

.....POPE IS NOT A HEAD OF STATE....

A head of state should be honoured as the person who is ultimately responsible for his people and their representative. The pope cannot have this entitlement as he has no population to look after. Even if he were a head of state, he cannot claim anything like the privileges that others can. He cannot be funded by taxpayers when he visits a country.

Benedict XVI visited the UK largely at the tax payer's expense in 2010. This was a state visit. However, the pope is not a true head of State. The excellent *The Case of the Pope* published by Penguin in 2010 proves that the Pope is lying about being a head of state. The pope burdened the tax payer as a result of lies. Therefore he should be sued for the return of the money. His "country" shouldn't even be in the atlas books.

And those other religious leaders who want the same treatment should cry discrimination. They will not get the same privileges as the pope. A landlord who has grown up on his estate and raised his family on it should get more credibility than the pope if he claims that his estate is a country. The pope doesn't even treat the Vatican as an estate.

The pope lied (and still lies) about the Vatican being a state and he claims to be the head of the Vatican state. As a result, his visit to the UK was funded by taxpayers as it was disguised as state visit. Two million was taken from the international fund to help pay for his visit. It is not right that Muslim and Mormon and whatever money be used to fund his visit. Many religions condemn the pope as evil or antichrist. It is not right for any country to fund a papal visit with money taken from divorcees and gay people and others who the Catholic system suppresses and persecutes. Worse, the pope is availing of taxes paid by victims of clerical child sexual abuse.

The pope as head of the Church is ultimately responsible for all the cover-ups made by the Church of clerical sex offences. He must accept that responsibility but such is his contempt for humanity that he refuses.

The pope is very anxious to pretend that the percentage of abusing priests is low. *The Irish Catholic*, page 25 (November 18, 2010) agrees that more than 100,000 children have been victimised by clerical and religious sex abuse in the Church and that the percentage of paedophile clergy is as high as 9 %. It expressly state that there is no reason to doubt these appalling estimates.

The pope has misled the world into thinking he cannot be taken to court for mishandling and covering up and setting out bad laws in relation to clerical child sex abuse because he is a head of state and sovereign of the Vatican. He claims diplomatic immunity. Even though the Church uses this trick to keep the pope immune from legal action, there should still be no protection for the pope in the international criminal court. The Vatican is not a state. The pope should be in jail.

It is a crime under international law to pretend to be a sovereign. The Vatican has a bogus international status internationally that it plays on to get away with its crimes.

The Lateran Treaty of 1929 made between the pope and Mussolini has been misrepresented by the Vatican. It does not make the Holy See a state or country except in the eyes of Italy. But that has not stopped it pretending that it does. The Treaty is really just a Concordant. It was about the Vatican and Italy and gave no other country any obligation to recognise the Holy See as a country. It made many demands of Italy such as to go along with Catholic marriage law and not to force clerics to go to war. The obligation should be challenged by case law - it makes no sense for agreement or not the Holy See is not a state. Italy's secularism contradicts it. The Treaty is invalid for it not only tries to recognise the Holy See as a state it thinks that it is one when it is not.

The Vatican has been pretending to be a state since 1929. Why? The best explanation is that it knew clerical sex abuse was endemic and by pretending to be a state the pope and the Holy See could be kept out of jail despite being accessories to this crime and even more so to its cover-up. The Lateran Treaty of 1929 provided the opportunity for the Vatican misrepresent itself as a fully fledged state or country. It is thought the Vatican in time came to do this to enjoy the advantages of international participation such as recognition by the United Nations. But it would have been able to get that without being misclassified as a state. The real intention of the Church was to win sovereign immunity from prosecution. That was so important for it had plenty to hide.

Defenders of the Vatican state that international law can recognise an entity as a state simply out of tradition and custom. If the entity has been treated as a state before international law came along, it will treat it as such. So in this view, the legal principles determining what is a state or not were not rigidly applied and international law sometimes allows for that. But other entities have been rejected as states in the eyes of international law. Why should the Vatican get an exemption? Most

of the blame lies with lapsed Catholics ticking the Roman Catholic box in censuses. The membership statistics are overblown. The Vatican is not entitled to an exemption on those grounds. It fully recognises that people who have ceased to be Catholics in their belief are in reality no longer Catholics.

