

JOHN PAUL II AND THE RULE OF LAW: BRINGING ORDER TO INTERNATIONAL DISORDER

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Within a year of his election to the Papacy, John Paul II addressed the Ninth World Conference on Law convened in Madrid, and announced to the participants and the rest of the world his views on the law and juridical institutions. In attendance at this conference were lawyers, judges, law professors, and students who had gathered to exchange perspectives on important legal issues. While those in attendance represented a wide variety of legal systems, they addressed many common problems that human beings encounter and attempt to solve through the rule of law. Regardless of the type of legal system from which each participant came, the Pope asserted that the underlying premises of the rule of law must be the same for all legal cultures. These universal premises can help overcome the limitations of self-interest so that the inherent dignity of each person may be respected.¹ This is particularly true for fundamental human rights identified by the Universal Declaration of Human Rights, which belong to everyone regardless of the legal culture in which they live.

Contrary to any assertion that it has a static nature, the rule of law, according to the Pope, is a creative force in human society that is not restricted by “rigid immobility,” but at the same time has a firm underpinning in a rich tradition built on “lasting human values.”² John Paul II characterized the rule of law as an institution built on truth that fuses the “law of the heart” and the “reason from which it emanates,” and provides the mechanisms

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¹ See Pope John Paul II, Address of John Paul II to the Participants in the 9th “World Conference on Law” (Sept. 24, 1979).

² *Id.*

for resolving tension or conflicts that arise in human relationships.³ Its footing is the truth that protects every person; its foe is the relativism that reflects the capricious special-interest or the whimsical mindset.

These thoughts from an address early on in the pontificate of John Paul II need to be carefully studied in order to appreciate their significance and relevance today, almost twenty-seven years after they were delivered. The justifications for this examination are several. First of all, John Paul II stood on the shoulders of predecessors concerning the relevance of the rule of law. Second, his extensive corpus of encyclicals, messages, addresses, and other texts provided extensive treatment and promotion of the importance of the rule of law and its relationship to the proper and authentic development of peoples. Third, throughout his long pontificate, John Paul II enhanced the significance of the words of this 1979 address by robustly participating in the world and its law-making institutions. After a brief discussion of the rule of law and its meaning, this essay will continue by examining the precedents upon which John Paul II relied and refined. It will then examine some of the major writings issued during his pontificate in which John Paul II placed his own hallmark to the notion of the rule of law. Finally, this essay will consider the beneficial impact that his ideas can have on the world and its legal institutions.

I. THE RULE OF LAW

In order to understand John Paul II's view on the rule of law, it is essential to have a basic definition of the concept itself. Within the context of Catholic thought and intellectual development, the researcher can begin with ancient contributions, especially the contribution of the Romans.⁴ While some emperors of the later empire were of the view that they were above or beyond the law, the Romans developed the concept that the law was a set of principles that was written, accessible, and offered understandable guidance to anyone who was subject to the law.⁵ The rule of law was something that protected those

³ *Id.*

⁴ A helpful introduction and overview of the Roman contribution may be found in BARRY NICHOLAS, AN INTRODUCTION TO ROMAN LAW 1–14 (1962).

⁵ See, e.g., CICERO, DE LEGIBUS bk. II, 11 *in* DE RE PUBLICA AND DE LEGIBUS 125 (Niall Rudd trans., Oxford Univ. Press 1998) (ca. 51–54 B.C.).

who were recognized by it as persons under the law (unfortunately, some people, such as slaves, did not count and were not recognized). For those who fell within its consideration, however, civil potentates had to exercise caution and proceed in accordance with the law and not with their wishes that contravened the law. We are reminded that St. Paul himself took advantage of the rule of law when he insisted on the protections he enjoyed as a Roman citizen against the false and arbitrary accusations made by Jewish authorities.⁶ Paul, with knowledge of his rights under the law, made his appeal to Caesar before the Roman governor, Festus. Festus seemed inclined to continue the policy of his predecessor, Felix, and to cooperate with the Jewish authorities to win their favor. But realizing the authority of the rule of law over himself, Festus acknowledged that he, too, was bound by what the law requires and declared to Paul and the Jewish authorities that he must grant Paul's request: "You have appealed to Caesar. To Caesar you will go."⁷

John Finnis has well-explained the notion of the rule of law as the idea that the principles of law are clear, knowable, based on reason rather than whim (hence, they are just), coherent, stable until changed under existing and predictable mechanisms, and generally applicable to all who come under their consideration (hence, they are fairly applied).⁸ While certain office holders and the state—and citizens through the electoral process—are responsible for making the law, it is above them, rather than they above it. Those against whom transgressions have occurred are protected; those who have transgressed become subject to the law's application and are held accountable for their transgressions.

The rule of law notifies one and all—from the humblest of positions to those in the highest—of their rights and their duties.⁹ In its essence, the rule of law simultaneously provides restraint and protection. Within a given legal system, the law and its rule applies to one and all, including those who make the law, apply the law, and adjudicate under it. In the words of

⁶ See *Acts* 25:1–12 (New American).

⁷ *Id.* at 12.

⁸ For an excellent elaboration of these points, see JOHN FINNIS, *NATURAL LAW AND NATURAL RIGHTS* 270–76 (1980).

⁹ HAROLD J. BERMAN, *LAW AND REVOLUTION—THE FORMATION OF THE WESTERN LEGAL TRADITION* 292–94 (1983).

Harold Berman regarding the most powerful in society such as the king, "it was the *lex* that made him *rex*."¹⁰ Without the *lex*, there is no *rex*. The ideas that no one is above the law and that it applies to all for their protection, as well as their restraint, appear to be a consistent component of evolving western legal institutions.¹¹ Illustrating this point are the American laws enacted in the past three decades appointing independent counsels or prosecutors to investigate and, if necessary, prosecute alleged wrongdoings of persons in positions of high authority.

While one may often think of the rule of law in a domestic, i.e., national, legal system, it is not absent from international law, the *jus gentium*. As Sir Henry Maine said of the rule of law in international law:

Of all rules of public law it is the one which does most to prevent the whole of the civilised world being brought under an iron-bound theory of government. It enables theories of government to be tested by experiment in several states, and prevents any one of them from overwhelming the rest whether in the name of order or in the name of freedom.¹²

It could then be said of the rule of law in the international order that it is that body of generally recognized and accepted principles and their application that give ordered direction to States and their peoples in their interactions with one another. This body of principles, moreover, possesses an organic continuity that gets passed on to succeeding generations but retains the ability to be amended or modified when right reason requires revision.

