

Review: Geoffrey Robertson, *The Case of the Pope: Vatican Accountability for Human Rights Abuse*, Penguin Books, 2013

Pages: 228

'Santa Claus' Abuser Is Coming to Town

A harrowing exposé of the Santa Claus state's cover up and obfuscation of endemic and industrial-scale child abuse, with particular focus on Joseph Ratzinger.

The two main theses presented are: 1. documentation of said child abuse with perhaps up to 100,000 victims and hundreds of million of dollars in settlement agreements; 2. the non-legal status of Vatican City State, and its unjust legal procedures compared to international justice. A minor thesis is its strange and influential relationship with the United Nations.

Geoffrey Robertson has done a service in documenting Vatican crimes and getting to the heart of its illegitimacy as an Italian political innovation of 1929. However, this Atheism has clouded his mind that somehow the Pope is a 'Holy Father' and worthy of respect, when he *is* anti-Christ, and the whole of Romanism one evil tree bringing forth evil fruit:

"The last people I would wish my arguments to encourage are those who ... view the Holy Father as some sort of anti-Christ." [par. 239]

Preface (pp. vii-ix)

The CDF (Congregation for the Doctrine of Faith) required all sex abuse claims be processed in utter secrecy.

I) Suffer the Little Children (pp. 11-13)

Dr Thomas Fuller, 1733: "Be you ever so high, the law is above you."

Victims describe their assaults as soul destroying.

The church and its secular defenders like Alan Dershowitz use a *tu quoque* fallacy, that hierarchical sex abuse occurs in all institutions, not just Catholic.

Ft. Tom Doyle: “Catholics are indoctrinated from their childhood that priests take the place of Jesus Christ and are to be obeyed at all costs, and never questioned or criticised.” [p.5]

Richard Sipe: “even sex with minors becomes just another sin to be forgiven.” [p.6] For the pains of their vocation, priests feel entitled to use children (“altruism in the service of narcissism”). Their good has a *quid pro quo* characteristic of self-gratification.

60% of U.S. priests were ‘re-assigned’ after the first report they were child abusers.

Some U.S. dioceses have declared bankruptcy to avoid damages.

Since the Holy See [HS] is a state, the Pope has ‘head of state immunity’, meaning he can never be sued or prosecuted.

The statehood attribute is attributed to ownership of a block of land (108.7 acres) in Rome. Further, as a UN non-member state, it has power there to do all but vote on issues.

The HS is in effect a ‘Santa Claus’ state, given special status in Italian law under the Lateran Treaty (LT) negotiated with Mussolini in 1929. Prior to this, the Papal States were extinguished in 1870 when *Risorgimento* forces took Rome. [par. 13]

The HS has relations with 178 countries.

II) Sins of the Fathers (pp. 14-41)

Henry VIII made England’s first anti-buggery laws to target Catholic priests.

Boston Parish priest John Jay Geoghan abused 130 children since the mid 1990s, mostly boys.

The Boston diocese has had to pay \$100M in damages, and Los Angeles \$660M.

Only 13% of allegations are made in the year of the crime; 25% up to thirty years afterwards.

Most victims are aged 11-14 and 81% were boys.

Sex acts were usually committed at the parish residence or the church school.

“You can trust me, you won’t go to hell because I’m a priest.”

Only 6% of accused are convicted, 2% sentenced, and 1% excommunicated. 29% were allowed to resign and 53% sent for ‘treatment’.

Father Lawrence Murphy in Wisconsin raped 200 deaf boys.

Dublin’s Archdiocese preoccupation during the 1990s abuse scandal was reputation protection and asset preservation; all else was to be subordinated to these.

Since the HS was a sovereign state, it should only receive communication from states, and not judicial commissions.

In Germany, fifty Jesuit priests had physically abused over 200 children in schools care.

Austrian Cardinal Groer molested around 2,000 boys.

Whistleblowing is frowned upon on pain of ex-communication.

III) Canon Law (pp. 42-62)

Canon Law was codified only in 1917, then revised in 1983 when Freemasonry was permitted.

None can be punished unless it is, 'gravely imputable by reason of malice or culpability'. However, Rome sees paedophiles as subject to uncontrollable urges.

A bishop can decide merely to give a guilty priest various warnings: *paternal* (fatherly advice); *grave* ; *most grave* (last step before Canonical trial). Even if found guilty at trial, sentence may only be, "spiritual exercises", or, "suspension of mass for a period".

Canon Law does not provide for an independent and impartial court. *Crimen* imposes 'utmost confidentiality' and 'permanent silence' on all involved in any proceedings.

Canon Law is intolerably slow since all must be reported to the CDF who can order trial at Rome.

A bishop can't repeat an allegation made during the sacrifice of penance (it is inviolable').