Though there is room for a liberal interpretation of international law that can allow a state to be recognised as a state though it does not fulfil all the legal criteria, this is no help to the Vatican. The Vatican does not have ANY of the characteristics of a state. It doesn't even have a territory or a population. If the laws are that liberal they are good for nothing. The Church itself teaches that laws that are not laws at all are immoral. Yet it conveniently forgets this teaching when it comes to the Vatican's status.

The Vatican says it is accepted by other nations as a state and that is all it needs to be accepted as a state!

One reason the Vatican gets treated as a state is because of its alleged humanitarianism. Humanitarianism however is irrelevant. The Catholic faith itself desensitised people to the needs of children. It did it before. It can do it again. It is doing it still in many quarters. The Church cares more about evil intentions than harm. It cares about the attitude not the pain. That is why it says its job is to fight sin. It even denies that it is humanitarian. Its charity is about becoming sin-free not helping people.

The Vatican is simply a palace and a few gardens. It is at most a non-governmental organisation. It has stolen the sovereign immunity it has.

It is a crime for the Vatican to get involved in the UN which mistakes it for a state. Because of its relationship with the UN, it has been able to poison many UN policies with its papal rubbish about condoms being useless against HIV and the duty of trying to stop gay rights to name a few things.

It is a crime under international law to pretend to be a sovereign to evade one's just deserts. The Vatican used its pretended status as a country to provide a haven for the likes of notorious paedophile Fr Maciel.

The Pope pretends to be head of state to dodge having to go to court and perhaps end up in jail. In the USA, the law is said to decree that a pope cannot be taken to court or jailed because as a head of state he enjoys diplomatic immunity as a result of the Foreign Sovereign Immunities Act (FSIA). The victims of abuse then cannot make the pope and the Vatican answer for their role in what happened to them.

The Church prescribed mild and ridiculous "penalties" for priestly child abuse in canon law and plotted to prevent crimes being reported to the police. It was condoning the evil and insulting the victims. Condoning evil is more pro-evil than encouraging it. *Crimen Solicitationes* was a papal document issued by John XXIII to excommunicate anybody who admitted to the legal authorities that a priest molested them in a confessional. The Church evidently wanted clerical paedophilia confined to the confessionals so it could control it better - if a priest molests just anywhere he will get caught more easily.

Ratzinger in 2001 made it law that all reports of clerical sex abuse were to be sent to his desk in the Vatican (page 56, *The Case of the Pope*). He demanded this under the pontifical secret which blocked bishops from reporting pervert priests to the police (ibid, page 56).

It is undeniable that Catholics in general operated a system where if a child made an allegation against a priest that child had to be intimidated or beaten into silence and disbelieved. The clerical sex abuse was not just a clerical problem. Catholic doctors, Catholic parents, nuns, Catholic teachers and Catholic everything created a culture that left priests free to abuse with impunity. Then people started to love the Church less. People tended to have less interest in Church teaching. Then a generation came that was willing to punish the priests through the law for abusing children. The victims began to be listened to.

The pope refused to make it Church law for a bishop to report his priests who are abusing children to the civil authorities. A guidance appeared on the Vatican website saying they should do this if the law of the nation so requires it, but this was not a church law. It was merely a cynical face-saving exercise. The guidance soon disappeared. No apologies and no meetings with victims mean a thing until the pope makes it church law. Why should we believe in this sudden "compassion" for victims when the Church made no effort to appear compassionate until people starting standing up to it for a change?

The pope plans to beatify and canonise Pope John Paul II. John Paul was cold and unhelpful towards the victims of clerical sexual abuse. If Benedict cared for the victims he would not make a saint of such a monster.

The pope might remind us that he agrees with criminal justice that many criminals are not under obligation to turn themselves in. He could say then that he won't do it either. He claims his spiritual message is the foundation of secular

criminal justice. If he teaches that some people should go to jail then he should be willing to go himself to jail for serious crimes. When his teaching sends people to jail then he should be willing to turn himself in. He might say he is under no obligation to do that because the message is not his but God's. But he made it his own message. So using God as an excuse cannot work. And besides nobody believes in God's decrees about justice just because God made them. They believe in them because they have judged them right. The person then who says, "I believe in the rightness of God's laws" should say, "I believe in my ability to tell if God's laws are right and I believe that they are." It is about themselves and not God. The pope cannot avoid having the following motivation for believing in the laws: he believes because he believes in his power to judge them true. That, strictly speaking, is what he believes in - himself. If God made the laws, the pope makes them. The pope makes the laws. This is true whether he makes them on his own or whether God makes them. It's the same principle as making somebody else's message your own message. It becomes all yours then. You might have got it from somebody else but now that you have made the message your own you might as well have created it yourself.