II. THE PRECEDENTS

As previously mentioned, John Paul II stood on the shoulders of those who preceded him. Among the modern Popes who prepared the way would be Leo XIII. Leo XIII encouraged the international community to engage in drafting and ratifying international agreements that led to the Hague conferences in

¹⁰ *Id.* at 459. John Kelly generally agrees with these thoughts, but he properly notes that during the Empire, some emperors considered themselves above the law, thereby establishing a precedent destructive to the concept but followed by later European rulers of more recent times. See J. M. KELLY, A SHORT HISTORY OF WESTERN LEGAL THEORY 69–70 (1992).

¹¹ See KELLY, *supra* note 10, at 69–70, 99–100, 131–34, 176–79, 232–36, 282–83.

¹² Sir Henry Maine, International Law: Lecture III, State Sovereignty (1997) available at <http://www.yale.edu/lawweb/avalon/econ/int03.htm>.

the late nineteenth and early twentieth centuries.¹³ In his 1890 encyclical *Sapientiae Christianae* (On Christians as Citizens), Pope Leo emphasized the link between the law and the practice of right reason (informed by the truth that God inscribes in human hearts and minds).¹⁴ This formulation has been frequently employed by the Church in explaining the role of the natural law or the moral natural law in juridical institutions found around the world. But the law, in Pope Leo's estimation, is more than simply the exercise of right reason: the law by its rule is issued by "a properly constituted authority" and directed toward achievement of the common good.¹⁵

In his earlier 1888 encyclical, *Libertas* (On Human Liberty), Pope Leo provided some further insight into the rule of law by explaining the proper role of liberty in human existence¹⁶—something that would be very important for John Paul as will be seen. Essential to this enterprise is that moral natural law enables the free person—leader and citizen alike—to decide between what is right and what is wrong, to determine what is good and what is evil.¹⁷ The exercise of this right reason is at the "root of the necessity of law."¹⁸ Regardless of who is exercising choice or liberty, Leo concluded that the "law is the guide of man's actions; it turns him toward good by its rewards, and deters him from evil by its punishments."¹⁹

In an apostolic letter of June 20, 1894, Leo used the occasion to stress that the authentic law of nations must be maintained by justice if it is to be successful in its proper objectives. In this letter the Pope warned that "ambition and covetousness and envy" are the principal instigators of war.²⁰ The Christian virtue of justice positively influences the temperaments of those responsible for such instigations so that they can be avoided.²¹

¹³ See generally, ETIENNE GILSON, *THE CHURCH SPEAKS TO THE MODERN WORLD: THE SOCIAL TEACHINGS OF LEO XIII* 3–5 (1954) (describing many of Pope Leo's most influential works).

¹⁴ See LEO XIII, *ENCYCLICAL LETTER SAPIENTIAE CHRISTIANAE* ¶ 8 (1890).

¹⁵ *Id.*

¹⁶ See generally LEO XIII, *ENCYCLICAL LETTER LIBERTAS* (1888) (describing the nature of human liberty).

¹⁷ *Id.* ¶ 7.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ LEO XIII, *APOSTOLIC LETTER PRAECLARA GRATULATIONIS*, in *PRINCIPLES OF PEACE—SELECTIONS FROM PAPAL DOCUMENTS* (1943), at 89 n.193.

²¹ *Id.*

As the Pope explained, the virtue of justice strengthens fraternal relations among peoples so that their governments respect the law of nations and the treaties that further formalize this law in a written fashion.²² As a habit, the virtue of justice inculcates a way of life in which people and their governments rely on reason to ascertain what is right and wrong, not just for themselves, but for all concerned; consequently, the actions they take when informed by this virtue promote harmony and eschew discord.

Pius XI would continue Leo XIII's legacy on the rule of law as it would be applied to international applications. In his first encyclical letter of 1922, *Ubi Arcano Dei Consilio*, Pius XI, with memory of the First World War's horror fresh in his mind, commented on the vital role international law played in avoiding international conflict.²³ The Pope understood the law's limitations, but he also respected and valued the significance of the rule of law in arresting the appetite of the aggressor. In reference to the struggles of the League of Nations that was founded by treaty law, Pius XI provided some hope that human institutions such as the League, in spite of their limitations, could profit from the early example of the Church in the Middle Ages. It had developed a code of law that regulated the conduct of the Christian nations who were generally inclined to follow it. In spite of occasional violations, this code of law was used with frequent success to serve as "a beacon light calling those who had lost their way back to the safe road."²⁴ The "safe road" was the path taken by the Christian nations to substitute harmony and peaceful means of reconciling differences for armed conflict and the turmoil that results.²⁵ Pius XI's successor, Cardinal Pacelli, a skilled diplomat and Cardinal Secretary of State to Pius XI, would follow him, not only in the papacy, but also in sharing and expanding the outlook that favored the significance of the rule of law in the international order.

²² *Id.*

²³ See PIUS XI, ENCYCLICAL LETTER *UBI ARCANO DEI CONSILIO* ¶ 45 (1922).

²⁴ *Id.* For an elaboration of the point made by the Pope concerning the model of the Church as an international peace institution, see Robert J. Araujo & John A. Lucal, *A Forerunner for International Organizations: The Holy See and the Community of Christendom—With Special Emphasis on the Medieval Papacy*, 20 J.L. & REL. 305, 307–08 (2004–2005).

²⁵ See Araujo & Lucal, *supra* note 24, at 312–14 (describing the Church's mission of establishing a moral voice in international relations that assisted nations in avoiding, or at least delaying, war).

Pius XII provided broad shoulders for John Paul to stand on concerning the significance of the rule of law toward bettering the conditions of all members of the human family. As a veteran diplomat trained in civil and canon law, Pius XII relied on this background when he drafted his first encyclical, *Summi Pontificatus*,²⁶ which was issued during the first year of his papacy in 1939. In it, he commented on a world plunging deeper into global conflict and catastrophe. The juridical mind of Pius XII recognized that there is a natural unity of mankind which exists “in law and in fact” because individuals do not view themselves as “isolated units, like grains of sand,” but are bound together by a force intrinsic in their nature.²⁷ For Pius XII, it was law and its rule that facilitate the “organic, harmonious mutual relationship” that develops and preserves the natural relationship among people.²⁸ He understood that the internal affairs of nation states must provide legal mechanisms for their proper administration. However, he also concluded that no State can exercise an unlimited authority which not only harms its internal governance but also adversely affects “the relations between peoples,” because it “breaks” the unity of international society by challenging or ignoring the *ius gentium* of its vitality and international agreements that promote peaceful relations.²⁹ The rule of law was, in his perspective, indispensable to harmony and concord among peoples and States.³⁰ He hastened to add that the rule of law constructed by the will of States must reflect the principles of the moral natural law. Otherwise, positive international law could be endangered by the whim of stronger States, which would threaten the very essence of peace and cooperation.³¹

An illustration of this Pope’s view on the importance of treaties in the rule of law can be found in the concordat that was negotiated with Nazi Germany in 1933 when Cardinal Pacelli was Secretary of State. As Professor Ronald Rychlak points out, the existence of a concordat is not evidence of good relations between the Holy See and a particular country; rather, it can be

²⁶ PIUS XII, ENCYCLICAL LETTER *SUMMI PONTIFICATUS* (1939) [hereinafter *SUMMI PONTIFICATUS*].

