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The Peace Ethics of Pope
John Paul II

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ARTICLE

**THE PEACE ETHICS OF POPE
JOHN PAUL II***

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Though Pope John Paul II did not leave a peace encyclical, he did leave a comprehensive peace agenda that he developed over the course of his more than twenty-six-year pontificate. The agenda is a milestone because of its firm commitment to human rights, particularly the right to freedom of religion and conscience. His idea that human rights are the cornerstone of a well-ordered, peaceful society is a sort of leitmotif in many of his public statements, and it moved him to oppose the communist system in the early years of his pontificate. In later years, John Paul's commitment to freedom of religion and conscience became the linchpin of his dialogue with other religions as he attempted to move them toward a united commitment for peace and away from a "clash of cultures or religions." He believed there was little use of holding human rights if the basic foundations for their realizations were not laid. John Paul often denounced the lack of these basic foundations in speeches he gave during his more than one hundred papal pilgrimages across the world, identifying their absence as a root cause of violence and injustice and discord, particularly between the first and third worlds. Globalization made the world smaller, he believed, but the need for rules and regulations between states increased substantially; protecting human rights should be the standard by which international law regulates relations between peoples and states. John Paul II believed that the United Nations (UN) provided the institutional framework by which the modern state community should solve its problems.

In the following, the systematic framework of John Paul II's peace teachings shall be reconstructed from his writings and speeches,¹ including his series of encyclicals, his twenty-six messages for the World Day of

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1. Based on the texts of Pope John Paul II, 1978–2004, published in *L'Osservatore Romano*.

Peace,² his speeches to the diplomatic corps³ and before the UN and its suborganizations, as well as his speeches from over one hundred journeys abroad, from thematic initiatives like the Dialogue of Religions,⁴ and from his interventions on contemporary crises⁵ of his pontificate.

I. THE FOUNDATION OF THE POPE'S PEACE AGENDA

I.1 *The Basis: Human Dignity*

The basis for John Paul II's peace doctrine is anthropology. The human being in all his ambivalence is the center of theological-ethical thinking:⁶ On the one hand, John Paul saw the human being as "the only creature wanted by God for his own sake."⁷ On the other hand, the "inner ambivalence" of human beings⁸ has been the recurrent theme of uncountable texts: the sinful human being does not take advantage of his possibilities, and it is only through "the redemption that resulted from the cross [that] man is given back his dignity and the meaning for his being in the world."⁹ Thus, "human beings have gained in Christ and through Christ complete knowledge of their dignity, . . . of the transcendental value of their own being human and of the meaning of their existence."¹⁰ This Christologically interpreted anthropology can help explain an oft-quoted statement in which the Pope's high appreciation for humankind is expressed: "How precious must man be in the eyes of the Creator," John Paul II wonders, "if he 'gained so great a Redeemer.'"¹¹

2. Pope John Paul II's messages for World Peace Day, 1979–2000, are edited with commentaries in two volumes: *Die Weltfriedensbotschaften Papst Johannes Pauls II: 1993–2000* (Donato Squicciarini ed., Duncker & Humblot 2001) (*Pope John Paul II's Message for the World Day of Peace: 1993–2000*); *Die Weltfriedensbotschaften Papst Johannes Pauls II* (Donato Squicciarini ed., Duncker & Humblot 2005) (*Pope John Paul II's Message for the World Day of Peace*).

3. Pope John Paul II's speeches to the diplomatic corps, 1978–2002, are published in *John Paul II and the Family of Peoples: The Holy Father to the Diplomatic Corps (1978–2002)* (Pontifical Council for Justice and Peace 2002).

4. *John Paul II and Interreligious Dialogue* (Byron L. Sherwin & Harold Kasimow eds., Orbis Books 1999).

5. A text collection discussing the Gulf War was produced on the basis of texts published in *L'Osservatore Romano: Per la Pace nel Golfo* (Mario Agnes ed., Vatican 1991).

6. A collection of early texts from Pope John Paul II on the issue of human dignity and rights is found in Karol Wojtyła, *Von der Königswürde des Menschen* (Juliusz Stroynowski ed., Seewald 1980).

7. Pope John Paul II, *Redemptor Hominis*, No. 13 (Mar. 4, 1979) (available at http://www.vatican.va/edocs/ENG0218/_INDEX.HTM).

8. *Id.* at No. 14.

9. *Id.* at No. 10.

10. *Id.* at No. 11; Joachim Giers proves that Pope John Paul II followed the argumentation of section 22 of the pastoral constitution, *Gaudium et Spes*. Joachim Giers, *Der Weg der Kirche ist der Mensch. Sozialtheologische Aspekte der Enzyklika "Redemptor Hominis" Papst Johannes Pauls II*, 30 *Münchener Theologische Zeitschrift* 278-92, 283 (1979) (*The Way of the Church is Man: Social Theological Aspects of the Encyclical "Redemptor Hominis" of Pope John Paul II*).

11. Pope John Paul II, *Redemptor Hominis*, *supra* n. 7, at No. 10.

Human dignity is based on this integral view of the human being as “God’s creation, created in His image, as a being that is capable of recognizing the invisible; that reaches for the absolute, for God; that is made to love and that is destined to an eternal calling.”¹² From this theological reasoning of human dignity, John Paul concluded that which is elsewhere inferred philosophically, namely that “the human being in his dignity must never be reduced to a means that one can regard and manipulate as an instrument.”¹³ On his uncountable papal pilgrimages, John Paul II bore with him the idea of the dignity of every individual human being, and he never tired of addressing its violation. He believed the Church must perceive the human being “with the eyes of Christ Himself” in order to discover “what is deeply human: the search for truth, the insatiable thirst for the Good, the hunger for freedom, the longing for beauty, the voice of the conscience.”¹⁴ Looking at the human being in today’s world with the eyes of Christ reveals what pertains to the human being as a human being. In this way, “the entire concept of human rights is based on the idea of the dignity of the human person, i.e., on one fundamental value, the source of inalienable rights.”¹⁵ In contrast to his predecessors, who argued from the perspective of natural law, John Paul II’s “Christocentric humanism”¹⁶ permitted him to perceive human rights as part of his theological anthropology.¹⁷

1.2 Defending Human Rights as Part of the Christian Joyous Message

The Church has evolved from being a church that, under John Paul II’s predecessors, struggled with human rights to being a church that is permeated by Christologically based human rights and that defends them as an integral part of its joyous message.¹⁸ When human beings are perceived as

12. Pope John Paul II, *Forschung nicht von der Ethik lösen: Ansprache Johannes Pauls II. an die Teilnehmer des Kolloquiums der internationalen Stiftung “Nova Spes,”* 1 L’Osservatore Romano 18 (Nov. 9, 1987) (Supp.) (*Not to Separate Science from Ethics: Speech of John Paul II to the Participants of the Colloquium of the International Foundation “Nova Spes”*).

13. *Id.*

14. Pope John Paul II, *Redemptor Hominis*, supra n. 7, at No. 18.

15. Pope John Paul II, *Chemische Waffen vernichten: Rede von Erzbischof Sodano bei der internationalen Konferenz in Paris zur Ächtung chemischer Waffen*, 10 L’Osservatore Romano 19 (Mar. 10, 1989) (Supp. IX) (*To Destroy Chemical Weapons: Speech of Archbishop Sodano at the International Conference in Paris on Outlawing Chemical Weapons*).

16. Hermann J. Pottmeyer, *Christliche Anthropologie als kirchliches Programm: Die Rezeption von “Gaudium et Spes” in “Redemptor Hominis,”* 94 Trierer Theologische Zeitschrift 173-87, 179 (1995) (*Christian Anthropology as Churchly Program: The Reception of “Gaudium et Spes” in “Redemptor Hominis”*).

17. Ernst-Wolfgang Böckenförde, *Das neue politischen Engagement der Kirche. Zur “politischen Theologie” Johannes Pauls II*, 198 Stimmen der Zeit 219-34, 221 (Apr. 1980) (*The New Political Engagement of the Church: Regarding the “Political Theology” of John Paul II*).

