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ATINER CONFERENCE PAPER SERIES No: REL2019-2657

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This paper should be cited as follows:

Reininger, A. (2019). ""Personae Non Gratae"- The Successful Intervening of a Catholic State in the Papal Elections of 1903", Athens: ATINER'S Conference Paper Series, No: REL2019-2657.

Athens Institute for Education and Research 8 Valaoritou Street, Kolonaki, 10671 Athens, Greece Tel: +30 210 3634210 Fax: +30 210 3634209 Email: info@atiner.gr URL: www.atiner.gr URL Conference Papers Series: www.atiner.gr/papers.htm

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ISSN: 2241-2891 18/08/2019

"Personae Non Gratae"- The Successful Intervening of a Catholic State in the Papal Elections of 1903

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Abstract

Religion and politics had an eventful relationship with each other over the course of centuries in Europe. In the period after the *Westfalian Peace* in 1648 catholic rulers in Europe used their sovereignty to challenge the church and regarded their responsibility as a divine mandate. It was with this view that rulers justified the interference of the state into church matters. In 1903 it was the Habsburger Franz Joseph I (1830-1916) who made use of the controversial right "ius exclusivae" to intervene in the elections of the new Pope. The "personae non gratae" against whom the veto was directed by state commissioned cardinals, was the favourite, Cardinal Rampolla. He was regarded as the "deadly enemy of Austria" and was also "no real friend of Germany who he rather feared and no less hated." In 1888 as the first reports of Pope Leo XIII's illness came filtering through, the accredited ambassadors in Rome began to show a strong interest in the future of the Vatican and the first alliances were forged.

Keywords: Roman Catholic Church, papal elections, ius exclusivae, political intervention, Habsburg empire

Introduction

When on 13th March 2013 Jorge Mario Bergoglio was chosen as the 266th Pope, a sentence in the newspapers reported that 110 years previously the Austrian Emperor Franz Joseph I had used his influence in the papal elections, and had a candidate he disapproved of declared as "personae non gratae". Very few readers were aware of the historical background to this, what was meant here and what they should make of this statement.

The Prequel

For centuries the Papacy had always been a political force that more often than not exercised influence over the power struggles in Europe. It was, and is still today, a political factor. Claims to power, growing abundance of power among the bishops in Rome all added to the situation. The bishops themselves wanted to rule as the secular rulers did, and made their demands. From their deeds and their attitudes we more often than not see a worldly prince rather than a spiritual example or a spiritual guide. Hence the election of the successor to St Peter's Chair was often manipulated in the most negative ways.

In 1073 it was decided to give the Bishop of Rome the exclusive title of "Pope". The title "God's representative on Earth" came later in the 13th century. With regards to the infallibility of the Pope, to the right to name bishops or to be chosen by conclave with a 2/3rds majority, none of this was of any concern in the previous centuries, and it would take decades if not centuries until the functions and election rituals were decided upon. This is something to think about, and we – as normal mortals – have to ask ourselves whether in the last two thousand years everything has run so positively, and whether the Christian belief has developed as it was originally thought or wished for.

Because one thing is for sure: the more powerful Christendom became, the more vigorously the papal seat in Rome was fought for. What a sad fact, the more Christianity grew to become a state religion, the more the secular rulers tried to make their influence felt, and the chosen leader of Christians tried to counter manoeuvre in order to join in on the political stage. This resulted in interesting power struggles, bloody fights, hate and injustice and suffering. When we look back it is clear to see that already in the first centuries of Christianity an interrelation between both parties would be established, since politics began to define the papal elections.

The Political Situation in Europe at the End of the 19th Century

Differences regarding the colonial politics, in this case the Caroline Islands Controversy, brought Germany and Spain into a difficult diplomatic conflict. In the 16th century a group of islands was discovered in the Pacific and named after the Spanish king Karl II (1661-1700) the last Spanish Habsburger. In 1885 the Germans raised their flag on the islands. Following this the Germans demanded, under the signature of Chancellor Otto von Bismarck, proof that the islands belonged to Spain. This led to a storm of hostile public outcry in Spain. In order to resolve the conflict peacefully Pope Leo XIII was asked to mediate between the two parties.