²⁷ *Id.* ¶ 42.

²⁸ *Id.*

²⁹ *Id.* ¶ 71.

³⁰ *See id.* ¶ 74.

³¹ *See id.* ¶ 76.

evidence of just the opposite.³² This was the case of the 1933 concordat between the Holy See and Germany. With a treaty (concordat), the Church would be able to rely on written provisions of the agreement to protect its interests even though the other party might ignore them. In such a case, the Holy See could refer to the element being violated and the breach of the fundamental principle *pacta sunt servanda*. This was true of the 1933 Concordat with Germany. As Cardinal Michael von Faulhaber, Archbishop of Munich at the time and an outspoken critic of Nazism, was reported as saying, “With the concordat we are hanged, without the concordat we are hanged, drawn and quartered.”³³

In his 1940 Christmas Message,³⁴ Pius XII reiterated the importance of international law and the significance of treaties in maintaining the peace. The law and legal institutions promote justice amongst peoples and nations because they insure the rights and legitimate interests of the small and weak nations against the large and powerful.³⁵ In his 1941 Christmas Message,³⁶ the Pope emphasized the contributions of the Christian faith to developing a global atmosphere in which strife could be replaced with harmonious relations. He once again elaborated on the role of the moral law in “the new edifice that is to be constructed” after the destruction brought about by the war.³⁷ He believed that a “new order” was possible in which “a more tranquil future” for all peoples could be established through appropriate legal institutions.³⁸ The moral law of which he spoke was something that could be found in the hearts of all, and this moral law was essential to people and States if they were to succeed in reaching and maintaining the “new order” that would guarantee peace by eliminating the oppression of one nation by

³² MICHAEL NOVAK & RONALD J. RYCHLAK, *RIGHTEOUS GENTILES: HOW PIUS XII AND THE CATHOLIC CHURCH SAVED HALF A MILLION JEWS FROM THE NAZIS* 27 (2005).

³³ *Id.* at 26–27.

³⁴ Pope Pius XII, Christmas Message *Conditions for a New World Order* (1940), reprinted in 2 MAJOR ADDRESSES OF POPE PIUS XII 33 (Vincent A. Yzermans ed., 1961).

³⁵ *See id.* at 36–37.

³⁶ Pope Pius XII, Christmas Message *Christianity and the World Crisis* (1941), reprinted in 2 MAJOR ADDRESSES OF POPE PIUS XII 38 (Vincent A. Yzermans ed., 1961).

³⁷ *Id.* at 44.

³⁸ *Id.*

another.³⁹ But it was first necessary to find “[m]eans” which would promote the cardinal principle that international agreements must be obeyed—*pacta sunt servanda*.⁴⁰ One method for accomplishing this vital task would be through the establishment of institutions that “will merit the respect of all and which will dedicate themselves to the most noble office of guaranteeing the sincere observance of treaties,” and their revisions necessitated by the principles of law.⁴¹ In this regard, he favored an international juridical institution.

Pius XII understood how the events leading up to the Second World War destroyed the League of Nations; however, he recognized the irony that the same conflict planted the seeds for the United Nations. In this context he advocated the establishment of a new international organization dedicated to the maintenance of international peace and security, and the Pope dropped hints for supporting such an institution in his Christmas Message for 1942.⁴² In doing so, he identified five points or milestones of ordering local and international society that the human family needed to pursue if it was to overcome the shadows cast by world conflict and establish an ordered tranquility. These principles included: (1) protecting the dignity of the human person and promoting fundamental human rights; (2) defending social unity, the core of which lay the protection and inviolability of the family; (3) fostering the dignity of labor which compels all to respect each member of society and the family; (4) rehabilitating the juridical order in which an objective moral order prevails over an essentially positivist and utilitarian one; and, (5) promoting a Christian conception of the State in which government mechanisms are designed to serve rather than subjugate the individual and personal human dignity.⁴³ These principles were designed to contribute to the flourishing of the human family in a properly reconstructed post-war world that reflected the law of right reason. Moreover, these principles reflected the views and means of a Church leader who emphasized juridical mechanisms and diplomacy as the preferred

³⁹ *Id.* at 45.

⁴⁰ *Id.* at 46.

⁴¹ *Id.*

⁴² See Pope Pius XII, Christmas Message *The Internal Order of States and People* (1942) [hereinafter 1942 Christmas Message], reprinted in 2 MAJOR ADDRESSES OF POPE PIUS XII 51–65 (Vincent A. Yzermans ed., 1961).

⁴³ See *id.* at 60–63.

ways of addressing the world's pressing problems.⁴⁴ The Pope again emphasized the importance of the juridical order, and he stated clearly that the juridical order he had in mind could not be based on pure positivism or utilitarianism, but had to be founded on the moral law.⁴⁵ It would have a tribunal that would use clear juridical norms free of caprice and utilitarian considerations, and it would rely on the principle that no harm should ever come to the liberty, property, honor, and health of the individual.⁴⁶

The Pontiff was cautious about blindly endorsing any institution without carefully examining its *raison d'être* and methods of operation. Solidarity among all members of the human family, which is consistent with God's law, was critical for him; consequently, searching for mechanisms to pursue and sustain solidarity among peoples was a meritorious undertaking.⁴⁷ Friendly relations between and among nations and collaboration would reflect the divine plan for mankind.

Pius XII acknowledged that an ally of such a mechanism would be judicial intervention that would lead to proper disciplines and punishments meted out against any aggressor who ignored the rule of law. He saw this instrument as cultivating a world in which war would be subject to proscription because there would soon be preventive measures making such use of force obsolete. Of course, the Pope exercised prudence and wisdom, and acknowledged that any human institution, no matter how benign its design, could be a source of mischief. Consequently, he asserted that the eventual peace settlement should not promote any injustice, as was the case after the First World War. After all, no nation—be it victor, vanquished, or neutral—can be subject to a “perpetual burden” without

⁴⁴ See Harry Koenig, *The Popes and Peace in the Twentieth Century*, in *THE CATHOLIC CHURCH IN WORLD AFFAIRS* 61–62 (Gurian & Fitzsimons eds., 1954). With regard to the Pope's strong belief in juridical authority, Fr. Joseph Hassett noted that the promotion of world federalism in the form of some kind of supranational juridical authority was one of the four principal contributions of Pius XII to the political order. Joseph D. Hassett, S.J., “Pius XII and the Political Order,” *World Justice*, III, 480 (June 1962). The other three included: up to that time the clearest and strongest papal statement supporting democratic governance; clarification of the problem of religious freedom at the national and international levels; and, an important modification of the scholastic doctrine of the morality of war. *Id.*

⁴⁵ See 1942 Christmas Message, *supra* note 42, at 62–63.