18. Helmut J. Patt, *Das Menschenbild von Papst Johannes Paul II. nach “Redemptor Hominis,”* 36 Renovatio 137-43, 140 (1980) (*Pope John Paul II’s Image of Man According to “Redemptor Hominis”*). For a collection of texts on the issue of “human rights” according to the teaching of recent popes, see *Human Rights in the Teaching of the Church: From John XXIII to John Paul II* (Giorgio Filibeck ed., Vatican Press 1994).

being endowed with these rights, “human beings [become] the path of the Church . . . , the path of her daily life and experience,” and the Church must learn to see them with Christ’s eyes. Human existence is kept open by the eschatological tension in Christ’s message concerning a possible step towards the realization of the *humanum*. It is hardly surprising that on his more than one hundred journeys abroad John Paul II sought personal meetings with commoners to discuss with them their lives; by doing this, he hoped to make “the Church of our times always realize anew the situation of the human being.”¹⁹ He understood that, in order to advance to a time when “all areas of this life correspond to the true dignity of human beings,”²⁰ an integral part of his papacy would be to speak repeatedly about human rights and about their violation. John Paul II’s significance in motivating support for human rights groups within the former Soviet Union’s reach of power and in the revolutionary upheavals at the end of the 1980s is often cited. His political effect was rooted in his theological anthropology, which he knew the public would embrace.²¹

In his first speech before the UN General Assembly in 1979, John Paul II praised the General Declaration on Human Rights as a “milestone in the long and stony road of humankind,”²² as human rights denote “the substance of the dignity of the human being, understood in his entirety, not as reduced to one dimension only.” The union of people and states, as envisioned by the UN, “is through each human being, through the definition and recognition of and respect for the inalienable rights of individuals.”²³ Inasmuch as every policy has to serve the human being, human rights should be the motivating force in an individual state’s policies, just as they are for the UN’s policies.

In his speech to the General Assembly of the UN, John Paul II endorsed individual freedom rights, rights of political self-determination, and social rights:

The right to life and liberty and to personal safety; the right to food, clothes, and a shelter, to health, relaxation and recreation; the right to free speech, to education and culture, the right to freedom of thought, of conscience, of religion as well as the right to confess one’s religion in private and in public, by oneself and in a community; the right to choose one’s lifestyle, to have a family and to have all necessary conditions for a family life; the right to

19. Pope John Paul II, *Redemptor Hominis*, *supra* n. 7, at No. 14.

20. *Id.*

21. Cf. Jan Roß, *Der Papst: Johannes Paul II - Drama und Geheimnis* 106 (Fest 2000) (*The Pope: John Paul II – Drama and Mystery*).

22. Pope John Paul II, Speech, *To the General Assembly of the United Nations* (N.Y., Oct. 2, 1979) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/1979/october/documents/hf_jp-ii_spe_19791002_general-assembly-onu_ge.html) [hereinafter *Address to the UN General Assembly*].

23. *Id.*

property and work, to adequate working conditions and fair pay; the right to hold meetings and join in associations; the right to freedom of movement in one's own country and foreign countries; the right to citizenship and to a place of residence; the right to political co-determination and the right to participation in free elections of the political system of the people to whom one belongs.²⁴ Not to satisfy these rights means very simply to scorn the dignity of the human being.²⁵

John Paul II acknowledged that some human rights are a human construct in that they represent a positive-law response to some of the sorrowful experiences of human history. But he also pointed to the "world-encompassing character" of the human rights movement as "a first and basic 'chiffre' that affirms that there are truly general human rights that are rooted in the nature of each person which reflect the objective and undeniable demands for a universal moral law."²⁶ This consideration allowed the Pope to make the connection to traditional natural law reasoning:²⁷

It appears to me that what the Church's teachings knows as the "natural order" of living together, "the God-given order," partly finds its expression in the culture of human rights, if one can characterize a culture that is based on the respect for the transcendental value of a person like this.²⁸

John Paul II believed that the relation between the law of nature and positive law is comparable to the relation between fundamental human rights and single legal norms:

Natural law does not provide the law-maker with a single norm; these remain to be complemented continually. It does not claim to establish a social code of conduct by itself, for all times, and detached from history. It does demand, however, that human dignity is ensured in the different areas of existence.²⁹

24. *Id.*

25. Pope John Paul II, Speech, *Address of the Holy Father at the Exchange of Greetings with the Diplomatic Corps* (Vatican City, Jan. 10, 2000) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/documents/hf_jp-ii_spe_20000110_diplomatic-corps_en.html) [hereinafter *Address of the Holy Father*].

26. Pope John Paul II, Speech, *Address of His Holiness Pope John Paul II to the Fiftieth General Assembly of the United Nations Organization* (N.Y., Oct. 5, 1995) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/1995/october/documents/hf_jp-ii_spe_0510_1995_address-to-uno_en.html) [hereinafter *Address to the UN*].

27. On the term of natural law according to Pope John Paul II, cf. Helmut Weber, *Zur Enzyklika, "Veritatis Splendor,"* 103 *Trierer Theologische Zeitschrift* 161-87, 169 (1994). Zur Auseinandersetzung mit der Enzyklika. Cf. *Moraltheologie im Abseits? Antwort auf die Enzyklika "Veritatis Splendor"* (Dietmar Mieth ed., Herder 1994) (*Moral Theology Offside? Response to the Encyclical "Veritas Splendor"*).

28. Pope John Paul II, Speech, *Address at the New Year's Reception of the Diplomatic Corps* (Vatican City, Jan. 9, 1988) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/1988/january/documents/hf_jp-ii_spe_19880109_corpo-diplomatico_sp.html).

29. Pope John Paul II, *To the Participants of the International Colloquium on "Naturrecht und Menschenrechte vor Beginn des 21. Jahrhunderts,"* 5 *L'Osservatore Romano* 21 (Feb. 1,

The Pope referred to the human rights movement as empirical evidence that what befits human beings as human beings is universally acknowledged as self-evident. Derived from the “common good of humankind,” these evident rights correlate with the consciousness that every human being has the capacity to reach and which directs what one feels one ought to do: “Human rights . . . go into everybody’s conscience.”³⁰ From this point of view, human rights can be seen as the “general, in the heart of human beings’ engraved moral law,” as “a kind of ‘grammar’ that serves the world to deal with this discussion about its own future.”³¹ Introducing this ethical grammar into the (world) political discourse is, according to John Paul II, the task of the Church; in this, “[the Church] offers a reflection on the principles that should guide the lives of people and nations.”³²

The Pope highlighted two central threats to human rights at the beginning of his pontificate and made them a subject of discussion in subsequent years: the threat resulting from the worldwide justice deficit between rich and poor (the “terrible inequalities between human beings and groups in excessive wealth on the one side and the demographic majority of the poor on the other”), and the threat resulting from “forms of injustices in the spiritual sphere,” which harm the human being “in his inner relationship to truth.”³³ As Christian philosophy believes that the freedom of a human being is fully realized through his or her relationship to truth,³⁴ John Paul II classified violations of the right to freedom of belief and conscience as among the most serious human rights violations.

As human freedom “is realized in the search and action for truth,”³⁵ the need to freely search for truth justifies the freedom of belief and conscience; it is “the core of human rights.”³⁶ With respect to the right to freedom of belief and conscience, John Paul II offered the following insights: First, as he expressed in his famous talk with Mikhail Gorbachev in 1989 in the Vatican, John Paul II believed the introduction of religious freedom³⁷ is

1991) (Supp. V) (*Natural Law and Human Rights at the Beginning of the 21st Century*; organized by the Union of Catholic Italian Jurists).

30. *Id.*

31. See Pope John Paul II, *Address to the UN*, *supra* n. 26.

32. Memorandum from Vatican Secretary of State, *Wie weiter mit KSZE? Aide-Mémoire des Staatssekretariats*, in 36 *L'Osservatore Romano* 22 (Sept. 4, 1992) (Supp. XXXII) (*What Now with the CSCE?*).

33. See Pope John Paul II, *Address to the UN General Assembly*, *supra* n. 22.

34. Cf. Jörg Splett, *Der Mensch ist Person* 62 (Knecht 1978) (*Man is Person*).

35. See Pope John Paul II, *Address to the UN*, *supra* n. 26.

36. Pope John Paul II, *Message on the Occasion of the World Day of Peace* (Jan. 1, 1999) (available at http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_14121998_xxxii-world-day-for-peace_en.html).

37. A collection of documents with texts of John Paul II on religious freedom: cf. *La libertà religiosa negli insegnamenti di Giovanni Paolo II (1978–1998)* (Alessandro Colombo ed., Vita e pensiero 2000) (*Religious Freedom and the Teachings of John Paul II*).

an integral part of the attainment of political freedom.³⁸ Second, he criticized democratic societies that attempted to block out religion from public discourse: “Should those citizens whose judgment concerning ethics is influenced by their belief be less free to voice their deep-felt persuasions than others?”³⁹ Third, he believed that religious freedom includes the freedom to change religions: it constitutes human nature to follow the conscience in a search for truth, and thus nobody should be forced to act against his conscience.⁴⁰ John Paul II emphasized this third point in his discussions with Islamic persons.⁴¹

1.3 The Protection of Human Rights as a Responsibility of Every Legal System

John Paul II believed that it is, above all, the responsibility of the state authority to protect human rights. If the fundamental rights of the individual are protected, the community is well-ordered: “The common good that authority in the State serves is brought to full realization only when all the citizens are sure of their rights.”⁴² Engrained in the dignity of the person, human rights are “no concession of the state”; instead, by securing human rights, the state is acknowledging that which had “been a priori given to his own legal system.”⁴³ In the dispute with communist totalitarianism in the 1980s, the Polish Pope referred again and again in support of the notion that the negation of indisposable human rights is only possible at the cost of repression:

The Brothers have shown in the countries, in which a party has for years dictated the truth one had to believe and the meaning one had to give to history, that it is not possible to suffocate elementary freedoms that give meaning to the life of a human being: the freedom of thought, of conscience, of religion, of expressing your opinion, of political and cultural pluralism.⁴⁴

38. Cf. Pope John Paul II, Speech, *To the President of the USSR, Michail Gorbachev* (Vatican City, Dec. 1, 1989) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/1989/december/documents/hf_jp-ii_spe_19891201_president-gorbaciov_it.html).