Pope Leo XIII hoped for a new political world perspective in his papacy. He gave into Bismarck's request and acted as referee over the question of the islands. Through his exchanges

between Germany and Spain the pope's secretary, Mariano Rampolla di Tindaro, made a name for himself on the international political stage. Bismarck, however, had several aims. In calling Leo XIII in as referee he thought to outplay the pope against the catholic democracy, he therefore courted him. That catholic Spain recognised the authority of the Pope was a plus point for Bismarck in the talks between the two countries, since he expected the Pope to decide in his favour. In 1886 the peace talks were prepared by Rampolla and brought to a satisfactory conclusion for Germany, Spain and the Pope. After the end of the Spanish-American War (a military confrontation between the U.S and Spain from 25 April to 12 August 1898) Spain sold the islands together with the Palau Islands to Germany.

The success of Mariano Rampolla di Tindaro on the political stage attracted not only admirers, it also called his opponents together. Rampolla was regarded as a morally strict, resolute, hard-working and pious man, and, what was very unusual, he brought no relatives or associates into the Curia. He led the Curia with a strict hand, and his personal relationship with Leo XIII was rather cool and not very intimate.

The settlement of the conflict brought a rapprochement between Bismarck and the Pope and an improvement in relations between Germany and the Vatican. However the recurrent conciliation movements in 1887 were torpedoed by certain Italian politicians in the so-called "Question of Rome". This was the term for almost 60 years of continuing conflict about the status of Rome as the capital city after Italian union. It was an unsolved, above all diplomatic, conflict between the new state of Italy and the constitutional status of the Vatican, or rather the power centre of the Catholic Church in Rome, and lasted from 1870 until 1929. Francesco Crispi (1819-1901), Italian minister-president, between 1887 -1891 Home Secretary as well as Minister of Foreign Affairs, controversial in his politics, supressing the working class and surrounded by scandals, linked with Germany in the colonial expansion of this century, preferred the dissolution of the Vatican State, the church state. Crispi betrayed a very imperialistic mind and had to withdraw from office later, when he suffered a bad defeat after the calamity in Abyssinia (later Ethopia) in 1896.

On 10 May 1882 Italy met the so-called "Duel Alliance" made in 1879 between Austria-Hungary and Germany, and joined them to form the "Triple Alliance". The "Duel Alliance" was a secret defence contract signed between the Austro-Hungarians and Germany on 7 October 1879. Originally Bismarck had suggested a more extensive political and economic alliance between the two empires, this however was turned down by the foreign Minister of Austria-Hungary Count Andrassy, since Austria-Hungary would find itself as the smaller party in such an association. Besides, a so detailed cooperation contradicted the interests of the non-German population majority that made up the Austrian Empire. As a minimal solution the "Duel Alliance" was made.

The political constellation in this "Triple Alliance" made it clear to Pope Leo XIII and Mariano Rampolla di Tindaro that the traditional pope friendly Habsburgers would now be of no help in the settlement of the "Question of Rome", and the re-establishment of the church state, and that they would have to look elsewhere for a solution.

On 16 February 1882 the encyclical "Au milieu des sollictudes" (sub-titled "The Church and the State in France") was published. Germany judged the Vaticans' movement towards France as a rejection of the monarchy. This fight was carried out further in the press between the Italian "L'Osservatore Romano" and the German "Zentrums-Presse". One represented the view that the pope had turned against the principle of his duty to neutrality with regards to political questions.

The French Revolution had prompted world-wide changes in regard to society, politics and religion, which naturally had their effects on the Catholic Church and revealed some deep fissures. The bishops had become more and more dependent on the monarch, the bureaucracy had become more and more governmental. These facts were broached by the first Vatican council, in particular the problematic relationship between church and state. Therefore in order to avoid any misunderstandings in the papal elections an Italian cardinal was always proposed.

Thus from 1887 the Vatican approached France in the so-called "ralliement" (re-union). This rapprochement was weaved by the Francophile Mariano Rampolla di Tindaro. France was chosen as a likely friend because, it was French and Papal troops which had defeated Garibaldi's forces on 3 November 1867, when France had taken on the role as the protecting power of the Papal State. The pope and the cardinal secretary Rampolla hoped that through this policy of rapprochement there would be a "re-christianisation" of the law-making in France. The Third Republic (Dritte Republik) in France in its laizistic (secular) and maybe freemasonic attitude, led a fierce battle against this attempt at "christianisation" especially in schools. Roman Catholics in France were split, heavy debates between Monarchists, who fought the Republic, and Republicans against Roman Catholics. Republicans feared that a supressive monarchy together with Catholicism would destabilize the Republic and push forward their unnatural and divine belief of their roles as rulers in the country as in pre-revolution times. Leo XIII's policy of "ralliement" demanded that the French Roman Catholics follow without doubt his political and pastoral infallibility. He hoped in return France would help with supporting the re-establishment of the Papal State, which meant a clearing up of the "Question of Rome". Through its practised politics, France had the disadvantage in that it stood alone, because as a republic it had rejected monarchy, which naturally the rest of the European monarchies condemned.

