

How did the Holy See get recognition as a state? It just did

Opinion: the cradle of the Catholic Church is a constitutional wraith and a scam

Thu, Jan 23, 2014, 12:01 by Eamonn McCann

“The church is facilitated in presenting itself today as a religious organisation, tomorrow as a state – a handy arrangement, given some of its more sordid entanglements.”

It was the post office in the Vatican that earned the Holy See its first stamp of approval as a sovereign state. This explains why Vatican stamps are so huge and colourful, possibly.

For pre-teen philatelists of my era the chunky, triangular stamps decorated with gold-tinged depictions of the papal tiara were greatly prized. You could swap one for half a dozen Brazilians. I was to be long past my stamp-collecting days before I realised that the reason for the stamps’ distinctiveness had to do not only with the Catholic Church’s penchant for gaudy display but also with reasons of state.

Five years before February 1929, when Benito Mussolini and cardinal Pietro Gasparri signed the Lateran Treaty, creating Vatican City, the Vatican had joined the Universal Postal Union: its stamps were now approved and accepted. Within two years of the treaty the Vatican was admitted to the International Telecommunications Union, on the basis of its operation of Vatican Radio.

Win acceptance

It was by dint of its membership of these two institutions that the Vatican was able to sally forth into the secular world and present itself as a sort of state and win acceptance into United Nations bodies and other global organisations. A “sort of” state, because it was not clear, and still isn’t, what entity associated with the church was involved in these manoeuvres.

What is the “Holy See” with which the Republic restored full diplomatic relations on Tuesday? The phrase refers to the “the juridical personification of the church” – the pope, the curia and the various departments, institutions and congregations that organise and control church activity.

Not a state, then, in any sense in which the word is commonly used.

Vatican City provides the temporal location for the Holy See but it is not a state either.

Vatican City falls short of being a state not mainly because of its tiny size (smaller than Lahinch Golf Club), but because of a lack of citizens. You cannot become a Vatican citizen by inheritance from your parents or being born on the territory. Citizenship comes with having a job in the territory with the church.

All deemed Vatican citizens on this basis are also citizens of their own countries. If they leave employment with the church, or move to a church position in another jurisdiction, Vatican citizenship lapses. All Vatican citizenship is temporary.

On this last ground alone, the absence of a permanent citizen population, Vatican City fails to qualify as a state.

And yet this constitutional wraith, the Holy See, has managed to have itself recognised as a state by more than 172 other states and all major international organisations. How did this happen? The answer is that it just did.

Observer status

In 1948 the Holy See applied for and was granted observer status by UN agency the Food and Agricultural Organisation. This was a first, quickly to be followed.

In 1951 the Holy See sent observers to meetings of the World Health Organisation and the UN General Assembly. In the same year it was admitted as the first permanent observer to the UN Educational, Scientific and Cultural Organisation. In 1956 a Holy See delegation turned up and participated in the founding conference of the International Atomic Energy Agency.

The question of the Holy See's credentials for assuming these roles appears not to have been raised. Nor was there any debate before the Holy See finally made it in 1964 into the VIP area of global diplomacy as a permanent observer at the UN.

In March 1964 pope Paul VI wrote to UN secretary general U Thant saying he was minded to appoint a permanent observer. In April, U Thant wrote back saying, in effect, fair enough, come ahead.

There was no resolution put to the general assembly or the security council. There is no document anywhere setting out the legal basis of the Holy See's new status.

The Holy See will have regarded its entitlement to a permanent place at the centre of things as incontestable because God-given. One New York journalist who expressed puzzlement about the arrangement to a member of the Holy See delegation in the 1970s was told that "it dates back to the 12th century".

The church is thus facilitated in presenting itself today as a religious organisation, tomorrow as a state – a handy arrangement, given some of its more sordid entanglements. The church in the US has routinely claimed sovereign immunity from compensation claims from victims of clerical abuse.

In an instant thereafter, it can, as a religion, claim charitable status for the institutions in which the abuse took place.

The twin-track approach will be sadly familiar to many in Ireland.

Protestants I talk to about these subjects are invariably perplexed by the "now you Holy See us, now you don't" approach. But there's nothing much we can do about that. It just reflects one of the fundamental differences between our two traditions. There never was a Protestant born who could have thought up a scam like the Holy See.

[The International Legal Status of Vatican](https://www.scribd.com/document/351158931/The-International-Legal-Status-of-Vatican-pdf)

<https://www.scribd.com/document/351158931/The-International-Legal-Status-of-Vatican-pdf>