39. Pope John Paul II, *Message to the Congress “Säkularismus und Religionsfreiheit,”* 5 L’Osservatore Romano 26 (Feb. 2, 1996) (*Secularism and Religious Freedom*).

40. Pope John Paul II, *Message of John Paul II on the Occasion of the World Day of Peace,* *supra* n. 36, at No. 5.

41. Pope John Paul II, *Dialog schließt Zusammenleben in Frieden ein.* 38 L’Osservatore Romano 20 (Sept. 21, 1990) (Supp. XXXV) (*Dialogue Includes Living Together in Peace*; speech given in Dar es Salaam, Tanzania).

42. Pope John Paul II, *Redemptor Hominis,* *supra* n. 7, at No. 27.

43. Pope John Paul II, *Leiden der Völker beenden,* 11 L’Osservatore Romano 19 (Mar. 17, 1989) (Supp. X) (*Dialogue to End the Suffering of Peoples*; New Year’s speech given by Pope John Paul II to the diplomatic corps).

44. Pope John Paul II, *Einheit der menschlichen Familie festigen und vervollständigen,* 5 L’Osservatore Romano 20 (Feb. 2, 1990) (Supp. V) (*To Strengthen and Complete Unity of the Human Family*; New Year’s speech given by Pope John Paul II to the diplomatic corps).

Accordingly, John Paul II saw the development of the human rights movement as inevitable, as the movement gave “concrete political expression to one of the great dynamics of contemporary history.”⁴⁵

The human rights movement in Europe of the 1980s systematically laid out what would have political consequences twenty years later. With the Conference on Security and Cooperation in Europe’s (CSCE) Final Document (the “Helsinki Accords”), human rights became recognized as a limit to the sovereignty of a state: “Governments that respect the rule of law indeed recognize the limits of their power and of their spheres of interest. For these governments concede that they are themselves subject to law and not the rulers of law.”⁴⁶ At the end of the 1980s, the people of Eastern Europe demanded that their governments comply with the human rights and political freedoms encompassed in the Helsinki Accords. Only years later did the question arise as to whether the international community had to help oppressed peoples—victims of massive violations of human rights—when their respective government is not able or not willing to do so.⁴⁷

1.4 *Humanity as the Constitutive Community*

From the fundamental notion that every human being is endowed with inalienable rights because of his dignity, John Paul II believed that it followed, in principle, that every human being has the duty to help whenever a person’s rights are endangered. In support of this principle, John Paul II referred to the biblical demand for universal love of one’s neighbor: “Sacred Scripture . . . demands of us a shared responsibility for all of humanity. This duty . . . extends progressively to all mankind, since no one can consider himself extraneous or indifferent to the lot of another member of the human family.”⁴⁸ Humanity, “beyond its ethnic, national, cultural and relig-

45. Pope John Paul II, *Pacem in terris: A Permanent Commitment*, No. 4 (Jan. 1, 2003) (available at http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_20021217_xxxvi-world-day-for-peace_en.html).

46. Pope John Paul II, *Die Menschenrechte sind ein gemeinsamer Besitz*, 46 L’Osservatore Romano 18 (Nov. 11, 1988) (Supp. XL) (*Human Rights Are a Shared Property*; speech given at the Court and the Commission for Human Rights in Strasbourg); cf. also Agostino Casaroli, *Vorlesung des Kardinalstaatssekretärs Agostino Casaroli bei der Verleihung der Ehrendoktorwürde der juristischen Fakultät der Universität Parma*, 20 L’Osservatore Romano 15–16 (Apr. 13, 1990) (lecture at the Conference on Security and Cooperation in Europe on the occasion of being awarded an honorary doctorate of the faculty of law at the University of Parma).

47. Cf. H.G. Justenhoven, *Die friedensethische Debatte im deutschen Katholizismus seit dem Ende des II. Weltkrieges*, in *Festschrift 50 Jahre Katholische Militärseelsorge* 285–317 (Cordier 2006) (*The Peace Ethics Debate in the German Catholic Church Since the End of World War II*, in *Commemorative Volume: Catholic Military Chaplaincy*); the respective sources are published in *Kämpfen für die Menschenrechte: Der Kosovo-Konflikt im Spiegel der Friedensethik* (Ortwin Buchbender & Gerhard Arnold eds., Nomos 2002) (*Struggling For Human Rights: The Kosovo Conflict in the Mirror of Peace Ethics*).

48. Pope John Paul II, *Centesimus Annus*, No. 51 (May 1, 1991) (available at http://www.vatican.va/edocs/ENG0214/_INDEX.HTM).

ious differences, should form a community"⁴⁹ from which universal solidarity claims are derived. John Paul II developed these claims in his 1991 social encyclical *Centesimus Annus*.

II. THE POPE'S PEACE AGENDA IN SPECIFIC CIRCUMSTANCES

II.1 *Option for Non-Violence*

Time and again, John Paul II forcefully and publicly opposed recourse to violence in international relations. As a result, some criticize him as being a pacifist who ignored the reality of international politics. Other well-meaning critics believe his passionate appeals against war and violence were rooted in his decisive stance for human life. I believe that neither critique goes far enough. I would first like to document the decisiveness with which John Paul II opposed violence, using a few quotes from his speeches:

Violence only generates further violence,⁵⁰ [because] violence destroys and never builds up,⁵¹ [for] no type of violence brings about a settlement to conflicts between persons or nations.⁵²

[T]he wounds [war] causes remain long unhealed, and . . . as a result of conflicts the already grim condition of the poor deteriorates still further, and new forms of poverty appear.⁵³

[R]ecourse to violence [fails] as a means for resolving political and social problems. War destroys, it does not build up; it weakens the moral foundations of society and creates further divisions and long-lasting tensions.⁵⁴

[The] increase of violence in the world [can] . . . not be brought to a halt by responding with more [violence].⁵⁵

[The use of violence leads to hate on both sides; this] hate shuts us away from others by making communication and reconciliation impossible.⁵⁶

49. Pope John Paul II, *To Build Peace, Respect Minorities*, No. 3 (Jan. 1, 1989) (available at http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_1988_1208_xxii-world-day-for-peace_en.html).

50. Pope John Paul II, *Auf alle Formen von Gewalt und Haß verzichten*, 42 *L'Osservatore Romano* 18 (Oct. 14, 1988) (Supp. XXXV) (*To Abstain from All Forms of Violence and Hate*; speech at the meeting with the youth in Maseru, Lesotho).

51. Pope John Paul II, *If You Want Peace, Reach Out to the Poor*, No. 4 (Jan. 1, 1993) (available at http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_08121992_xxvi-world-day-for-peace_en.html).

52. Pope John Paul II, *Dialogbereitschaft ist Grundverhalten für Friedensförderung*, 27 *L'Osservatore Romano* 25 (July 7, 1995) (Supp. XXVI) (*A Willingness for Dialogue Is a Basic Behavior for Peace Promotion*; speech at the 50th anniversary of the foundation of the Pax Christi movement).