⁴⁶ See *id.* at 63.

⁴⁷ *SUMMI PONTIFICATUS*, *supra* note 26, ¶¶ 11–12.

disturbing peace for the long term.⁴⁸ Justice, after all, is the mother of peace and mutual trust. Sooner or later, even the wrongdoer must have a role in the process of stabilizing the future; otherwise, seeds of discontent may germinate into future conflict that just solutions to existing problems could avoid. It was evident that the Pope saw that the Church had an undeniable role in these matters.⁴⁹ That is why his 1945 Christmas Message spoke of the Church's role in reconstructing a "true peace" that would help instill "[r]eciprocal [c]onfidence" among all peoples, eliminate "one-sided judgments and false assertions" that sway people's minds, and eradicate the existence of totalitarianism, which oppresses the human spirit and desire to rebuild societies so that they are just and peace-loving.⁵⁰

John XXIII and Paul VI continued these expectations about and hope in the rule of law. They continued teaching the tradition of the significance of the rule of law to the national and international communities. In his landmark encyclical *Pacem in Terris*, John XXIII twice commented on the relevance of the law and its rule in the international community to ensure respect for even the smallest of nations, so that the common good may be enjoyed by one and all.⁵¹ The rule of law protects the small against the appetites of the strong so that the justice claimed by some can be something claimed by all.

Pope Paul VI also spoke of the importance of law to the international community when he addressed the United Nations General Assembly in October of 1965.⁵² In his pioneering address, the first of its kind ever given, Paul VI had many things to say. Included in the list of things to comment on was the proper role of law and its rule in guiding the international community along the path of peace. In an important portion of his speech he addressed the rule of law in several contexts.⁵³

⁴⁸ See Pope Pius XII, Christmas Message *True and False Democracy* (1944), reprinted in 2 MAJOR ADDRESSES OF POPE PIUS XII 86 (Vincent A. Yzermans ed., 1961).

⁴⁹ *Id.* at 87–88.

⁵⁰ Pope Pius XII, Christmas Message *Prerequisites for True and Lasting Peace* (1945) [hereinafter 1945 Christmas Message], reprinted in 2 MAJOR ADDRESSES OF POPE PIUS XII 96–99 (Vincent A. Yzermans ed., 1961).

⁵¹ John XXIII, ENCYCLICAL LETTER *PACEM IN TERRIS* ¶¶ 124, 133–38 (1963).

⁵² Address of Pope Paul VI to the General Assembly of the United Nations, reprinted in NEVER AGAIN WAR!—A DOCUMENTED ACCOUNT OF THE VISIT TO THE UNITED NATIONS OF HIS HOLINESS POPE PAUL VI, at 34–35 (1965).

⁵³ See *id.* at 34–35.

First of all, he identified the importance of law as a guarantee enabling all States—through their juridical status—to voice their views as equals in a forum of equals. It was the Pope’s expressed view that this is essential to international order and stability.⁵⁴ Related to this observation is a second important point: the relations between and among peoples must be “regulated by reason, by justice, by law, by negotiation; not by force nor by violence nor by war, neither by fear nor by fraud.”⁵⁵ In short, when people act according to the moral law of nature inscribed within them, they exercise right reason and the rule of law to guide and determine their conduct with one another. This, in turn, guarantees harmonious coexistence rather than disorder. The foundation established by the Popes from Leo XIII to Paul VI provided the mandate that John Paul II was to continue robustly for over a quarter century.

III. JOHN PAUL II ON THE RULE OF LAW

Throughout his pontificate, John Paul II acknowledged in a wide variety of forums the importance of the rule of law and its crucial role in an ordered global society. Be it in more formal texts such as encyclicals or annual messages to the world, to the diplomatic corps in speeches, or in less formal contexts, he emphasized the importance of a written law based on right reason that regulated and protected all. Unlike Pius XII who was trained in civil and canon law, John Paul II was a philosopher; however, this background did not deprive him of a deep understanding and respect for juridical institutions and an awareness of the good that the law can accomplish and the mischief into which it can venture. In the realm of international legal institutions, John Paul II saw that immense progress could be achieved for the dignity of the human person (e.g., the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights), but he recognized the frustration of these same goals when the Universal Declaration or the ICCPR is interpreted in such a way that abortion is not only justified, but claimed to be a “human right.” Illustrating this latter point are two recent texts having implications on international law: the Human Rights Committee report on *KL v.*

⁵⁴ *See id.*

⁵⁵ *Id.* at 35.

Peru,⁵⁶ and the EU Network of Independent Experts on Fundamental Rights, Opinion No. 4-2005, *The Right to Conscientious Objection and the Conclusion by EU Member States of Concordats with the Holy See*.⁵⁷ The report does not mandate legal “reform” of a country’s law, but chastises Peru for not permitting a young seventeen year old mother to have an abortion when her pregnancy did not threaten her life.⁵⁸ The Human Rights Committee applies several international legal instruments in support of the mother’s “rights,” but it fails to take into account the same instruments and the rights of the baby who was born but died four days after birth. The Experts’ “opinion” scrutinizes recent provisions in concordats negotiated between the Holy See and various member States of the European Union that protect the rights of religious freedom and conscience of persons who may be asked to have a role in performing abortions, euthanasia, or same-sex civil unions or marriage. The Experts conclude that these concordat terms designed to protect conscientious objectors are invalid under international law and European Union law.

John Paul II announced on many occasions during his long papacy his support for the rule of law, which was integral to him for a just and peaceful society. Shortly after his address at the World Conference on Law, he followed in the footsteps of Paul VI and traveled to New York to deliver his first of two addresses to the United Nations General Assembly. The theme of his first address to the General Assembly focused on human rights. Of course, most would agree with the importance of “human rights.” Yet the real question to ask about “human rights” is: what do they mean? In other words, what is constitutive of them, and to whom do they belong? The answer the Pope gave is clear: the dignity of every human being is at stake when the dignity that belongs to each—regardless of their stage in human life—is

⁵⁶ U.N. Off. of the High Comm’r for Human Rights, Human Rights Comm., *Views of the Human Rights Committee Under Article 5, Paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights*, U.N. Doc. CCPR/C/85/D/1153/2003 (Nov. 22, 2005).