"Canon Law is complete in itself and entirely distinct from the law of states." [Par. 84]. This fact disqualifies it as an alternative to public justice, and makes a breach of international law by subverting justice systems of other nations.

IV) The Lateran Treaty (pp. 63-78)

Charlemagne created the 4,891mi² of the 'papal states'.

Vatican City State (VCS) was created 1929.

Pius IX opposed Italian unity; Garibaldi and Mazzini.

The Bishop of Milan (future Pope Pius XI) championed Mussolini, advising the king to appoint him prime minister. He also helped during the 1925 crisis caused by Mussolini's assassination of Communist Matteotti.

Mussolini's party was elected with 98% of the vote.

The Vatican, 2/11/1929: "Italy has been given back to God and God to Italy."

The Pope and his bishops blessed Mussolini's army on its 1935 campaign to conquer Abyssinia, also his support for Franco in Spain.

If the HS was not a state in 1929, then the Lateran 'treaty' was really just a Concordat (a State-to-non-State agreement). "There were no 'Vaticanians' wanting independence from Italy. [Par.99]

Most of VCS' functions, policing, defence, electricity, water, and sewerage are performed by Italy and Rome.

Art. 24 of the LT: "T HS ... wishes to remain and will remain extraneous to all temporal disputes between states ... at the same time reserving the right to exercise its moral and spiritual power. In consequence ... Vatican City will always ... be considered neutral and inviolable territory." [par. 105]

V) The Statehood Test (pp. 79-95)

Art. 1 of the 1933 Montevideo Convention on Rights and Duties of States:

"The state ... shall possess:

- (a) a permanent population.
- (b) a defined territory.
- (c) government; and
- (d) capacity to enter into relations with the other states.

At one point VCS had 416 'citizens': 46 cardinals, 89 Swiss guards, 201 passport holders, and the Pope. [par. 116]

VCS is one place no Vaticanian has ever been born, so there is no birth citizenship.

~50% of Papal nuncios are Italian.

The Sovereign Military Order of St John of Jerusalem, Rhodes and of Malta is another Catholic 'State'.

Vatican Bank was intertwined with Freemason Licio Gelli's P2 lodges. In 1978, John Paul I was likely poisoned after just 33 days in office by the lodge with digitalis.

The HS has no border checks, no exchange controls, and no customs posts.

VI) The Holy See and the United Nations (pp. 96-111)

In 1999, Cardinal Ratzinger protested the arrest of Torturer General Pinochet.

VCS is party to the Torture Convention, but not the *Convention on Migrant Workers*.

VII) The Convention on the Rights of the Child (pp. 112-120)

VCS hasn't reported on time as required under its obligations.

VIII) A Case to Answer? (pp. 121-133)

"There is no denying the fact that the world-wide system of covering up cases of sexual crimes committed by clerics was engineered by the CDF under Cardinal Ratzinger.

-Father Hans Kung, Open Letter to Catholic Bishops on Fifth Anniversary of Benedict's election as Pope." [p121]

"It is not plausible to suggest that Cardinal Ratzinger spent almost a quarter of a century as head of the CDF in ignorance of clerical sex abuse until the very end." [par. 184]

IX) Crimes Against Humanity (pp. 134-150)

The ICC's Art. 27 proclaims irrelevance of official capacity and abolishes state immunity for Presidents, Prime Ministers, and Popes.

The HS refuses to join.

Only the ratifying state, or the U.N. Security Council can refer a case to the ICC. However, states can exercise referral powers over their natural citizens, so Germany could do so or Ratzinger who is German.

Even if a Pope were charged, he could always stay holed up in VCS.

Actus reus: “factual basis of an allegation.”

International law doctrine has “command responsibility”, that liability for crimes rests with superiors.

The ICC in *DRC (Congo) v Belgium* found a foreign minister must enjoy immunity wherever he travels.

X) Can the Pope be Sued? (pp. 151-162)

The doctrine of *respondeat superior* holds employer responsible for employee and agent actions.

The VCS aims to avoid trails at all costs: it may force document translation into Latin.

In *O’Bryan*, VCS has been obliged to file a pleading to contest merits of the plaintiff that the HS is vicariously liable for conduct of its bishops (employees). [par. 225]

XI) Reflections (pp. 163-174)

From 1979-2005: up to 100,00 children may have been abused; thousands of clergy were harboured and moved; the HS, a pseudo-state has withheld evidence of their guilt from law enforcement agencies. [par. 232]

“The last people I would wish my arguments to encourage are those who ... view the Holy Father as some sort of anti-Christ.” [!] [par. 239]

Appendices/Notes (pp. 175-228)

In 1051, St Peter Damian urged the Pope to take action against the sodomy said to be rife among priests.

50 of Malta's 850 priests are abusers.