Despite a temporary relaxation in the relationship between church and state, Leo XIII "raillement" failed because of the lack of unity amongst French catholics. This "French politics" of Leo XIII and Rampolla revealed itself as a bad design because there was no approach between the secular stamped republic of France and the conservative monarchies of Central Europe. The "Triple Alliance" categorically dismissed the behaviour of the Vatican and in particular Rampollas political aims.

In a letter to the Foreign Ministry in Vienna on 21 April 1903 Count Szeczen wrote,

The events recently played out in France at the level of church politics must have kept Cardinal Rampolla very busy, but it is not easy to find out his views over here, since his eminence for understandable reasons, evades a discussion of the events unfolded in France.

Concerning the dissolution of congregations and the expulsion of their members in France, Cardinal Rampolla appeared to be completely resigned

"Que voules Vous?" Rampolla later said to the Austrian Ambassador Count Szeczen, "la France est gouvernee par des sectaires et des franc-macon, ils ne font que leur metier." 2

² ibid.

¹Haus- Hof- und Staatsarchiv Wien (HHStA): Politische Akte (PA) XI, Karton Nr. 243, Rom Vatikan. Berichte 1903, Brief, 21. April 1903, fol. 173-177

Secretly Mariano Rampolla di Tindaro hoped that the government would slip into a crisis which would change the situation. On the other hand Rampolla had said to the effect that he was under no illusion that the cabinet of Emile Justin Louis Combes would come to the case of church politics questions. There the bad financial management of the state would contribute to it. Following the "Dreyfuss Affair" a left wing alliance (Bloc des Gauches) won the parliamentary elections of 27 April and 11 May 1902 for the first time. On 7 June 1902 Emile Justin Louis Combes (1835-1921) succeeded Pierre Waldeck-Rousseau as prime Minister, and three years later he fixed new the relationship between church and French state in "Loi concernant la Séparation des Eglises et de l'Etat" (Law on separation of church and state).

The Vatican also played a supporting role for the French parliament in the Franco-Russian alliance. Then again, the good relations between France and Russia led to a gloomy atmosphere in Germany and Austria. After an Entente between France and Italy a secret informer observed to the Austrian ambassador that the German Count von Bulow was now attempting "... also Germany should, with regard to France, build up a similar relationship ..." which, in turn, was observed with mixed feelings by the Austro-Hungarian monarchy.

Cardinal Secretary Rampolla attitude to the Slavic peoples of the Austrian Empire was less than satisfactory. He underlined the demands of the Montenegrans for a seminary for novice priests, and tried in his own way to solve the problems arising between the Croat and Serbian Catholics, which then again led to for-programmed fights between the ethnic groups. Added to this was the controversial papal brief "slavorum gente". Rampolla interfered politically, very much to the displeasure of the Austrian ambassador and the Foreign Ministry. In January 1902 Rampolla decided to go his own way in Montenegros' concerns regarding the so-called "Greater Serbia Question". He was ordered by the Austrian Ambassador Szecsen to come forward and explain himself, whereby according to Szecsen he appeared "taken a-back" and played down the matter.

The Illness and Death of Pope Leo XIII and the Successor to the Papal Seat

Pope Leo XIII (1810-1903), a man well advanced in years, had sat on the papal throne since 1878. He was actually only chosen because of his very bad health as an interim solution. He would later go down in history as the "working pope". He received this name following the encyclical "Rerum Novarum", he prohibited, however, Catholics to participate in Parliament -, "non- expedit", a result of the argument between the Italian state and the Vatican.

In 1888 as the first news of the ill health of the pope began to filter through, the accredited ambassadors in Rome began to show a strong interest in the future of the Vatican. The foreign ministries – especially those in Berlin and Vienna – were regularly informed and the first alliances were forged, each jealously watching the other. The French, even at this point, publicly declared that they could bring 25 votes for the Francophile candidate – in this case Rampolla, to the run-up in Conclave.