53. Pope John Paul II, *If You Want Peace, Reach Out to the Poor*, *supra* n. 51, at No. 4.

54. Pope John Paul II, *Message of John Paul II on the Occasion of the World Day of Peace*, *supra* n. 36, at No. 11.

55. Pope John Paul II, *If You Want Peace, Reach Out to the Poor*, *supra* n. 51.

56. *Id.*

[V]iolence always needs to justify itself through deceit, and to appear, however falsely, to be defending a right or responding to a threat posed by others.⁵⁷

Violence is only a way of death and destruction, and it dishonours the holiness of God and the dignity of man.⁵⁸

War cannot be an adequate means . . . to solve completely existing problems between nations. It never was and it never will be!⁵⁹

In *Centesimus Annus*, in response to political realists who argued that violence is a natural interstate condition, John Paul II cited the contrasting experience and worldwide political significance of non-violence: "It seemed that the European order resulting from the Second World War and sanctioned by the *Yalta Agreements* could only be overturned by another war. Instead, it has been overcome by the non-violent commitment."⁶⁰ The Pope attributed this success to the "commitment of people who . . . [had always refused] to yield to the force of power." Against the dictatorship of the powerful, the protesting demonstrators bore "witness to the truth."⁶¹ "This disarmed the adversary."⁶² John Paul II saw the overthrow of the Eastern European totalitarian regime as a "warning" to those figures in world politics "who, in the name of political realism, wish to banish law and morality from the political arena."⁶³ The overthrow represents a warning because it was driven by morality, by a dedication to truth and freedom; the demonstrators fought a non-violent battle with the "weapons of truth and justice."⁶⁴

John Paul II knew all too well that many people paid a high personal price for this nonviolent commitment, including paying with their lives. He interpreted this suffering for political change Christologically as a sacrifice for others: "[B]y uniting his own sufferings for the sake of truth and freedom to the sufferings of Christ on the Cross . . . man is able to accomplish the miracle of peace."⁶⁵ To stoically tolerate violence is not to emulate Christ; following Christ's example entails opposing violence and consciously accepting the consequences of this political commitment. If one

57. Pope John Paul II, *Centesimus Annus*, *supra* n. 48, at No. 23.

58. Pope John Paul II, *Angelus Prayer*, No. 1 (Oct. 21, 2001) (available at http://www.vatican.va/holy_father/john_paul_ii/angelus/2001/documents/hf_jp-ii_ang_20011021_en.html).

59. Pope John Paul II, *Frieden erfordert den vollen Einsatz der internationalen Gemeinschaft*, 25 *L'Osservatore Romano* 4 (Jan. 25, 1991) (*Peace Requires the Full Commitment of the International Community*; speech given at the meeting with his staff at the beginning of the Gulf War).

60. Pope John Paul II, *Centesimus Annus*, *supra* n. 48, at No. 23.

61. *Id.*

62. *Id.*

63. *Id.* at No. 25.

64. *Id.* at No. 23.

65. *Id.* at No. 25.

does so, one would then be able to “discern the often narrow path between the cowardice which gives in to evil and the violence which, under the illusion of fighting evil, only makes it worse.”⁶⁶ Citing the positive experiences of the year 1989, John Paul II wished that “people [would] learn to fight for justice without violence, renouncing class struggles in internal disputes and war in their international ones.”⁶⁷

John Paul II believed nonviolence in international relations was possible, and supported his belief by citing the continuous negotiation marathons of the CSCE (or Helsinki) process, a process by which countries overcame differences during the Cold War. Agostino Cardinal Casaroli, the then Cardinal Secretary of State, summed up the position of the Holy See after 1989’s bloodless revolution: “The patient efforts of the ‘process of Helsinki’ [had] . . . a significant part in the almost revolutionary development of European security these last few years.”⁶⁸ In 1990, Cardinal Casaroli emphasized that such a process takes time: “Since 1975 we can observe a quiet, discreet—often even frustrating—preparation . . . of those events that have led to the current changes in Middle and Eastern Europe.”⁶⁹

A cornerstone of John Paul II’s thinking was his belief that the Cold War ended as a result of three factors: non-militaristic diplomacy that centered on ethical and legal positions, the nonviolent commitment of the population for political changes, and, particularly, the inclusion of the human rights catalogue in the Helsinki Final Act. As church leader and Polish patriot, he supported and assisted these processes in his home country to a considerable extent. Drawing upon the experience of the first ten years of his pontificate, John Paul II would advise the conflicting parties to engage in dialogue and to have patience when he believed (often justifiably) that the use of military force would not be the parties’ last but rather first resort. In response to the “realist” view that denied that viability of non-violence in international relations, he articulated his position this way:

As you all know, the Holy See has reminded [us] of the ethical imperative that must predominate under all circumstances: of the inviolability of the human person, on whichever side he or she is, the legal force, the importance of dialogues and negotiations, the respect for international agreements. These are the only “weapons” that confer honour to the human being as God wanted him.⁷⁰

It was apparent to the Pope that the protection of life requires a political order. He believed that although, generally speaking, the democratic

66. *Id.*

67. *Id.* at No. 23.

68. Agostino Casaroli, *Die Konferenz über Sicherheit und Zusammenarbeit in Europa*, *supra* n. 46.

69. *Id.*

70. Pope John Paul II, *Das Vaterland braucht Schweiß, kein Blut*, 4 *L’Osservatore Romano* 22 (Jan. 24, 1992) (Supp. III) (*The Fatherland Needs Sweat, Not Blood*; New Year’s speech to the diplomatic corps).

constitutional state has prevailed over anarchical, violent conflict settlement, the international community still resides in the state of anarchy, as conflicts are too often settled by violent means. His regular and passionate calls against violence in international relations were rooted in his belief that violence does not lead to a more peaceful world. According to John Paul II, to overcome violence, we must actively search for and address the roots of violence, and upon this idea he identified two different areas of responsibility: the international community is responsible for addressing the world's existing injustices, and the believers of all confessions and religions are responsible for addressing the imminent threat of a "clash of civilizations." While the Pope actively campaigned for nonviolent solutions, he did not deny the necessity of the use of force as a last resort, as we shall see later.

II.2 Reconciliation and Dialogue between Confessions and Religions as a Peace Program

Certain groups, such as al-Qaeda and those groups involved in the war in former Yugoslavia, search for historical and religious justifications for their politically motivated eruptions of violence. The Pope saw a necessity to take countermeasures against these groups. "In the depths of our faith," he said in 1988, "the decision for dialogue and friendship with the followers of other religions is rooted in order . . . to cooperate . . . in the pursuit of promoting the unity of the human family."⁷¹ This belief is not a political calculation, but a religious conviction in the light of the peace message, a conviction upon which John Paul II often acted: for example, beginning in 1986, in an effort to establish a visible testimony against the instrumentalization of beliefs, he repeatedly invited representatives of all religions to Assisi to engage in common prayer. Given the multiple historical burdens, John Paul II believed that an honest dialogue was only possible when the past had been dealt with. As a result, he did not confront other religions with their offenses against Christians, but confronted his own church, us, with our offenses against believers of other confessions and religions. The history of the Church, the Pope wrote in preparation of the Holy Year 2000, records many events "which constitute a counter-testimony to Christianity."⁷² Moreover, John Paul II was concerned with more than just the offenses of past generations: "Yet we too, sons and daughters of the Church, have sinned. . . . As the Successor of Peter, I ask that in this year of mercy

71. Pope John Paul II, *Die Verpflichtung von Assisi vertiefen*, 53 L'Osservatore Romano 52–53 (Dec. 22, 1988) (Supp. XLVI) (*To Intensify the Duties of Assisi*; speech to the participants of the second international meeting of prayer for peace).

72. Pope John Paul II, *Incarnationis mysterium: Bull of Indiction of the Great Jubilee of the Year 2000*, No. 11 (Nov. 29, 1998) (available at http://www.vatican.va/jubilee_2000/docs/documents/hf_jp-ii_doc_30111998_bolla-jubilee_en.html).

the Church . . . should kneel before God and implore forgiveness for the past and present sins of her sons and daughters.”⁷³

This confession of guilt and the diverse requests for forgiveness have prompted approval but also critique. Konrad Repgen asks critically whether events of past epochs can be judged adequately from today’s perspective.⁷⁴ According to Olaf Blaschke, assigning the blame to the “Sons and Daughters of the Church” is an obscure attempt to absolve the Church itself of its guilt.⁷⁵ While agreeing to this assertion, Pierre Gervais asks how it might change the understanding of the Church as a mystery.⁷⁶

After asking God for forgiveness for the sins, John Paul II demanded, as the necessary second step, that the Church approach the other confessions and religions and ask them for forgiveness for the injustice they endured at the hands of the Catholics. The remembrance of the events entailed by this task “should ensure that evil will never again win the upper hand.”⁷⁷ The request the Pope made of the Greek Orthodox Church during the meeting with its leader in Greece, Archbishop Christódoulos of Athens, in the year 2001 illustrates the importance and graveness John Paul II placed on requesting forgiveness:

For the occasions past and present, when sons and daughters of the Catholic Church have sinned by action or omission against their Orthodox brothers and sisters, may the Lord grant us the forgiveness we beg of Him. . . . I am thinking of the disastrous sack of the imperial city of Constantinople, which was for so long the bastion of Christianity in the East. . . . The fact that they [the aggressors] were Latin Christians fills Catholics with deep regret. . . . Division between Christians is a sin before God and a scandal before the world. It is a hindrance to the spread of the Gospel, because it makes our proclamation less credible.⁷⁸

The Holy Father initiated a huge program within the Church in view of the Jubilee Year 2000, which he primarily understood as a year of asking for forgiveness, so that the jubilee had a *fundamentum in re*. He wanted to

73. *Id.*

74. Konrad Repgen, *Kirche und Vergangenheit*, 29 *Internationale Katholische Zeitschrift Communio* 396–405, 403 (2000) (*Church and Past*).