⁵⁷ E.U. Network of Indep. Experts on Fund’l Rts., *The Right to Conscientious Objection and the Conclusion by EU Member States of Concordats with the Holy See* (Dec. 14, 2005), available at http://ec.europa.eu/justice_home/cfr_cdf/doc/avis/2005_4_en.pdf (last visited Nov. 3, 2006).

⁵⁸ See *id.* at 19–20.

impaired or destroyed.⁵⁹ He stated that the essential reason for being present at the UN was so that the truth could be known by those who deliberate the issues of importance to the international community and to ensure that their meetings occur “in the name of man in his wholeness.”⁶⁰ Here the Pope relied on a legal theme to describe his position: he recalled Jesus appearing before the tribunal of the Roman judge “to bear witness to the truth.”⁶¹ For John Paul II, the truth—that which is objective and transcends human whim or caprice—is essential to those human institutions designed to guard the sanctity of every person’s claim to human rights. As his papacy progressed, John Paul II would continue to mention the importance of the rule of law and its significance to the contemporary world.

In two encyclicals, he developed his views on the importance of the rule of law. In his 1987 encyclical *Sollicitudo Rei Socialis* (On Social Concern), which celebrated the twentieth anniversary of Paul VI’s encyclical *Populorum Progressio*, John Paul II addressed a variety of issues concerning authentic human development throughout the world and offered some guidelines, based on the Church’s teaching, that could help tackle them.⁶² In this context, the Pope raised the rule of law. In looking across the globe and taking note of its diversity of political systems, he concluded that inequitable political structures seriously interfered with the legitimate aspirations of many people. Their inalienable dignity as members of the human family—especially as participants in the political, social, and economic processes—is arrested by corruption, dictatorship, and authoritarianism. A major part of the solution to this widespread problem is the rule of law. It can aid in guaranteeing fundamental human rights that promote the development of “‘the whole individual and of all people.’”⁶³

Another of John Paul’s encyclicals, *Centesimus Annus*, was also written to commemorate an encyclical of another predecessor; in this case, it was Leo XIII’s famous *Rerum*

⁵⁹ See Pope John Paul II, Address to the United Nations General Assembly, ¶ 12 (Oct. 2, 1979).

⁶⁰ *Id.* ¶ 5.

⁶¹ *Id.* (quoting *John* 18:37 (New American)).

⁶² See generally Paul VI, ENCYCLICAL LETTER *SOLLICITUDO REI SOCIALIS* ¶¶ 27–34 (1987) [hereinafter *SOLLICITUDO REI SOCIALIS*] (celebrating the continued significance of the Encyclical *Populorum Progressio*).

⁶³ *SOLLICITUDO REI SOCIALIS*, *supra* note 62, ¶ 44.

Novarum.⁶⁴ This gave John Paul II an opportunity to advance the defense of the dignity of the human person within the framework of celebrating the hundredth anniversary of Pope Leo's ground-breaking encyclical.⁶⁵ John Paul II utilized the link Pope Leo made between peace and justice and the ensuing stability and harmony that can result for the members of the human family.⁶⁶ The rule of law, in this regard, has several roles to execute. First of all, it serves as a balance within the power exercised by those responsible for making, enforcing, and adjudicating law. Any temptation to usurp more power or improperly exercise one's power is restrained by the rule of law.⁶⁷ Second, the rule of law becomes a mechanism of sovereignty that directs the will of individuals so that reasonableness, rather than arbitrariness, guides the conduct of all.⁶⁸

In *Centesimus Annus*, John Paul II placed the rule of law in a clear, international context a few paragraphs later. Tensions between or among national sovereigns has, on occasion, led to the use of armed conflict to resolve disagreement. But this is not a desirable method, particularly in view of the fact that vendetta and reprisal do not guarantee the most reasonable means of resolving conflict. This may have some foundation in legitimate claims on all sides. Victory is not synonymous with justice in all cases. The guarantee of the rule of law in the international order enables the family of nations to abide by known, or knowable, reasonable principles. These principles can assist nations to avoid an armed conflict and its destructive aftermath, and replace it with just methods of protecting legitimate rights and enforcing justifiable obligations.⁶⁹

John Paul II's penultimate World Day for Peace Message of 2004, *An Ever Timely Commitment: Teaching Peace*,⁷⁰ expanded on this point. This particular installment of an annual message constitutes one of his most elaborate developments on the significance of law, and its rule in maintaining just and

⁶⁴ See LEO XIII, ENCYCLICAL LETTER *RERUM NOVARUM* (1891).

⁶⁵ See JOHN PAUL II, ENCYCLICAL LETTER *CENTESIMUS ANNUS* ¶ 3 (1991) [hereinafter *CENTESIMUS ANNUS*].

⁶⁶ See *id.* ¶ 5.

⁶⁷ See *id.* ¶ 44.

⁶⁸ See *id.*

⁶⁹ See *id.* ¶ 52.

⁷⁰ John Paul II, Message for the World Day of Peace 2004, *An Ever Timely Commitment: Teaching Peace*, ¶ 3 (Jan. 1, 2004) [hereinafter *Teaching Peace*].

harmonious relations around the world. The law and its rule become a principal element of education for all persons regardless of their status as citizens, military and civil leaders, or those trained in the law. From the outset of this portion of the message, the Pope opined that peace and the law are inextricably related. As he said, the “*law favours peace*.”⁷¹ He pointed to the history and evolution of international law and noted that the *ius gentium*, largely formed during its early stages by Catholic philosophers and theologians, is based in the right reason of natural law. With the passage of time, there evolved in the law a group of inviolable principles that “take into account the unity and the common vocation of the human family.”⁷² Of course, crucial to the law and its rule is the core principle of *pacta sunt servanda*: the treaty (law) must be obeyed. Any violation of this fundamental principle legitimizes the “*law of force*” and ignores the “*force of law*.”⁷³

Considering the merits of these points, it is incumbent for all peoples, their governments, and their other organizations of international society, to have respect for the law and its rule. Peaceful resolution of disputes is to be favored over the use of force, which must be regarded as a last resort—and only if it is proportional and discriminate. In relation to this last detail, the Pope referred to the limits of the use of force imposed by Chapter VII of the Charter of the United Nations—the use of force for legitimate self-defense, and the use of force in the name of collective security. What underlines the limitations of the use of necessity and proportionality is the realization that the United Nations was established “‘to save succeeding generations from the scourge of war’”⁷⁴ Of course, this is not an admission that the United Nations is always faithful to its own Charter and this particular element of it. Nonetheless, peaceful resolution of dispute in accordance with the rule of law is always favored; the use of force is the rare exception confined by these limits.