However von Bulow, the German Ambassador in Rome, presumed immediately in his reports to Berlin that Rampolla would, through his candidacy, incur a special veto the Austrians had to exclude him.

³ ibid., Brief, 2. Dez. 1902

Mariano Rampolla di Tindaro, cleverly diplomatic, tried to bring about a change of opinion at the Viennese court by sending presents to the celebration of Emperor Franz Joseph's Golden Jubilee. Cardinal Serafino Vannutelli former apostolic nuncio in Vienna was to be the bearer of the gifts. From Rampolla a well-planned hidden agenda. As a counter move Rampolla reckoned that, since Vannutelli had just received the high civil Order of St. Stephen, this would be the opportunity for him to be handed the Order as well. With this he wanted to pacify the Emperor in the hope that the Emperor would feel obliged not to make possible use of his special veto in Conclave. It was clear, as the German Imperial Consul Hohenlohe-Schillingsfürst remarked, "an ingenious game." German foreign policy welcomed, among other things, the fact that Austria would hold on "steadfastly" to their veto right. Mariano Rampolla di Tindaro did not receive this higher order.

The more time went on and the health of the pope worsened the more lists of certain names were circulated with candidates who were potential "papabili". Strangely enough the name of Guiseppe Melchiorre Sarto (1853-1914) appeared only on the periphery of these lists. He was eventually to become Pope Pius X. At this time he was isolated and "had no friends". In the case of a papal election though he would have had the sympathy of the Austrian authorities, of this the Viennese were sure of after examining the candidates. In Venice Sarto had a good relationship with the governing authorities and knew in his non-committal way how to weaken "corners and edges" and circumnavigate cliff edges.

A two sided picture of Mariano Rampolla di Tindaro was drawn. He came from a well-to-do Sicilian family, was prepared very early on for priesthood, a path predetermined for him by his father. He was filled with the strong desire to make a career, and he actually managed to make Cardinal Secretary in a short time (he had been secretary to the Spanish Nuncio and held various foreign posts). Some maintained that he possessed neither "a great mind, nor other outstanding qualities". He was a hard worker, determined and resolute, and pious. It was often maintained that he was a freemason, but this cannot be proven, there is no documentary evidence of this. He often criticised the freemasons, but he never condemned them, which was often the case amongst the clergy. The claims made on the internet and in some publications that Emperor Franz Joseph had documents submitted that identified Rampolla as a freemason are also not proven; these documents have never been found just as Rampollas' freemason insignia and his rank order have never been discovered. Rampolla was a diplomat which, in order to further the interests of the Vatican and his own interest, leaves no doubt that he also maintained contacts with politicians who themselves were freemasons. He was a careerist and had only one aim, namely to become pope. To this end he was prepared to use every means available. How he personally felt about the freemasons, nobody today can really say.

Count Szecsen, the Austrian ambassador in Rome was in regular contact with Mariano Rampolla di Tindaro. According to documentary evidence from the Viennese Court and State Archives, telegrams landed almost daily in the Foreign Ministry concerning the Cardinal Secretary. It was clear from these reports that Rampolla was playing an ambiguous game, and that he, on the one hand felt "concerned" when approached directly with a problem, but on the other hand was following "his politics". This was well known in Vienna.

In 1889 Graf Kalnoky, Minister for foreign affairs in the Austro-Hungarian Monarchy wrote to Count Revertera, the Austrian Ambassador in Rome and it seems already at that time it was well known that Rampolla was leading a friendly policy towards the French. An alliance between France and Russia would not be a danger to the "Triple Alliance". The propaganda from the Vatican was subject to Rampolla. Kalkony was of the opinion that Rampolla "moulds himself".

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as well as he can in the current direction, since he, above all, doesn't want to spoil the future for himself". One hoped however, that the Pope would retain a neutral judgement over the political situation in Europe.

An interesting report landed in Vienna from 21 October 1902 revealing that Count Szescen had received a private audience with the Pope. During this audience Leo XIII had complained about the situation in Italy and the anti-clerical movement and very much felt that Emperor Franz Joseph was a guarantor for Catholicism and the resistance against the papal seat. Pope Leo XIII made no reference, however, in this audience to Rampolla's position or the policy the man was pursuing. It was apparent that the Pope was not always in agreement with Rampolla's political agitations. Leo XIII voiced concerns that after his death the Vatican and Rome would no longer exist.