BIBLIOGRAPHY

- A CONCISE HISTORY OF THE CATHOLIC CHURCH, Thomas Bokenkotter, Image Books, New York, 1979
- A HANDBOOK ON THE PAPACY, William Shaw Kerr, Marshall Morgan & Scott, London, 1962
- A WOMAN RIDES THE BEAST, Dave Hunt Harvest House Eugene Oregon 1994
- ALL ONE BODY – WHY DON'T WE AGREE? Erwin W Lutzer, Tyndale, Illinois, 1989
- ANTICHRIST IS HE HERE OR IS HE TO COME? Protestant Truth Society, London
- APOLOGIA PRO VITA SUA, John Henry Newman (Cardinal), Everyman's Library, London/New York, 1955
- BELIEVING IN GOD, PJ McGrath, Millington Books in Association with Wolfhound, Dublin, 1995
- BURNING TRUTHS, Basil Morahan, Western People Printing, Ballina, 1993
- CATHOLICISM AND CHRISTIANITY, Cecil John Cadoux, George Allen & Unwin Ltd, 1928
- CATHOLICISM AND FUNDAMENTALISM, Karl Keating, Ignatius Press, San Francisco, 1988
- CHRISTIAN ORDER Number 12 Vol 35 Fr Paul Crane 53 Penderley Road, Catford, London, SE6 2LH
- DAWN OR TWILIGHT? HM Carson, IVP, Leicester, 1976
- DIFFICULTIES, Mgr Ronald Knox and Sir Arnold Lunn, Eyre & Spottiswoode, London, 1958
- ENCOUNTERS OF THE FOURTH KIND, Dr RJ Hymers, Bible Voice, Inc, Van Nuys, CA, 1976
- ETHICS: THE FUNDAMENTALS, Julia Driver, Blackwell Publishing, Oxford, 2007
- FROM ROME TO CHRIST, J Ward, Irish Church Missions, Dublin
- FUTURIST OR HISTORICIST? Basil C Mowll, Protestant Truth Society, London
- HANDBOOK TO THE CONTROVERSY WITH ROME, Karl Von Hase, Vols 1 and 2, The Religious Tract Society, London, 1906
- HANS KUNG HIS WORK AND HIS WAY, Hermann Haring and Karl-Josef Kuschel, Fount-Collins, London, 1979
- HITLER'S POPE, THE SECRET HISTORY OF PIUS XII, John Cornwell, Viking, London, LONDON 1999

HOW SURE ARE THE FOUNDATIONS? Colin Badger, Wayside Press, Canada
 INFALLIBILITY IN THE CHURCH, Patrick Crowley, CTS, London, 1982
 INFALLIBLE? Hans Kung, Collins, London, 1980
 IS THE PAPACY PREDICTED BY ST PAUL? Bishop Christopher Wordsworth, The Harrison Trust, Kent, 1985
 LECTURES AND REPLIES, Thomas Carr, Archbishop of Melbourne, Melbourne, 1907
 NO LIONS IN THE HIERARCHY, Fr Joseph Dunn, Columba Press, Dublin, 1994
 PETER AND THE OTHERS, Rev FH Kinch MA, Nelson & Knox Ltd, Townhall Street, Belfast
 POPE FICTION, Patrick Madrid, Basilica Press, San Diego California 1999
 PUTTING AWAY CHILDISH THINGS, Uta Ranke-Heinemann, HarperCollins, San Francisco, 1994
 RADIO REPLIES, 3, Frs Rumble & Carty, Radio Replies Press, St Paul, Minnesota, 1942
 REASON AND BELIEF, Brand Blanshard, George Allen & Unwin Ltd, London, 1974
 REASONS FOR HOPE, Editor Jeffrey A Mirus, Christendom College Press, Virginia, 1982
 ROMAN CATHOLIC CLAIMS, Charles Gore MA, Longmans, London, 1894
 ROMAN CATHOLIC OBJECTIONS ANSWERED, Rev H O Lindsay, John T Drought Ltd, Dublin
 ROMAN CATHOLICISM, Lorraine Boettner, Presbyterian and Reformed Publishing Company, Phillipsburg, NJ, 1962
 SECRETS OF ROMANISM, Joseph Zacchello, Loizeaux Brothers, New Jersey, 1984
 ST PETER AND ROME, J B S, Irish Church Missions, Dublin
 THE CASE OF THE POPE, Vatican Accountability for Human Rights Abuse, Geoffrey Robertson QC, Penguin Special, London, 2010
 THE CHURCH AND INFALLIBILITY, B C Butler, The Catholic Book Club, London, undated
 THE EARLY CHURCH, Henry Chadwick, Pelican, Middlesex, 1987
 THE LATE GREAT PLANET EARTH, Hal Lindsay, Lakeland, London, 1974
 THE PAPACY IN PROPHECY! Christadelphian Press, West Beach S A, 1986
 THE PAPACY ITS HISTORY AND DOGMAS, Leopold D E Smith, Protestant Truth Society, London
 THE PETRINE CLAIMS OF ROME, Canon JE Oulton DD, John T Drought Ltd, Dublin
 THE POWER AND THE GLORY, Inside the Dark Heart of John Paul II's Vatican, David Yallop, Constable, London, 2000
 THE PRIMITIVE FAITH AND ROMAN CATHOLIC DEVELOPMENTS, Rev John A Gregg, BD, APCK, Dublin, 1928
 THE SHE-POPE, Peter Stanford, William Hienemann, Random House, London, 1998
 THE VATICAN PAPERS, Nino Lo Bello, New English Library, Sevenoaks, Kent, 1982
 TRADITIONAL DOCTRINES OF THE ROMAN CATHOLIC CHURCH EXAMINED, Rev CCJ Butlin, Protestant Truth Society, London
 VICARS OF CHRIST, Peter de Rosa, Corgi, London, 1993
 WAS PETER THE FIRST POPE? J Bredin, Evangelical Protestant Society, Belfast
 WHATEVER HAPPENED TO HEAVEN?, Dave Hunt, Harvest House, Eugene, Oregon, 1988