Some might argue that the scourge of terrorism so commonplace in the world today would multiply the exceptions to reliance on the rule of law. But the Pope was quick to point out the fallacy of such an argument when he addressed the plague of

⁷¹ *Id.* ¶ 5.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.* ¶ 6 (citing the U.N. Charter Preamble).

terrorism that consumes the world today. The international legal system that has evolved over the centuries typically uses the rule of law to discipline sovereign States when they run afoul of prescribed and accepted norms of conduct. But this system has difficulty in being applied to terrorists and their confederation. Consequently, the Pope noted that the proper and preferred method of confronting terrorism and those who are its authors “cannot be limited solely to repressive and punitive operations.”⁷⁵ The struggle against terrorism is necessary, but at the same time it must rely on the rule of law (through the drafting, adoption, and enforcement of new instruments) designed to tackle this violent menace with right reason. As John Paul II stated, “democratic governments know well that the use of force against terrorists cannot justify a renunciation of the principles of the rule of law.”⁷⁶ The reason for this is that State actors cannot engage in tactics antithetical to the very principles that give them legitimacy through the rule of law: one who relies on the law for his own justification cannot pursue methods that violate fundamental human rights because “the end never justifies the means.”⁷⁷ The right reason of the natural law rather than some utilitarian calculus is essential to combat permanently and effectively this treacherous menace that consumes civilization today. Those who believe in the rule of law must not depart from it in confronting their adversaries who mock this noble institution that can authentically serve humanity and the common good.

In line with this point, John Paul II reiterated that effective peace in the world cannot depart from genuine respect for “an ethical and juridical order”—the rule of law.⁷⁸ International law and its rule restrain the powerful when their motives are pure but their methods are not. In this regard, the inspiration of the rule of law must increasingly rely on moral precepts which help all understand the crucial distinction between methods that are right and those that are wrong.⁷⁹ John Paul II recalled the gift of thinkers like Suárez and di Vitoria and many others who made significant contributions to the use of the rule of law to achieve

⁷⁵ Teaching Peace, *supra* note 70, ¶ 8.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.* ¶ 9.

⁷⁹ *See id.*

the common good for the entire human family and each of its members.⁸⁰

John Paul II frequently reiterated these themes in the briefer annual messages to the Diplomatic Corps Accredited to the Holy See. In his 1997 Address to the Diplomatic Corps, the rule of law and the importance of international law were mentioned several times and constituted the core theme in his discourse.⁸¹ He used this occasion to identify and discuss several current developments (e.g., Hong Kong, Sri Lanka, central and northern Africa, the Middle East) in which the rule of law was vital to the safety and security of the international community.⁸² While generally approving Europe for its strengthening union, he noted that the EU's growing political and economic integration must be based on the continent's shared heritage and values (in all likelihood an oblique reference to Christianity) and to the rule of law that is consistent with its heritage.⁸³ As we have seen, the EU's acknowledgement of the continent's common heritage and values has remained elusive.

He spoke of a concern for the safety and security of all peoples regardless of the region from which they come. He stated that what the international community lacked, most of all, was a unifying law—not simply conventions or organizations where States, regardless of their size, could speak from equality—a “moral law” and “the courage to abide by it.”⁸⁴ What is essential to peace, harmony, security and justice is a “rule of law” valid for all peoples that labors for the “common good”—“the good of all and the good of the whole.”⁸⁵ Characterizing the heart of this “rule of law” would be a justice for all “without injustice being inflicted on anyone.”⁸⁶ This meant an incorporation of, and living by, the *suum cuique*—to each person his or her due, to give each “what is owed to him in justice.”⁸⁷ As the Pope concluded his message, he asserted:

⁸⁰ *See id.*

⁸¹ *See generally* John Paul II, Address to the Diplomatic Corps Accredited to the Holy See (Jan. 13, 1997) [hereinafter John Paul II to Diplomatic Corps] (discussing the importance that the rule of law plays in the international context).

⁸² *See id.* ¶ 2–3.

⁸³ *See id.* ¶ 3.

⁸⁴ *Id.* ¶ 4.

⁸⁵ *Id.*

⁸⁶ John Paul II to Diplomatic Corps, *supra* note 81.

⁸⁷ *Id.*

Law therefore has a strong moral implication. And *international law itself is founded on values*. The dignity of the person, or guaranteeing the rights of nations, for example, are moral principles before they are juridical norms. And this explains why it was philosophers and theologians who, between the fifteenth and sixteenth centuries, were the first theorists of international society and the precursors of an explicit recognition of *ius gentium*. Moreover, we cannot fail to note that international law is no longer a mere law between States, but rather tends more and more to bring individuals together by international definitions of human rights, of the international right to health care or the right to humanitarian aid, to mention but a few examples.⁸⁸

In conclusion, he exhorted that, historically, international law had been a law of war and peace. The immediate challenge of the modern world, however, is to concentrate on international law being a law of peace established on justice for all through solidarity with one another. For this to be realized, “morality must inspire law” for it “shows the path of what is right and good.”⁸⁹ These themes were not restricted to just a few texts or addresses; rather they were reiterated throughout his papacy from its beginning to its end.

IV. THE FUTURE—BRINGING ORDER TO INTERNATIONAL DISORDER

John Paul II was not only a teacher-Pope exhorting Catholics to understand better the Magisterium and its view on the rule of law. He was also a pastor leading the members of the Church in a world where the rule of law could do much to facilitate the betterment of all members of the human family: by keeping the world that they shared safe and secure for all; by protecting the most fundamental human right—the right to life; and, by defending the cause of religious freedom and conscience. I have identified these three areas not because they present an exhaustive list of activities where the Pope’s views on the rule of law can be applied. Rather, I have chosen them as representative of pressing issues of today, and, most likely tomorrow, where John Paul II’s voice can help a troubled world seek what it desperately needs and which the rule of law can

⁸⁸ *Id.*

⁸⁹ *Id.*

help provide. These points represent the eminent legacy that John Paul gave the world in the hope that all God's children could enjoy a better and harmonious future in which the bond of solidarity ensured the vitality of the rule of law. Some of this legacy that must endure involves the following three areas.

A. *The Rule of Law and International Peace and Security*

During a pastoral visit to the Netherlands in the spring of 1985, John Paul II addressed the International Court of Justice ("ICJ") and members of the diplomatic community at the Hague.⁹⁰ This visit provided a splendid occasion for the Holy Father to address the importance of the rule of law in the context of international peace and security. As the judicial organ of the UN, the ICJ exercises jurisdiction under the Charter of the UN to hear all cases that the parties to a dispute may refer to it.⁹¹ In his speech, the Pope reminded his audience that the Church has long favored the development of mechanisms for the international administration of justice designed to achieve the peaceful resolution of disputes between States.⁹² He offered two compelling reasons for such mechanisms in the contemporary world: (1) the existence of advanced weaponry means that any conflict can lead to total war and devastation, and (2) the increasing interdependence between nations requiring an ordered system to facilitate smoothly this reality.⁹³ As a warning to all humanity in the future, the Pope stated that reliance on violent conflict could no longer be a rational means of resolving differences between States because the "advances" in military hardware threaten not just some, but the entire human race. In contrast to the use of force, the reliance on judicial mechanisms is aptly suited to promote the common good. Moreover, these mechanisms are based on the rule of law, which enhances the ability to distinguish between right and wrong.⁹⁴ The judicial elements of impartiality and objectivity facilitate peaceful and

⁹⁰ Address of John Paul II to the International Court of Justice (May 13, 1985), in *L'OSSERVATORE ROMANO* 5 (Eng. ed.) (1985) [hereinafter *John Paul II to I.C.J.*].