What is remarkable, is that the ambassadors of several countries mutually "did not trust each other an inch" as Rampolla knew and used this situation to his advantage. He accordingly decided what information he considered important, and when and if they were allowed to receive this information.

In a telegram from Rome to Vienna on 3 July 1903 Count Szescen reported he had been trusted with the information that the health of the Pope was failing, but that announcing this news to the general public was to be avoided. Only on the 6 July 1903 did the Vatican admit that the Pope was seriously ill and that prayers for him should be offered in the churches. On 20 July 1903, 10.35 p.m., Szescen sent a telegraph to Vienna

.. the actual agony lasted less than a quarter of an hour, at 4 o'clock the Pope went painlessly and quietly to sleep. Cardinal has already informed me officially of the demise of his holiness with the request that his imperial, apostolic majesty receive this announcement. The city is quiet, St Peter's Square militarily guarded.⁵

And the rumours around the succession to this high office began to circulate.

Count Andrassy, Austrian Foreign Minister, sent a letter to the Archbishop of Vienna Dr. Joseph Gruscha before his departure to Rome. In it he wrote that the Emperor Franz Joseph wished to entrust Cardinal Simor with the "secretum". Should Simor for any reason be hindered, then the task would fall to Gruscha. Gruscha himself was advised as follows:

Your Eminence will convince themselves of those disinterested parties, those of foreign mind, and with only the true welfare of the church and the Austro-Hungarian monarchy ... that the uppermost leadership of the catholic church is entrusted into the hands of one who is truly qualified and in every way worthy of the position.

However Gruscha was not entrusted with the veto and it therefore fell to the Bishop of Kracau, Jan Puzyna de Kozielsko, to issue it against Mariano Rampolla di Tindaro. On Sunday 2 August 1903 Bishop Puzyna declared the Austrian veto against Cardinal Secretary Rampolla in the first round of the papal election, in a text written in Latin.

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⁴ HHStA, Wien: Politisches Archiv (PA), R. V. III, Berichte und Weisungen, 1889, Karton 45, fol. 153

⁵ HHStA, Wien: Politische Akte (PA) XI, Karton Nr. 243, Rom Vatikan. Berichte 1903, Telegramm, 20. Juli, 1903, fol. 333

In the name and under the authority of his apostolic majesty Franz Joseph, Emperor of Austria and King of Hungary, that his majesty wishes to make use of an ancient right and privilege and exercise the exclusion veto against his eminence Lord Cardinal Mariano Rampolla del Tindaro.⁶

Rampolla protested against the "violation of the Freedom of Conclave and the Rights of the Holy Church", not however against the exclusion of himself personally. Although the French cardinals were still united in their support for Rampolla and voted for him, the rest of the cardinals began to vote for another candidate. Rampolla and his French supporters did not give up so easily. Rampolla did not want to bow to Austria, protested further and refused to withdraw his candidacy. However his faction began to melt away. On Tuesday 4 August 1903 the number of votes for Sarto was 50, and for Rampolla only 10. Sarto accepted "Quoniam calix non potest transire, fiat voluntas Dei!" He stepped up to the papal throne as Pius X.

One can only speculate as to how far Rampolla's criticism of the Christian burial of Emperor Franz Joseph's son Crown Prince Rudolph (who had committed suicide after killing his lover Marie Alexandrine Baroness von Vetsera in Mayerling, January 30, 1889) had on influencing the Emperor's veto and how much the Imperial house disapproved of him personally. It is possible that a certain animosity still existed, since the cardinals were demonstratively absent by the "Seelenmesse" for the Crown Prince which was held in Rome, a huge snub to the Emporer. Only Monseigneur Agliarde as representative for the State Secretary attended this mass. Count Revertera wrote: "I am of the humble opinion that in this case we owe it to his Majesty the Emperor to frankly state that the attitude of the Curia has deeply hurt the patriotic feeling of Austrian catholics."

On What Basis is this Veto Right, the So-called Ius Exclusivae, Built?

