, Roma 9 agosto 1920 [the minister general, copybook of correspondence (1913–1921), letter from Klumper to Diotallevi, Rome, 9 August 1920].

²⁴ Acts, Propaganda Fide, lettera del card. van Rossum a Diotallevi, Roma 20 ottobre 1920 [letter from the Cardinal van Rossum to Diotallevi, Rome, 20 October 1920].

²⁵ Acts, atti discretoriali (1913–1921), seduta 186, 20 novembre 1920 [acts of the provincial governing council (1913–1921), session 186, 20 November 1920]; Acts, ministro generale, copialettere di corrispondenza (1921–1924), lettera di Diotallevi a Klumper, Gerusalemme 16 gennaio 1922 [the minister general, copybook of correspondence (1921–1924), letter from Diotallevi to Klumper, Jerusalem, 16 January 1922].

On the other hand, London was annoyed because of the visits made by Cardinal Filippo Giustini and Cardinal Dubois to Palestine, as these visits had been used as an excuse for demonstrations against Britain. Furthermore, the colonial government disliked the pro-French and anti-Zionist attitude of Barlassina, the new patriarch of Jerusalem. For this reason, the British authorities preferred to discuss problems related to both the Catholic community and shrines with the Custody rather than the Patriarchate. This practice, however, contradicted the latest directives of Propaganda Fide and resulted in new disputes between the Custody and the Patriarchate.

Thus, on 10 December 1920, Diotallevi wrote to Cardinal Oreste Giorgi, cardinal-protector of the Franciscan Order, to intercede for the Custody with Pope Benedict XV for a revision of Propaganda Fide's directives. It was the only way of getting around Propaganda Fide's prohibition on treating Palestinian affairs independently of the Custody. Cardinal Giorgi accepted the invitation and requested an audience with the Pope. Benedict XV thought it advisable to establish a *modus vivendi* between the Custody²⁶ and the Latin Patriarchate and invited the *custos* and the patriarch to express their respective "desiderata."²⁷

Diotallevi asked for the restoration of the status *quo ante* with respect to Propaganda's dispositions of June 1920. Barlassina, to the contrary, requested their rigid application.²⁸ Due to the incompatibility of such requests, the new Pope, Pius XI, asked Propaganda Fide to document officially the *modus vivendi*. Before issuing the final version, drafts were to be submitted to the general minister of the Friars Minor, the Custody and the Patriarchate for their observations and modifications.²⁹ The text formulated by Propaganda was less rigid towards the Franciscans than that of the directives issued in June 1920. Pope Pius XI had explicitly requested more sensible solutions regarding the controversies between Custody and Patriarchate and, to this end, directed that Cardinal Pietro Gasparri participate in the sessions of Propaganda Fide.

On 13 November 1922, Propaganda Fide held a session to draw up the final text of the *modus vivendi*. The participants were Cardinals Vincenzo Vannutelli, Antonio Vico, Giovanni Caglieri, Raffaele Merry del Val, Willem Marinus van Rossum, Raffaele Scapinelli, Luigi Billot, Francis Aidan Gasquet, Oreste Giorgi, Pietro Gasparri and Camillo Laurent. The chairman was Cardinal Michele Lega, who confirmed the opinion expressed two years earlier: con-

²⁶ FABRIZIO, Ferdinando Diotallevi 284.

²⁷ Acpf, Acta (1922), *ponenza*, 13 novembre 1922.

²⁸ *Ibid.*

²⁹ Acts, *modus vivendi* (1920–1924), f. 4, lettera di mons. Cesare Pecorari a Diotallevi, Roma 15 luglio 1922 [letter from Monsignor Pecorari to Diotallevi, Rome, 15 July 1922].

troversies between the Patriarchate and the Custody in the Holy Land had arisen because of the unsolved problem of the Holy Places. This concerned the non-definition of the juridical competencies of the heads of the Custody and the Patriarchate, resentment by the Franciscan Order of the loss of ancient privileges to the Patriarchate, and resentment by the Latin Patriarchate for not having been assigned guardianship of the shrines, although all other Patriarchs had that responsibility.

The *modus vivendi* would not have answered all questions regarding the problems of the Holy Places, nor was that its purpose. It represented an attempt at mediation in the controversies between Custody and Latin Patriarchate in the hope of restoring better harmony. The version drawn up on 13 November 1922 during the session of cardinals was submitted to the pope on the same day. Pius XI confirmed that he would examine it. On 7 December, he decided to send the document once again to Barlassina, Diotallevi and Klumper, allowing them to advance final and definitive views.³⁰ They all, however, confirmed those they had expressed previously.³¹ Propaganda Fide did not accept them and therefore the *modus vivendi* was fixed according to the decisions taken on 13 November 1922.

On 12 April 1923, van Rossum sent Diotallevi the final edition of the *modus vivendi*. He wrote a brief accompanying letter in which he recommended, also in the name of the pope, “the spirit of charity, of harmony and unity between Patriarchate and Custody.”³² This was never achieved, not least because the *custos* joined in the chorus of those who wished to eliminate the Patriarchate and institute an apostolic delegation in its place.³³ Nonetheless, the Patriarchate was not suppressed, with Barlassina maintaining his leadership until his death in 1947. The apostolic nunciature would have been established only if the Holy See established diplomatic relationships with the state of Israel. The best commentary on the *modus vivendi* of 1923 remained the one by Diotallevi to Cardinal Giorgi: “nel detto *modus vivendi* non si è avuto il coraggio di tagliare netto il nodo, come se ne faceva intravedere nei primi punti, dando al patriarca

³⁰ Acts, *modus vivendi* (1920–1924), f. 4, lettera del card. van Rossum a Diotallevi, Roma 15 dicembre 1923 [letter from Cardinal van Rossum to Diotallevi, Rome, 15 December 1923].

³¹ Acts, ministro generale, copialettere di corrispondenza (1921–1924), lettera da Diotallevi a Klumper, 21 marzo 1923 [general minister, copybook of correspondence (1921–1924), letter from Diotallevi to Klumper, Jerusalem, 21 March 1923].

³² *Ibid.*

³³ Acts, ministro generale, copialettere di corrispondenza (1921–1924), lettera di Diotallevi a Klumper, Gerusalemme 8 giugno 1923 [the minister general, copybook of correspondence (1921–1924), letter from Diotallevi to Klumper, Jerusalem, 8 June 1923].

l'ufficio di ordinario e mantenendo la Custodia dei luoghi santi; due punti chiari che vennero poi intorbidati alquanto con altre restrizioni.”³⁴ (“In this *modus vivendi* one did not have the courage to cut the knot as the first points, with the office of bishop given to the patriarch and the Custody of the Holy Places retained, would have led one to believe; two clear points that were later quite watered down through other restrictions.”)

³⁴ Acts, segreteria di Stato (1908–1948), lettera da Diotallevi al card. Giorgi, Gerusalemme 11 luglio 1923 [Secretariat of State (1908–1948), letter from Diotallevi to Cardinal Giorgi, Jerusalem, 11 July 1923].