⁹¹ Statute of the International Court of Justice art. 36.1, June 26, 1945, <http://www.icj-cij.org/icjwww/ibasicdocuments/ibasictext/ibasicstatute.htm> (last visited Oct. 31, 2006).

⁹² *John Paul II to I.C.J.*, *supra* note 90, ¶ 1.

⁹³ *Id.* ¶ 2.

⁹⁴ *Id.* ¶ 3.

just dispute resolution.⁹⁵ By contrast, the victor of a military conflict may not be in the right, but can still dictate an outcome that is unjust and sow the seeds for future conflict. In this regard, the rule of law enhances the vital principles of an understanding of the sources of law, the reasons for law, and the law's objectives,⁹⁶ so that peaceful resolution is not just a means of dealing with disputes, but is *the* means.

The themes of the Pope's ICJ address were supplemented by his encyclical *Centesimus Annus* issued six years later in May of 1991.⁹⁷ As noted earlier in this paper, the foundation of this encyclical is Leo XIII's *Rerum Novarum*; but, John Paul II built upon this strong foundation and used the opportunity to teach and to warn all humanity of the necessity to consider justice throughout the world as the best, and perhaps only, way to assure peace.⁹⁸ As he stated, true peace can never be viewed as the product of some military victory; what leads to true peace, and, therefore, the security of all, is the removal of the sources of tension that lead to armed conflict.⁹⁹ And it would seem sensible to view an effective means of the rule of law as the way to promote genuine reconciliation between peoples. That is why appropriate means of judicial resolution of these tensions is vital.¹⁰⁰ In turn, this durable mechanism provides lasting peace and security because all nations can recognize stability, and prosperity can result not just for some, but for all, if the mechanism is guided by the virtues of wisdom and justice.¹⁰¹ Since all nations are interdependent in the world of today, the good experienced by some, in reality, becomes the good for all. A robust juridical structure that relies on the rule of law can eliminate the "real and serious grievances" that lead to war when they fester unattended.¹⁰² The "rule of law" makes law that is based on reason, objectivity, and justice, rather than the arbitrary will of any person. Consequently, this law thus made

⁹⁵ *Id.*

⁹⁶ *Id.* ¶ 7.

⁹⁷ See *CENTESIMUS ANNUS*, *supra* note 65.

⁹⁸ *Id.* ¶ 5.

⁹⁹ *Id.* ¶ 18.

¹⁰⁰ *Id.* ¶ 27.

¹⁰¹ *Id.*

¹⁰² *Id.* ¶ 52.

becomes the true sovereign that governs for the benefit of all, not just some.¹⁰³

In celebrating the fortieth anniversary of John XXIII's encyclical *Pacem in Terris*, John Paul II's 2003 World Day of Peace message reinforced the pressing need for the world's people to build a new "*constitutional organization of the human family*" that can guarantee the "tranquility of order" essential to the peace and security of all.¹⁰⁴ In this regard, the Pope relied on the rule of law when he quoted the maxim "[p]*acta sunt servanda*"¹⁰⁵—for it is the rule of just law that ensures that the rights of all are met by reinforcing the duties of all through well-understood principles that guide the conduct of all.

B. *The Rule of Law and the Right to Life*

Another pressing issue facing international law today concerns the topic of fundamental and universal human rights. It is sensible and straightforward to argue that the fundamental human right is the right to life. This is a position which the Church asserts in the realm of the international order—ranging from abortion, family planning and contraception, sexual promiscuity including that of minors, crimes committed during armed conflict, and the list can go on. While the Church's position needs no further justification here, it is relevant to note that the Universal Declaration of Human Rights¹⁰⁶ and the International Covenant on Civil and Political Rights¹⁰⁷ agree with this position because they both assert that everyone has the right to life. If one were to think about if for a moment, without this right, other legal mechanisms for protecting human rights begin to collapse; the right to life must be at the core of the concern for human rights if they are to mean anything and to be valued and protected by the rule of law. Moreover, in a Christian context and a Catholic understanding of the value of life, this right gains further significance when one considers its source: God. It is pure gift from the One who made us all. And within

¹⁰³ *Id.* ¶ 44.

¹⁰⁴ John Paul II, Message for the World Day of Peace 2003, *Pacem Terris: A Permanent Commitment*, ¶ 6 (Jan. 1, 2003).

¹⁰⁵ *See id.* ¶ 8.

¹⁰⁶ *See* Universal Declaration of Human Rights, G.A. Res. 217A, at 71, art. 3, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc A/810 (Dec. 10, 1948).

¹⁰⁷ *See* International Covenant on Civil and Political Rights, G.A., art. 6, U.N. GAOR, 21st Sess., Supp. No. 16 U.N. Doc. A/6316 (Dec. 16, 1966).

this gift is the immortal soul that extends the life into eternity. This is something that those who argue that the right is limited or that the right does not begin until after birth get wrong. John Paul II got it right.

Prior to the International Conference on Population and Development that would be held in Cairo in September of 1994, John Paul II met with Dr. Nafis Sadik, the Executive Director of the United Nations Fund for Population Activities in March of the same year.¹⁰⁸ At that time, he emphasized this important legal theme regarding the right to life which was absent from the draft texts that would be forwarded to the Conference for debate and approval. The Pope, relying on the UN Charter Preamble, noted that everyone has inherent dignity and worth that is “unconditional and inalienable.”¹⁰⁹ To reinforce this point, he commented,

that human life itself from conception to natural death is sacred; that human rights are innate and transcend any constitutional order; and that the fundamental unity of the human race demands that everyone be committed to building a community which is free from injustice and which strives to promote and protect the common good.¹¹⁰

John Paul II made similar observations ten months later in May of 1995 when he met Gertrude Mongella, Secretary General of the Fourth World Conference on Women that would meet in Beijing in September of that year.¹¹¹

These observations were concretized in the Pope’s encyclical *Evangelium Vitae*, issued in March of 1995. With international pressure building to accept the idea that access to abortion is an “international human right,” John Paul II identified this erroneous position as a principal element of the “conspiracy against life” which recruits collaborators from international institutions to widen the availability of abortion and other morally objectionable practices, including euthanasia and assisted suicide, that are at the heart of these dangerous global campaigns.¹¹² The Pope identified these activities as criminal,

¹⁰⁸ See John Paul II, Message to UN Population Fund Director ¶ 1 (Mar. 18, 1994).