75. Olaf Blaschke, *Nicht die Kirche als Solche? Anfragen eines Historikers an die vaticanische “Reflexion über die Shoa,”* 43 *Blätter für deutsche und internationale Politik* 862–74, 864 (1998) (*Not the Church as Such? Questions of a Historian to the Vatican “Reflections about the Shoa”*).

76. Pierre Gervais SJ, *La demande de pardon de Jean-Paul II et ses implications théologiques*, 123 *Nouvelle Revue Théologique* 4–18, 16 (2001) (*The Demand for Forgiveness by John Paul II and Its Theological Implications*).

77. Pope John Paul II, *Trauer un die Tragödien- Weg zu neuer Beziehung zwischen Christen und Juden*, 13 *L’Osservatore Romano* 30 (Mar. 31, 2000) (*Grief at the Tragedies-Way to a New Relationship Between Christians and Jews*; speech in Jerusalem).

78. Pope John Paul II, *Address of John Paul II to His Beatitude Christodoulos, Archbishop of Athens and Primate of Greece* (May 4, 2001) (available at http://212.77.1.245/holy_father/john_paul_ii/speeches/2001/documents/hf_jp-ii_spe_20010504_archbishop-athens_en.html).

take the first step of confessing one's own guilt towards all other confessions and religions himself. At the memorial Yad Vashem he confirmed, as

Bishop of Rome and Successor of the Apostle Peter, . . . that the Catholic Church . . . is deeply saddened by the hatred, acts of persecution and displays of anti-Semitism directed against the Jews by Christians at any time and in any place. The Church rejects racism in any form as a denial of the image of the Creator inherent in every human being.⁷⁹

A bit later, he prayed at the Wailing Wall in Jerusalem: "God of our fathers, . . . we are deeply saddened by the behavior of those who in the course of history, have caused these children of yours to suffer and[,] asking for forgiveness[,] we wish to commit ourselves to genuine brotherhood with the people of the Covenant."⁸⁰ Israeli Prime Minister Ehud Barak, whose parents had died in the concentration camp Treblinka, recognized the visit of the Pope as a historical moment for Israel: "The atmosphere tilted in Israel on this day. . . . The majority of Jews accepted the apology of Catholic Christians through the Pope."⁸¹

In the context of the five hundred-year celebrations, John Paul II spoke of the injustices connected to the conquest of America in 1492 and the subsequent missionary work: he directed his request for forgiveness "[primarily] to the indigenous people of the New World, to the Indios—and then also to all who have been dragged from Africa as slaves for forced labour."⁸² In this context, John Paul II emphasized the "scream of conscience" by "Pedro de Montesinos, Bartholomé Las Casas,⁸³ and Cordoba, Fray Juan del Valle," who had stood up for the rights of Indios and whose protests manifested at the "University of Salamanca and the School of Vitoria."⁸⁴ Francisco de Vitoria had proven "that Indios and Spanish people are essentially equal as humans . . . for the rights are based on their personhood and in their human nature."⁸⁵

79. Pope John Paul II, *Trauer um die Tragödien - Weg zu neuer Beziehung zwischen Christen und Juden*, *supra* n. 77.

80. Pope John Paul II, *Vergebungsbitte an der Klagemauer*, 13 L'Osservatore Romano 30 (Mar. 31, 2000) (*Request for Forgiveness at the Mourning Wall*).

81. Andreas Englisch, *Johannes Paul II. Das Geheimnis des Karol Wojtyla* 289 (Ullstein 2003) (*John Paul II: The Mystery of Karol Wojtyla*).

82. Pope John Paul II, *Bitte um Vergebung an die Indios und Afroamerikaner*, 44 L'Osservatore Romano 22 (Oct. 30, 1992) (*Request for Forgiveness to Native Americans and Afro-Americans*; speech of Pope John Paul II at the General Audience on October 21).

83. Matthias Gillner, *Bartholomé de Las Casas und die Eroberung des indianischen Kontinents: das friedensethische Profil eines weltgeschichtlichen Umbruchs aus der Perspektive eines Anwalts der Unterdrückten*, 12 Reihe Theologie und Frieden 1 (1997) (*Bartholomé de Las Casas and the Conquest of the Indian Continent*).

84. Pope John Paul II, *Jesus Christus gestern, heute und in Ewigkeit*, 43 L'Osservatore Romano 22 (Oct. 23, 1992) (*Jesus Christ Yesterday, Today, and Eternally*; speech of Pope John Paul II at the opening of the full assembly of the Latin bishops in Santo Domingo).

85. Pope John Paul II, *Dokumente belegen den Einsatz der Kirche für die Indios*, 35 L'Osservatore Romano 22 (July 2, 1992) (*Documents Prove the Commitment of the Church for*

More than twenty years before the attacks of September 11, 2001, in the first years of his papacy, John Paul II intensified the dialogue with Islam which the Second Vatican Council had initiated with the Declaration on Religious Freedom *Nostra Aetate*. Unlike any pope before him, he not only visited Islamic countries but also sought dialogue with Muslims. He spoke with Muslim youth in Morocco, with the Egyptian Grand Mufti Mohamed Sayed Tantawi in the al-Azhar University in Cairo, and with Islamic dignitaries in the Omaidjade Mosques in Damascus. In these meetings, he emphasized the commonalities of Abrahamic religions and advocated respectful dialogue between Christians and Muslims. Since the history of conquests and crusades burdened the relationship between Christians and Muslims, the Pope called upon both to forgive: "Whenever Muslims and Christians have offended each other, we must ask the Almighty for forgiveness for that and offer forgiveness to one another."⁸⁶ Based on the dialogue that he cultivated for more than twenty years, the Holy See and the al-Azhar University in Cairo were able to condemn the terrorist attacks of September 11 in a joint declaration just one day later: "Such acts of violence do not lead to peace in the world."⁸⁷ With regard to a consensus with the Islamic authorities, the Pope could pass judgment when it was urgently needed: "The use of force in the name of one's own confession is a distortion of what the great religions teach. As different religious leaders have often emphasized, I would thus also like to emphasize that the use of force can never find a valid religious justification nor can it promote the development of true religiousness."⁸⁸ "Nobody is allowed to kill in the name of God."⁸⁹

The confession of guilt is for John Paul II the first step of a real dialogue between religions and confessions. John Paul II also took this step with respect to the churches of the Reformation on the occasion of the canonization of Jan Sarkander in the Czech Republic:

Native Americans, speech of Pope John Paul II to the participants of the international symposiums about the history of Evangelising America); to Vitoria cf. Heinz-Gerhard Justenhoven, *Francisco de Vitoria zu Krieg und Frieden*, 5 Reihe Theologie und Frieden 57 (1991) (*Francisco de Vitoria on War and Peace*); on Vitoria's text sources see Francisco de Vitoria, *Vorlesungen II (Relectiones): Völkerrecht-Politik-Kirche*, 8 Reihe Theologie und Frieden 1 (Ulrich Horst, Heinz-Gerhard Justenhoven & Joachim Stüben eds., 1997) (*Lectures II: International Law-Politics-Church*).

86. Pope John Paul II, Speech, *Meeting with the Muslim leaders - Omayyad Great Mosque, Damascus: Address of the Holy Father* (May 6, 2001) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/2001/documents/hf_jp-ii_spe_20010506_omayyadi_en.html).

87. Pope John Paul II, *Versöhnung mit der Welt: Im Gespräch mit den Religionen* 109, 111 (Matthias Kopp ed., May 2004) (*Reconciliation with the World*).

88. Pope John Paul II, *In der Achtung der Menschenrechte liegt das Geheimnis des wahren Friedens*, 1 L'Osservatore Romano (Jan. 1, 1999) (*The Secret to True Peace Is in the Respect of Human Rights*; message of Pope John Paul II on World Peace Day).

89. Pope John Paul II, *Begegnung mit den Muslimen muß mehr sein als geteilter Lebensalltag*, 17 L'Osservatore Romano (Apr. 26, 1996) (*Meeting with the Muslims Must Be More than Shared Daily Routine*; speech of Pope John Paul II to the regional conference of bishops in North Africa in Tunis).