If you create a code of morality that hurts people - if you give somebody the jail sentence he deserves you are still hurting him - you should have stricter standards for yourself. In other words, if the pope agrees you must go to jail for assault then he should wish he could go to jail for less.

The Church's ridiculous teaching that harmless actions such as masturbating for a few seconds will take you to Hell to be punished forever if you die made child sex abuse out to be a sin like any other. The lonely priest could reason, "I am sinning anyway so why not just molest this child and have some fun?" And indeed did. Not all child molesting priests were paedophiles - some were just lonely and warped.

We say hating a person is wrong for it always makes them out to be worse than what they actually are. For example, to hate black people implies that you think that they are bad and dangerous just because they have different skin. To exaggerate human sin or wrongdoing and to declare harmless actions to be gravely evil and sinful is to hate the sinner.

Christians saying homosexual acts are sinful is to be tolerated in a free world. But to say they deserve to go to Hell or should go to Hell or that their sin is very bad constitutes hate. Two men touching hardly counts as anything seriously wrong. Such talk will need to be outlawed if the country has laws against incitement to hatred. The Church teaches that homosexual relationships and sexual activities are to be utterly condemned. To look for the good in them denies that they are mortal sins and will merit exclusion from God for all eternity.

No Catholic bishop has the integrity to protest and challenge the pope on what he is doing to avoid having to answer for his crimes.

We need to see the enemies of reason as our own enemies. That is what they are! We need to see the pope and the system he stands for for what they are! Then we won't be taken in by their beatific facades! Their goodness is just superstition masquerading as goodness. It is superstition masquerading as morality.

POSTSCRIPT

In 2012, there was a leak of confidential Vatican documents - the Vatileaks scandal. A special commission of cardinals was established by the Pope to investigate the forbidden flow of those documents to the media. The pope's Italian butler, Paolo Gabriele (46) was arrested by the Vatican police and charged on May 26 for the theft of the documents. He was detained in the Vatican jail. Vatican law decrees he can only be held there for maximum 50 days. The Church granted an exemption to this rule so that it could detain him for another 50 days.

The Vatican is not a true state. The detention of Paolo Gabriele must be understood as false imprisonment. The Vatican must pay for this crime. And though he is a harmless man, he is going to be detained more than 50 days which is a gross violation of human and civil rights. Amnesty International should do something. The pope is the one who must be imprisoned. He is the representative of Vatican law - though he has no genuine civil authority to jail anyone he is responsible.

The Vatican refused in 2014 to hand over any more documents about clerical sex abuse in Australia. Australians Lawyers Alliance spokesman Andrew Morrison, who has represented many victims of church abuse, says the Vatican has a long history of refusing to assist in such inquiries, including a similar instance in Ireland. He said, "The Vatican claims the status of independent nation and in those circumstances there's nothing which can be done by government, let alone by the royal commission, to compel it to produce documents," he said.

Investigative journalist, Gerald Posner wrote God's Bankers: A History of Money and Power at the Vatican. The book digs into how the Vatican Bank did immoral deals with Nazi Germany and the mob in the eighties. The Church never had a central bank of its own but it found it needed one when the Nazis were in full force - why? "It needed it because the

Americans and British were trying to stop money going to Nazi Germany, and the Vatican knew that. It wanted to play both sides of the game by making money with the West and making money with the Italian and Germans, and the only way to do that was to have its own bank.” He claims the evidence shows that the Vatican Bank deliberately shored up and invested in companies that robbed Holocaust victims. It covered the financial trail through using proxies in Italy. The Vatican was urged to pay the money back to Holocaust survivors but it responded by silence and a refusal to let its files be checked.

He alleges that the Vatican Bank would knowingly invest in companies through Italian proxies that would steal money from Holocaust victims.

Posner firmly believes that there is no way the bank would ever consider reparations to the families of Holocaust victims.

“When it comes to giving out money, the answer is always ‘no’,” he says. “Even with this pope.” In the 1990s, there was a push for restitutions by Holocaust survivors against insurers and companies who had engaged in using Jewish slave labor.

“The Vatican was the only entity that refused to open up its files or to cooperate or to give a dollar,” says Posner. Even today the Vatican Bank is essentially a corrupt “offshore bank in the middle of Rome”.

Isn't it time the nations took away this fictitious statehood from the Vatican?

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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

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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)

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