There are certain national protectorates and so-called Crown cardinals, cardinals who feel a particular responsibility to the sovereign of their country of origin, who have influence on the action in Conclave. This is an historical development. The "jus exclusivae" was apparently never legally approved; nevertheless it was used several times. The "personae non gratae", against whom it was directed and which was pronounced in Conclave by a cardinal with the authority of a state, was excluded from voting and expelled from the procedures in Conclave. In this case it produced a huge outcry from many of the cardinals. Alberto Melloni, in trying to put it in perspective, saw it as an undesirable development of Conclave. He wrote: "Conclave and its legal regulations are only a fragment in the life of Catholicism, a fragment where political strengths, reformism, striving of the faithful to the gospels and ambitions are at work". Mario Scaduto explained in 1944 that Pope Leo XIII had been working on a reform of the system of voting in Conclave since the late summer of 1881.

Pope Gregory XV (1554-1623) settled the voting system:

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⁶ http://www.30giorni.it/articoli id 1414 15.htm

ibid.

⁸ HHStA, Wien: Politisches Archiv, R. V. III, Berichte und Weisungen, 1889, Karton 45, Brie aus Rom, 5. Febr. 1889, fol. 53

⁹ Meloni, Alberto (2002): Das Konklave. Die Papstwahl in Geschichte und Gegenwart, Freiburg:Herder Verlag, p. 10

- 1. electio per scrutinium verbal casting of votes, or ballot paper.
- 2. electio per compromissum voting through an electoral college of cardinals who built a committee.
- 3. electio quasi per inspirationem an informal spontaneous choice through encouragement from the voters.

In the time after the Westfalian Peace in 1648 the catholic rulers of Europe used their sovereignty to face off the power of the church by declaring their responsibility came from a God-given mandate. From this stand point they justified the intervention of a state into church matters.

In the 16th century Spain had a huge influence in the papal results of four Conclaves. This influence came in the form *of "respectable means"*, i.e. "gifts" to certain cardinals in the form of pensions or charity donations or money in return for the prayers and good deeds. In return the cardinals were expected to vote in Conclave for an individual who was perceived to be advantageous for a specific country or state. Hence the cardinals were allowed a certain amount of freedom but were bound by these "gifts" to their benefactor. The result being that exclusive veto right was cheapened and abused whereas it should be that the cardinals were free to choose the most worthy candidate amongst themselves.

Ludwig Wahrmund (1860-1932) and Johann Baptist Sägmüller (1860-1942), both well acknowledged experts in canon law, spent a detailed amount of time looking for grounds for an explanation to the so-called veto right, *ius exclusivae*. They both had very different opinions about its origins. Wahrmund spoke about an "inclusion" and an "exclusion" for the purpose of a voting result, oral and written promises, arrangements etc. canonical statutes allow objections, challenges to the franchise. Sägmüller invoked the old natural law of nations that a lord of the lands had a duty to avert damage to his people, to speak out against a prospective pope who could be hostile towards his people, and try to avoid problems.

According to Sebastiano Sanguineti a possible legal title for the "ius exclusivae" is derived from Protestant canon law or the medieval papal franchise. He comes to the conclusion that there is a legal basis for the veto right. Sanguineti sees the main problem in the new social order. With the rise of many new political parties who represented various conflicting interests, the Catholic states only "represent an historical remnant". He feared the social-atheist/ secular regimes and according to him no permanent form of government exists.

In a brief to Vienna from Rome on 17 November 1903 the Austrian ambassador reported that the Pope Pius X had spoken to the cardinals gathered in a confidential meeting.

... In this speech the pope touched upon the subject of worldly rulers, in which he stressed that it was necessary for the Pope to be completely free in the governing of the church and to be dependent on no power, which is why he must deplore the heavy damage which was added to the church in this regard. ¹⁰

A few months after his election Pope Pius X began the negotiations for a special papal Bull which was to eventually forbid the *ius exclusivae*, and threaten excommunication to any cardinal who attempted to use it. Thus this form of threat by a worldly power on the papal elections was final removed.

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¹⁰ HHStA Wien: Politische Akte (PA) XI, Karton Nr 243, Brief 17. Nov. 1903, fol. 423ff

Conclusion

Since 1878 the conclave takes place in the Sistine Chapel in the Vatican in Rome. It is a secret act of electoral politics caught between politics and Roman Catholic spirituality. The longest conclave lasted two years, nine months and two days in 1268 in the Italian city of Viterbo, the shortest 1503 in Rome. Only a few hours after the voters had gathered, Pope Julius II was elected new Pope. From history, we know how interwoven politics and religion are and probably will be in the future. They do not exclude each other. Power, secular as well as spiritual, is always enticing and influencing ...

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