Today I, the Pope of Rome, ask in the name of all Catholics for forgiveness for the injustices committed against non-Catholics in the course of the turbulent history of these people; and, at the same time, I assure you of the forgiveness of the Catholic Church for all the wrongs that her children have suffered.⁹⁰

Given the multitude of Christian churches and confessions, the Pope's main concern was to reestablish the lost unity of God's people in hopes of offering the restored communion as a testament to peace. Pope John Paul II was well aware that for many of the other Christian churches it is precisely his office that constituted the main obstacle to the unity he sought. Indeed, his offer of communication with other Christian religions reflected this understanding, implicitly at least: "[i]f certain forms of unity from the past no longer meet with the impulses for unity that the Holy Ghost stimulates in Christians nowadays everywhere, then all of us have to follow more openly and attentively what the Ghost tells the Church now."⁹¹

The Pope's objective in approaching the other Christian confessions, on one hand, was a united authentic testimony for the belief in a God who overcomes hate and violence. God's people, the Pope argued, should "shine [again as] a sign and means for the closest union with God, for the unity of the entirety of humankind in the world."⁹² On the other hand, the aim of the Pope's dialogue between other religions was to promote the joint work of religions to secure world peace while, at the same time, respecting the differences in their theologies.⁹³ The Pope argued that the theological explanation for this relationship between the Catholic Church and non-Christian religions was a recognition of the "truth" that can be found in other religions:

While the Catholic Church clearly applies its identity, its teachings and its missionary creed to all people, she does not renounce any part of all what is true and sacred in other religions. With sincere severity, she looks at the deeds and way of life, those principles and doctrines that deviate in some respects from what

90. Pope John Paul II, *Das Zeugnis der Heiligen - Licht des Reiches Gottes*, 21 L'Osservatore Romano 25 (May 26, 1995) (*The Testimony of the Saints - The Light of God's Empire*; speech of Pope John Paul II on the Canonization of Jan Sarkanders).

91. Pope John Paul II, *Im Geiste brüderlicher Nächstenliebe die Spannungen der Vergangenheit überwinden*, 31 L'Osservatore Romano (May 11, 2001) (*To Overcome Tensions of the Past in the Spirit of Brotherly Charity*; meeting of Pope John Paul II with the Prima of Greece, Archbishop Christódoulos of Athens).

92. *Id.*

93. Pope John Paul II, *Päpstlicher Rat für den Interreligiösen Dialog, Dialog und Verkündigung. Überlegungen und Orientierungen zum Interreligiösen Dialog und zur Verkündigung des Evangeliums Christi*, 21 L'Osservatore Romano 31-32 (Aug. 2, 1991) (*Papal Council for Interreligious Dialogue, Dialogue and Announcement, Thoughts and Orientation Regarding the Interreligious Dialogue and the Announcement of the Gospel of Christ*).

she herself believes and teaches but all the same not seldom hold a stream of that truth that enlightens all human-beings.⁹⁴

The Pope believed that through mutual understanding and respectful dialogue, religions would be able to ward off becoming a political instrument, as well as religious fanaticism or terrorism.⁹⁵

Overcoming violence, as I have said before, for John Paul II meant to look actively for the root causes of violence and address them if possible. The Pope saw it as the responsibility of Christians, through authentic testimony, to commit to the Christian peace message: together with the believers of the other religions, we are called to install an international order that is rooted in the dignity of and respects the rights of all human beings, to lobby for the continuous development of international law and UN institutions, and to advocate for nonviolent conflict resolution.⁹⁶ Part of this effort is also a commitment to ensure justice among the world's peoples and states. John Paul II developed his vision for this in the social encyclicles *Sollicitudo Rei Socialis* (1987) and *Centesimus Annus* (1991): "God has given the earth to the human race so that she could nourish all her members." "Here," John Paul II concludes, "is rooted the universal purpose of the earth's goods."⁹⁷ Given the situation of many people—even whole peoples—the "stronger nations (must) offer . . . the weaker the opportunity to integrate into the international life."⁹⁸ This is, the Pope summarized, the demand of justice: we must protect the world's most vulnerable, "whom the state and the market have to serve."⁹⁹

For John Paul II a justice that ends at the borders of one's own state and subjects other human beings and nations solely to the calculus of power and the interests of political realism is nothing more than the behaviour of a band of gangsters who divide their bounty among themselves according to principles of equality. John Paul II made such global justice deficits a subject of discussion time and again—while not neglecting intrastate justice deficits, such as corruption in developing countries, for example.¹⁰⁰ Simply put, the Pope thought that an international law that was ethically committed

94. Pope John Paul II, *Die Gläubigen vereint im Aufbau des Friedens*, 51 L'Osservatore Romano 52 (Dec. 20, 1991) (*The Believers United in Building Peace*; message of Pope John Paul II at the World Peace Day on Jan. 1, 1992).

95. Cf. Pope John Paul II, Speech, *Address at the New Year's Reception of the Diplomatic Corps* (Vatican City, Jan. 13, 2003) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/2003/january/documents/hf_jp-ii_spe_20030113_diplomatic-corps_en.html).

96. Cf. *Christen und Buddhisten: Miteinander in der Hoffnung*, in *Der Apostolische Stuhl 1998*, at 1226 (Sekretariat der deutschen Bischofskonferenz ed., Cologne 2001) (*Christians and Buddhists: Together in Hope*; message to the Buddhists at the Vesakh Celebration).

97. Pope John Paul II, *Centesimus Annus*, *supra* n. 48, at No. 31.

98. *Id.* at No. 35.

99. *Id.* at No. 49.

100. Cf. Pope John Paul II, Speech, *Address to the XXVIII Session of the Conference of FAO* (Vatican City, Nov. 23, 1995) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/1996/documents/hf_jp-ii_spe_23111995_xxviii-session-fao-conference_en.html).

to, and thus oriented by, human rights, is an essential step towards accomplishing justice for all. But how can existing international law gain importance?

III. THE POPE'S TEACHING ON INTERNATIONAL LAW

III.1 Creating Trust by Respecting International Law

Referring to the experiences in the CSCE, John Paul II made clear that peace does not primarily depend on military security but, above all, on developing a trust between nations.¹⁰¹ Given an international legal system in which the global-public authority is (still) missing, trust in the legal system—or legal security—only develops if subjects of international law (nation states) themselves submit to the basic norms of the law. Consequently, international law can “not be the right of the stronger and not even the right of a minority of states nor the right of an international organization.”¹⁰² Given a world consisting of “unequal states,”¹⁰³ then, genuine trust in international law can only develop if “those states that carry more weight and thus have greater responsibility do their utmost [to ensure] that the principles of international law are respected faithfully.”¹⁰⁴ Only the example of leading powers submitting to international law can bring about a certain degree of legal security, which is essential to creating and maintaining world peace.

While there had been some hope a secure and just international legal order would emerge immediately after the end of the Cold War—the Charter of Paris, for example, proclaimed just such hope—the years that followed were disappointing. This was reflected in John Paul II's assessment of the NATO-led intervention, without a UN mandate, in Kosovo: “Never before had the actors of the international community had a comprehensive work of such precise and complete norms and conventions at their disposal as today. What is lacking is the will to respect and apply them.”¹⁰⁵ Thus, international law, the Pope recognized, has no chance of really being recognized if the relevant actors on the international stage do not consider it indispensable—or, at the very least, in their own interests—to abide by law.

Here, in John Paul II's view, seemed to be the central problem of the international order: “the political will to apply the existing (legal texts or

101. Cf. Pope John Paul II, *Einheit der menschlichen Familie festigen und vervollständigen*, *supra* n. 44.

102. Pope John Paul II, Speech, *Address at the New Year's Reception of the Diplomatic Corps* (Vatican City, Jan. 11, 1999) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/1999/documents/hf_jp-ii_spe_11011999_diplomatic-corps_en.html) [hereinafter *Address to the Diplomatic Corps*].

103. Cf. Pope John Paul II, *Address of the Holy Father*, *supra* n. 25.

104. See Pope John Paul II, *Einheit der menschlichen Familie festigen und vervollständigen*, *supra* n. 44, at 30.

105. See Pope John Paul II, *Address to the Diplomatic Corps*, *supra* n. 102.

legal instruments) indiscriminately”¹⁰⁶ was still largely absent. Because the law as such is not abided by, and there is no global-public authority with the necessary law enforcement authority, “it is up to the international community to take effective action in accordance with the [UN] Charter.”¹⁰⁷ Even so, as the Pope recognized, since the states that are members of the UN “have so far not been [able] to work out effective [political] instruments instead of war to resolve international conflicts,”¹⁰⁸ conflicts were still resolved by violent means.