¹⁰⁹ *Id.* ¶ 2.

¹¹⁰ *Id.*

¹¹¹ See John Paul II, Message to Mrs. Gertrude Mongella, Secretary General of the Fourth World Conference on Women of the United Nations ¶ 2 (May 26, 1995).

¹¹² See JOHN PAUL II, ENCYCLICAL LETTER *EVANGELIUM VITAE* ¶¶ 12, 17 (1995).

and he proposed that civilization “stands or falls with the values which it embodies and promotes.”¹¹³ In asserting this, he reminds one and all of the fact that every human is entitled to dignity and respect that is consonant with “inviolable and inalienable human rights.”¹¹⁴ It follows that the rule of law should promote the merger of civil law and the moral law so that this central human right is respected and enforced.¹¹⁵ “[L]aw[s]” to the contrary are not law but “act[s] of violence” and “corruption[s] of the law.”¹¹⁶ Legal schemes permitting or encouraging abortion and euthanasia deny individuals equal protection of the law,¹¹⁷ a principle that is cherished by fundamental international principles.¹¹⁸

C. *The Rule of Law and Freedom of Religion and Conscience*

There is increasing pressure, both domestically and internationally, to erode the principles of freedom of conscience and religion in areas concerning abortion, euthanasia and assisted suicide, and civil unions or marriages of homosexual persons. These pressures are beginning to have an impact on members of the medical profession, pharmacists, members of the clergy, and those in public and political life who must deal with these issues because of their office. These developments pit the pressure of particular interests (e.g., those which favor abortion, euthanasia, contraception, legal recognition of homosexual relationships to mention a few) against those in professional life who object to the practices these interests insist become not only publicly accepted but endorsed by all members of society. Until recently, these affected persons have been able to rely on “conscience clauses” or related legal provisions to protect them from doing something that they, in good conscience or because of religious faith, cannot do. As was pointed out earlier in this essay in Part III by way of illustration, elements of the European Union are beginning to challenge the exercise of conscientious objection as incompatible with principles of “human rights” as

¹¹³ *Id.* ¶ 70.

¹¹⁴ *Id.*

¹¹⁵ *See id.* ¶ 71.

¹¹⁶ *Id.* ¶ 72 (quoting ST. THOMAS AQUINAS, *SUMMA THEOLOGIAE*, pt. I-II, Q. 95, art. 2, at 1014 (1st, Benziger Bros., Inc. 1947) (1266–1273)).

¹¹⁷ *See id.*

¹¹⁸ *See* Universal Declaration of Human Rights, *supra* note 106, art. 7; International Covenant on Civil and Political Rights, *supra* note 107, art. 26.

their “experts” understand them. In doing so, they minimize—through problematic interpretations—the significance of both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which protect the practice of religious belief and the exercise of conscience.¹¹⁹

In 1980, John Paul spoke on the great importance of these rights and the need to protect them when he addressed the Conference on European Security and Cooperation which convened in Madrid in September of that year.¹²⁰ After tracing the history of legal protection for the exercise of conscience and religious belief, the Pope pointed out that in application, these protections guard the “freedom, at personal, civic or social levels, from any form of coercion to perform acts contrary to one’s faith”¹²¹ Although the right to freedom of conscience and religion is a primary and inalienable right of each person and is to be exercised in a responsible fashion,¹²² this right has a dimension that extends beyond the person who exercises it.

First of all, it is a right that travels with the person and is not confined to a specific geographic place. Indeed, while it may have to be exercised with prudence and caution, it is a right that is not extinguished by someone else’s preoccupations—especially when these preoccupations have a detrimental effect on others, e.g., abortion and euthanasia. Second, the public exercise of this right can have an educative function that assists others in recognizing important moral issues that help achieve the right and avoid the wrong. An illustration of this would be those persons in various cultures (e.g., the United States and South Africa) who, in the exercise of conscience or religious belief, challenged racism. Third, as John Paul pointed out, religious freedom can serve as a witness that the fundamental rights of all are protected, thereby serving the common good.¹²³ The extent of these consequences can extend beyond national frontiers and make a positive contribution to the international order. Fourth,

¹¹⁹ Respectively, Article 18 of both of these texts provides for these protections of conscience and freedom of religion. See Universal Declaration of Human Rights, *supra* note 106, art. 18; International Covenant on Civil and Political Rights, *supra* note 107, art. 18.

¹²⁰ See John Paul II, Message on the Value and Content of Freedom of Conscience and of Religion (Sept. 1, 1980).

¹²¹ *Id.* ¶ 4.

¹²² See *id.* ¶ 5.

¹²³ See *id.* ¶ 6.

the exercise of this freedom does not improperly challenge the lawful claims made by the sovereign authority; indeed, this freedom contributes to the proper exercise of its authority by providing opportunities to reflect on whether it is governing in a fashion consistent with the norms of the moral law. In his 1988 and 1991 World Day of Peace Messages, the Pope reiterated many of these points and connected them with the securing of world peace. The role of the rule of law in all this is clear from John Paul's own words:

It is urgently necessary at this moment of history to strengthen juridical instruments capable of promoting freedom of conscience in the areas of political and social life. The gradual and constant development of an internationally recognized legal order could well provide one of the surest bases for the peace and orderly progress of the human family. It is likewise essential that comparable efforts be undertaken nationally and regionally to ensure that all individuals, wherever they live, enjoy the protection of internationally recognized legal norms.¹²⁴

CONCLUSION

John Paul II occupied the Chair of Peter for over a quarter century. During that time he energetically exercised his teaching office to advance the inherent dignity and worth of every human life. As mentioned earlier, this is an objective which the UN Charter proclaims in its preamble. Human beings can, however, through sinfulness, neglect, and carelessness, forget this fundamental point. John Paul did not. He showed the whole world that the path to ensure this noble goal is achieved is through the establishment and enforcement of objective norms based on the natural moral law and right reason. This path enables all to transcend individual caprice and institutional whim that defeats the protection of the fundamental rights that naturally belong to everyone without question. The world and all its human inhabitants can gain much by adopting the wisdom of his prolific teaching. But it stands to lose much by ignoring what he taught about the nobility of every human life. His words and deeds when followed today can bring much order to a world that is in desperate need. By ignoring the legacy he left us, we have

¹²⁴ John Paul II, Message for the XXIV World Day of Peace ¶ 6 (Jan. 1, 1991).

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only ourselves to blame for the disorder and the indifference that will likely result.