Introduction

In modern day diplomacy, the role of the Holy See (HS) has been characterized by conflicting perceptions. Most recently, a serious public spat occurred between The Economist and the HS in 2007 concerning the very nature of the HS as a diplomatic actor. In the conclusion of a well-researched article, the journal proposed that in an age of rising importance of various independent agencies active in the world of diplomacy, the HS would enhance its authority by clarifying its status:

Instead of claiming to practise a form of inter-governmental diplomacy, it could renounce its special diplomatic status and call itself what it is – the biggest non-governmental organisation in the world. (The Economist 2007)

The response from the HS came a few weeks later in the form of an interview by the then head of the papal diplomatic service, the French Archbishop Dominique Mamberti, with the newspaper of the Italian bishops’ conference Avvenire. There, he argued that suggestions such as those made in the article in The Economist,

may have arisen from an imprecise understanding of the Holy See’s position in the international community: a position that can be traced back to the beginning of the international community itself, and has been reinforced above all since the end of the nineteenth century. With the disappearance of the Papal States [in 1870], it has,
in fact, become increasingly more clear that the Holy See’s international juridical personality is independent of the criterion of territorial sovereignty. This situation is accepted tranquilly by the international community both on the bilateral level – I recall that there are almost 180 countries that maintain diplomatic relations with the Holy See – and on the multilateral level, as shown in particular by the UN general assembly resolution 58/314 of 2004, which expanded the range and prerogatives of the Holy See’s action as a permanent observer of the UN.¹

Indeed, rather than showing signs of irrelevance, the presence of the HS as an actor within the Westphalian diplomatic order has been significantly strengthened in recent decades. When John Paul II took over as pope in 1978, the HS had diplomatic relations with 85 states. The number was 174 when he died in 2004 (The Economist 2007). At the time of writing, the HS had official diplomatic relations with 179 states and participated in various capacities in numerous international organizations.² It is the oldest surviving Western diplomatic actor actively using its right of legation since about the mid-4th century AD when the Roman Empire officially recognized Christianity as one of its official religions and the popes established formal relations with the emperors (Graham 1959). It preceded the modern territorial states and was in many ways one of the key formative factors in the formation of the modern Westphalian diplomatic order where it remains as a recognized participant on par with states (Mattingly 1955; Graham 1959; Anderson 1993; Reus-Smit 1999). The HS is party to the 1961 Vienna Convention on Diplomatic Relations on par with states. What is more, the Convention in Article 16 (3) also provides for the possibility used in many capitals around the world of making the nuncio (the papal ambassador) the permanent doyen of the local corps diplomatique thereby making the papal foreign service a primus inter pares among the professional foreign services. As Matlary (2001) observes, HS diplomats and their professional skills are held in high esteem among career diplomats worldwide. Indeed, as Israel’s then ambassador to the Holy See, Oded Ben-Hur, argued in 2007, the papal foreign service is “just like any foreign service, with different people having different abilities. But they have an advantage: they are highly cultured. They know languages. They know history. They are very well-informed” (The Economist 2007).³

The term “Apostolic See” or “Holy See” applies “not only to the Roman Pontiff but also to the Secretariat of State and other institutions