III.2 *The United Nations as a Sub-Goal toward an International Authority*

Pius XII and John XXIII had already argued globalisation imposed on the international community the responsibility to submit to an order. Relying on these ideas, John Paul II built upon the idea of the “interdependence of humanity” to argue that the “welfare [of] humanity” requires an “attitude of worldwide solidarity.”¹⁰⁹ Just like John XXIII before him, John Paul II considered international welfare as analogous to public welfare. If the “welfare that serves the authority of the state . . . can only be fully realized if all citizens are secure [in] their rights,”¹¹⁰ the Pope observed, this was also analogically true on the global level. Thus, human rights form the basis for the intrastate legal order as well as for the international legal order. The Pope recognized that this had not always been the case; instead, he thought, international law had gone through a transformative process from “a kind of extension of unlimited sovereignty” to “a code of conduct for the human family[,] . . . by putting . . . universally valid principles before the internal law of the states.”¹¹¹ It appears, then, that John Paul II—like the theological ethic developed since the Spanish Scholastic¹¹²—did not recognize a terminological difference between intrastate and international law. Thus, John Paul II thought that “[t]he function of law is to give each person his due, to give him what is owed to him in justice. Law therefore has a strong moral

106. See Pope John Paul II, *Address of the Holy Father*, *supra* n. 25.

107. Pope John Paul II, *Den Rüstungswettlauf beendigen*, 36 L'Osservatore Romano 18 (Sept. 2, 1988) (Supp. XXXI) (*To End the Arms Race*; message of the Pope to the General Assembly of the United Nations at the Third Extraordinary Session on the Question of Disarmament).

108. Pope John Paul II, *Centesimus Annus*, *supra* n. 48, at No. 21.

109. Pope John Paul II, *Greeting of the Pope to the President of the United States, George Bush*, 19 L'Osservatore Romano 30–31 (July 28, 1989) (Supp. XXVII).

110. Pope John Paul II, *Centesimus Annus*, *supra* n. 48, at No. 47.

111. Pope John Paul II, *Der Friede ist noch möglich*, 4 L'Osservatore Romano 21 (Jan. 18, 1991) (Supp. III) (*Peace Is Still Possible*; New Year's speech to the diplomatic corps).

112. The Spanish Scholastic, being connected with names like Francisco de Vitoria (1483–1546) and Francisco Suárez (1548–1617), introduced Thomas Aquinas' *Summa Theologia* as a fundamental textbook of theological studies and thus reformed Catholic theology in 16th century Spain, the site of the Council of Trent (1546).

implication. And *international law itself is founded on values.*¹¹³ These values are codified as the charter of human rights. Therefore, in order for a just international order to emerge, human rights must be observed as the basis of international law.

The Pope thought that human rights were, as pre-state law, part of international law and, thus, a limit on state sovereignty.¹¹⁴ Despite the advancement achieved by international law in the twentieth century, the Pope believed the international community, at least as it seemed to regard the validity of international law, to be closer to the “law of the jungle”¹¹⁵ than to a system of law and order: “[j]ust as the time has finally come when in individual States a system of private vendetta and reprisal has given way to the rule of law, so too a similar step forward is now urgently needed in the international community.”¹¹⁶ The Pope’s main concern was not that international legal norms were lacking, but rather that states must learn to rely “on common legal structures of [a] supranational character on [a] continental or even [a] worldwide level” when interacting with one another.¹¹⁷ As the Pope saw it, world security through law, which was sustainable only if states had the necessary confidence in the law, would only be achieved when there are “universally valid rules for [states] living together [that are] . . . respected under all circumstances.”¹¹⁸

The reasons for the Pope’s harsh critique of the Bush administration, when it was obvious that Bush may enter a war against Saddam Hussein in utter disregard of international law and the UN, can be found in the already indicated importance that John Paul II attributed to international law.¹¹⁹ Ultimately, the institutional union of the international community was a result of the catastrophe of World War II, as well as from the demands of globalisation.¹²⁰ “The Holy See,” so the Pope said before the UN General Assembly, “has supported the ideals and goals of the UN Organization from the

113. Pope John Paul II, Speech, *Address of His Holiness Pope John Paul II in Response to the New Year Greetings of the Diplomatic Corps Accredited to the Holy See*, No. 4 (Vatican, Jan. 13, 1997) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/1997/documents/hf_jp-ii_spe_13011997_diplomatic-corps_en.html).

114. Paul Kirchhoff, *Aus der Gerechtigkeit für den Einzelnen erwächst der Friede für alle*, in *Die Weltfriedensbotschaften Papst Johannes Pauls II* 175–93, 176 (Donato Squicciarini ed., 2001) (*From the Justice of Each Comes Peace for All*, in *The World Peace Messages of Pope John Paul II*).

115. Pope John Paul II, *Centesimus Annus*, *supra* n. 48, at No. 52.

116. *Id.*

117. Pope John Paul II, *Europa hat die Pflicht, Greuelthaten anzuprangern*, 1–2 *L’Osservatore Romano* 22 (Jan. 10, 1992) (*Europe Has the Duty to Denounce Atrocities*; given to the international meeting of the leaders of the Christian Democrats).

118. Pope John Paul II, *Der Friede ist noch möglich*, *supra* n. 111.

119. *Cf.* Pope John Paul II, *Address of His Holiness Pope John Paul II to the Diplomatic Corps*, *supra* n. 95.

120. *Cf.* Pope John Paul II, *Address to the UN General Assembly*, *supra* n. 22.

very beginning.”¹²¹ With these ideas, and in the context of the United States’ imminent threat against the regime of Saddam Hussein at the beginning of 2003, Pope John Paul II used the fortieth anniversary of John XXIII’s encyclical *Pacem in terris* to convey his response to the United States government’s decision: forty years ago John XXIII had put forth the demand “for a public authority, on the international level, with effective capacity to advance the universal common good.”¹²² The United States’ decision to bypass the UN, in the Pope’s view, violated this basic requirement of international peace, security, and justice.

While this visionary political demand goes far beyond what can realistically be achieved with the UN today, John Paul II was in agreement with the Fathers of the Second Vatican Council who “championed a world authority that is based on the consent of the people and [that] is equipped with effective means to warrant the respect of justice and truth.”¹²³ Hence, the concrete institutional architecture of the “world authority” is not further developed in John Paul II’s teaching, besides his support for the existing UN. The Pope realized that the UN as an institution was still not capable of doing what she was supposed to do for achieving her declared goals—and for fulfilling the role John Paul II assigned to her. And, indeed, shortly before his death, John Paul II had renewed his demand for UN reform with the goal of achieving “a greater degree of international ordering.”¹²⁴

John Paul II regretted that this “vision of an effective international public authority at the service of human rights, freedom and peace has not been entirely realized.”¹²⁵ At the same time, he made clear that the main concern should not be about creating a “global super-State.”¹²⁶ While we do not find any further-developed ideas within papal messages, one could presume that the principle of subsidiarity, which is well established in Catholic political ethics, would require that only those tasks to be handed over to the global authority would be the tasks states were not able to deal with. A global federal system could be the answer from this perspective. And, it appears that John Paul II regarded the already-started processes of developing the UN into a public authority as the adequate means to comply with this goal.

121. Pope John Paul II, Speech, *Address of His Holiness Pope John Paul II to the Fiftieth General Assembly of the United Nations Organization*, No. 1 (N.Y., Oct. 5, 1995) (available at http://www.vatican.va/holy_father/john_paul_ii/speeches/1995/october/documents/hf_jp-ii_spe_05101995_address-to-uno_en.html).

122. Pope John Paul II, *Pacem in terris: A Permanent Commitment*, *supra* n. 45, at No. 5 (emphasis in original).

123. Pope John Paul II, *Seid Kirche in eurer Welt*, 18 L’Osservatore Romano 19 (May 5, 1989) (Supp. XV) (*Be the Church in the World*).

124. Pope John Paul II, *An Ever Timely Commitment: Teaching Peace*, No. 7 (Jan. 1, 2004) (available at http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_20031216_xxxvii-world-day-for-peace_en.html).

125. Pope John Paul II, *Pacem in terris: A Permanent Commitment*, *supra* n. 45, at No. 5.

126. *Id.* at No. 6.

John Paul II was clear on the mechanism that should establish the global public authority, even though he was less clear on the shape the authority would eventually take. "It means continuing and deepening processes already even in place to meet the almost universal demand for participatory ways of exercising political authority, international authority, and for transparency and accountability at every level of public life."¹²⁷ The global public authority "could not . . . be established by coercion but only by the consent of nations."¹²⁸ John Paul II did not, however, elaborate on how the question of global power division should be addressed in practice. This is not the responsibility of the church as she "does not propose economic and political systems or programs,"¹²⁹ but demands from them respect for human dignity.

Notwithstanding his wish for progress toward this goal, John Paul II was realistic enough to observe that the international community has not only not developed in the direction that she should have as a consequence of the peace teachings of the twentieth-century popes, but that she is also not yet on the path toward global peace at the beginning of the third millennium. John Paul II recognized that the UN, which had been viewed by the twentieth-century popes as the nucleus of a global public authority, tended to struggle against political insignificance or was simply circumvented. "Is this not the time for all to work together for a new constitutional organization of the human family, truly capable of ensuring peace and harmony between peoples, as well as their integral development?"¹³⁰ John Paul II asked, barely hiding the critical undertone.

