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BENEDICT XVI'S OTHER ROLE.

Church and State

by Kal Raustiala & Lara Stemple

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In the rush to examine the theological implications of Joseph Ratzinger's elevation to Pope, most commentators have overlooked an important and striking fact: The new Pope is not merely the spiritual leader of a religion; he is also a head of state. Benedict XVI will head the Church's governing body--known as the Holy See--which claims the status of a sovereign country. In this role, the new Pope will exercise influence over issues of global importance. His predecessors in the modern era have signed international treaties, such as the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination. The Holy See has also participated in world conferences and played a key political role at the United Nations. For years it has been a behind-the-scenes player in international negotiations over a surprisingly wide range of issues, including the development of the International Criminal Court.

That the Holy See is treated as a state within the international system is to many surprising. But it is also deeply troubling, for several reasons. For one thing, the Church isn't *truly* a sovereign nation; and to allow it to play one on the international stage mocks the definition of statehood. More importantly, the Church's role as a state gives it even more political influence than it would otherwise wield--granting outsized political power to a single religion. And that is particularly worrisome now that a conservative Pope has been succeeded by an even more conservative one.

How did this situation come about? The concept of sovereign statehood first developed in Europe, and the Church was long treated as a quasi-state by other Western powers. Indeed, the Papal States existed within Italy for centuries. At their height in the eighteenth century, the Papal States comprised most of central Italy and even parts of what is now southern France. But the Church's territorial holdings were lost in various wars and rebellions, and by the end of the nineteenth century the Vatican was essentially landless. Then in the late 1920s, Vatican City was carved out of Rome via a treaty with Italy. Despite opposition from many quarters, including some conservatives like Senator Jesse Helms, the United States initiated formal diplomatic relations with the Vatican during the Reagan administration. Today, nearly every country has diplomatic ties to the Vatican.

The Church's status as a sovereign nation persists despite the fact that the Holy See

lacks virtually every legal characteristic of statehood. It's true that the Vatican runs a very popular post office and even mints its own currency. But international law requires states to have four attributes: territory, a permanent population, a functioning government, and the ability to engage in international relations. The last requirement largely builds on the others: Whether a state can engage in international relations is usually decided by whether other states treat it like one.

In the case of the Vatican, there is land of a sort. But as any visitor will notice, the "state" of the Vatican City lies in the middle of Rome and is quite compact; in fact, it is little more than half the size of the Mall in Washington, D.C. It relies on Italy for its water, police, and firefighting services and exists only to hold a small collection of offices and religious buildings.

To say that the Vatican possesses a permanent population is even more of a stretch. Most Vatican City residents are members of the Church hierarchy, which is composed solely of men. They number less than the student bodies of many high schools--about 1,000. (Common sense dictates that the Holy See can't claim the one billion Catholics of the world as its population--they are voluntary religious followers, not citizens. They are also already citizens of states like Poland and Peru and as such are already represented at the United Nations.) In short, the claim of Vatican statehood subverts the very concept of the United Nations--which after all, is meant to be composed of *nations*.

Another problem with the Vatican's claim to statehood may seem trivial, but it carries powerful symbolism: The Pope is not a democratic leader--he is not elected by the citizens of his country, nor even by Catholics themselves. If the Pope were just a religious leader, this wouldn't be a problem; few religious leaders are, after all, democratically chosen. But since the Pope also claims to be a head of state, he ought to be judged as a head of state. And the United States has consistently claimed that the world's heads of state ought to be democratically elected.

Most troubling, however, is that the bizarre practice of treating the Roman Catholic Church as a country has serious political implications for women's equality, gay rights, and reproductive freedom. Of course, the Holy See unjustly bans women from holding key Church posts; but the Vatican's fictive statehood allows it to promote its retrograde gender values in multilateral forums as well. For example, during negotiations for the first follow-up conference to the International Conference on Populations and Development, the Holy See advocated for replacing the term "respect for women's rights" with "respect for women's status." Also during this conference the Holy See spoke out against the use of emergency contraception for women who were raped by Serbian forces in Kosovo and successfully blocked all mention of this important provision from the final conference document. When ratifying the children's rights convention, the Holy See claimed that the convention would "safeguard the rights of the child before as well as after birth." And during negotiations on the International Criminal Court, the Holy See pressed to exclude "forced pregnancy"--the practice of ethnic cleansing through rape--from the list of war crimes.

Everything we know about Pope Benedict XVI suggests that he is likely to be more politically aggressive than his predecessor. The special access that the Vatican enjoys within the U.N. system will allow him to use his diplomatic weight against efforts to expand access to contraceptives, to protect the rights of women, and to fight discrimination against gays and lesbians. And this special access is not used

sparingly. The Holy See's envoys already address the U.N. General Assembly or one of its committees about a dozen times a year. The Vatican participates in the World Health Organization, UNESCO, the World Intellectual Property Organization, and the U.N. Conference on Trade and Development. In 2004 the Holy See was granted an increase in its U.N. privileges that will allow it even greater access, a move that drew little notice and no outcry. Though they still cannot vote, the U.N. envoys of the Holy See can now address the General Assembly without permission; they can also raise points of order and cosponsor draft resolutions pertaining to the Vatican.

The wisdom of granting significant U.N. policymaking access to a religious body that does not have to deal with the practical problems that a state must face is dubious. After all, it's much easier to rail against condom use when the reality of dealing with the scourge of AIDS is someone else's job.

Even Pope John Paul II recognized the absurdity of the Vatican's claim to statehood. When Vladimir Putin visited Vatican City some years ago, he offered to invite the Pope to Russia for a formal state visit. Russian Orthodox Church leaders opposed the Pontiff's visit, seeing it as an encroachment by Rome on their turf. Putin proposed a solution. As Putin later recalled, he told the Pope: "I am ready to invite you as the head of state. I, as the head of state, invite you as the head of state." The Pope replied, "Look out the window. What kind of state do I have here? You can see my whole state right from this window." If only the rest of the world agreed.

KAL RAUSTIALA is a professor of law at UCLA. **LARA STEMPLE** is a human-rights lawyer in Los Angeles.

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