Just like his predecessors, John Paul II announced the sketched ethical ideal of the UN as a global-public authority. All the same, he was realistic enough to recognize that the UN was not going to become the global-public authority anytime soon; even so, he continually demanded that the status quo move toward that goal. This meant for John Paul II that the UN's existing institutions were respected and strengthened if possible. He expected that existing international law, as well as corresponding international institutions, were to be respected by states as the relevant actors, especially since there was not yet an effective international authority that could enforce states' adherence to the law if necessary.

III.3 Right and Responsibility of Defense

Unfortunately, war remains ever present in the international community, not only as a means to settle disputes among states, but also in the form of military interventions, or even the war against international terror-

127. *Id.*

128. *Id.* at No. 5.

129. Pope John Paul II, *Sollicitudo Rei Socialis*, No. 41 (Dec. 30, 1987) (available at http://www.vatican.va/edocs/ENG0223/_P7.HTM).

130. Pope John Paul II, *Pacem in terris: A Permanent Commitment*, *supra* n. 45, at No. 6.

ism. Given his decisive stance advocating for the recognition of the dignity of every human being and ensuring inviolable respect for God-created life, John Paul II voted for overcoming violence by supporting nonviolent action. Governments go to war much too often and far too quickly, according to the Pope's assessment, without really having been forced to use violence as a last resort; he clearly denounced this practice and thus brought himself under the suspicion as a potential pacifist.

At the same time, John Paul II argued in line with Catholic tradition and faced the problem of conflicting norms. In the encyclical *Evangelium Vitae*, John Paul II briefly discusses the problem of *minus malum*:

There are in fact situations in which values proposed by God's Law seem to involve a genuine paradox. This happens for example in the case of legitimate defence, in which the right to protect one's own life and the duty not to harm someone else's life are difficult to reconcile in practice. Certainly, the intrinsic value of life and the duty to love oneself no less than others are the basis of a true right to self-defence . . . no one can renounce the right to self-defence out of lack of love for life or for self. This can only be done in virtue of a heroic love which deepens and transfigures the love of self into a radical self-offering, according to the spirit of the Gospel Beatitudes (cf. Mt 5:38-40). . . . Moreover, "legitimate defence can be not only a right but a grave duty for someone responsible for another's life, the common good of the family or of the State" (Catechism of the Catholic Church No. 2265). Unfortunately it happens that the need to render the aggressor incapable of causing harm sometimes involves taking his life. In this case, the fatal outcome is attributable to the aggressor whose action brought it about, even though he may not be morally responsible because of a lack of the use of reason.¹³¹

This conflict of norms is reflected in John Paul II's views on several world events. For example, despite his strong emphasis on peaceful resolution of conflict, John Paul II regarded western states' long—maybe too long—process of trying to come to an answer to the question of whether they should intervene militarily in the Bosnia and Herzegovina war as a case in point of these conflicting norms. "The European States and the UN have the duty and the right to intervene to disarm somebody who wants to kill. This does not mean to fuel the war but to stop it."¹³²

While John Paul II viewed the situation in the former Yugoslavia as a "fratricidal war"—one that required the use of military force, as a last re-

131. Pope John Paul II, *Evangelium Vitae*, No. 55 (Mar. 25, 1995) (available at http://www.vatican.va/edocs/ENG0141/_PP.HTM).

132. Angelo Sodana, *Den zu entwaffnen, der töten will, ist rechtens. Kardinalstaatssekretär Sodano sprach mit dem Papst über Bosnien-Herzegowina*, 34 *L'Osservatore Romano* 32 (Aug. 14, 1992) (*To Disarm Whoever Wants to Kill Is Just: Cardinal Secretary Sodano Speaks with the Pope about Bosnia Herzegovina*).

sort, in order to end “unbearable sufferings for countless innocents”¹³³—he characterized the Gulf War, which aimed for the expulsion of Iraq from Kuwait in 1991, completely differently: “In its second phase, this was, in my opinion, not so much a defensive war, but rather likened to a war for punishment. Further, the general atmosphere in that region is very tense. The intention was to turn this war into a religious war.”¹³⁴

The Pope thus draws a very fine distinction between defending against aggression and a situation in which the principle of legitimate defense is invoked by the supposed defender, but the “defender” has another objective for acting. Even if he assumed that there was, in principle, a right of defense—possibly a duty to defend—John Paul II, who witnessed World War II in his home country of Poland with his own eyes, was well aware of the consequences: the Pope was quoted in a semiofficial article as saying “[a] defensive war is bad, but if somebody attacks and tramples on the right to life, the right to be, there is a right to defense.” But, “[w]e feel in a special way connected to all those who suffer, regardless on which side they may stand.”¹³⁵ It is the immeasurable suffering of the civilian population in every war that makes it obviously so difficult for John Paul II to advocate for the just war theory. Moreover, he was well aware that every use of force is itself a seed of new violence. And, thus, he thought that “war will never be a real solution for the problems of peoples! The more respectable way for mankind is negotiations.”¹³⁶

With the establishment of the UN, member states made an international agreement that the use of force in international relations was forbidden. As the Pope understood the Charter’s prohibition on the use of force, “[it] makes provision only for two exceptions.”¹³⁷ These two exceptions are “the natural right to legitimate self-defence”¹³⁸ and the use of force in the framework of the collective security system, in which the UN Security Council is allotted the decision making power, in accordance with Chapter VII, to keep world peace. It is significant that John Paul II explicitly conditioned states’ right to self-defence on that it is “to be exercised in specific ways and in the context of the UN.”¹³⁹ In this statement, John Paul II alluded to Article 51 of the UN Charter in which the right to self-defense is subordinated to the Security Council’s primary responsibility to keep world

133. Pope John Paul II, *Wo Sind wir vom Evangelium abgewichen? Eine Gewissenserforschung für die Welt an der Schwelle zum Jahr 2000*, 45 *L’Osservatore Romano* 23 (Nov. 12, 1993) (*Where Have We Diverted from the Gospel? Questioning One’s Conscience for the World on the Threshold to the Year 2000*; interview of Jas Gawronskis with Pope John Paul II in the daily newspaper *LaStampa*).

134. *Id.*

135. *Recht auf Verteidigung*, 31 *L’Osservatore Romano* 25 (July 28, 1995) (*A Right to Defense*).

136. *Id.*

137. Pope John Paul II, *An Ever Timely Commitment: Teaching Peace*, *supra* n. 124, at No. 6.

138. *Id.*

139. *Id.*

peace and is consequently only valid “until the Security Council has taken appropriate measures to keep world peace and international security.”¹⁴⁰

For the Pope, then, the UN was the competent authority, in the just war tradition, that held the responsibility for keeping world peace. As mentioned above, the UN is, however, only a first step toward a global-public authority. John Paul II was, like his predecessors, well aware that the decisions of the Security Council tended to serve more the confined interests of its members—especially its permanent members—than the peace and security of the international community. Nevertheless, the UN was a step in the right direction towards strengthening and building the institutions in which all nations’ interests can be balanced against each other in order to strive for universal welfare. As a result, the UN is, according to John Paul II, “the right forum for the international community to take on the responsibility toward its various members that are not in the position to resolve their own problems by themselves.”¹⁴¹

III.4 *The United Nations as a Competent Authority*

The “authority of law” and the “moral power of the highest international” authorities form the basis on which the right to intervene is founded—the purpose of saving “the ethnic groups that have become the victims of the deadly madness of the war-drivers.”¹⁴² Thus, international law’s competence consists of “making the international community take effective action in harmony with the Charter . . . so that such measures are taken that are appropriate to ward off potential aggressors.”¹⁴³ Accordingly, the Pope demanded, after the United States had snubbed the UN in its attack on Iraq in 2003, that “[i]t [was] more urgent than ever to return to effective collective security that confers on the organizations of the UN the place and the role that it deserves.”¹⁴⁴ Simply put, resolving international conflicts, especially if the solution’s ultima ratio involves a military intervention, must take place within the UN.

It is evident that John Paul II’s teaching on the use of military force was developed within the framework of traditional just war teaching. It should be noted that the Pope was explicit on the question of authority: it is

140. *Artikel 51 der Charta der Vereinten Nationen*, 7 Völkerrechtliche Verträge 14 (Albrecht Randelzhofer ed., Nördlingen 1995) (Article 51 of the Charter of the UN).

141. Pope John Paul II, *Den Mut zum Frieden haben*, 11 L’Osservatore Romano 23 (Mar. 19, 1993) (*To Have the Courage for Peace*; message of Pope John Paul II to the UN Secretary-General Boutros-Ghali).

142. *Id.*

143. Pope John Paul II, *Den Rüstungswettlauf beenden*, *supra* n. 107; cf. also Heinz-Joachim Fischer, *Die differenzierte Position des Vatikans*, Frankfurter Allgemeine Zeitung (Feb. 28, 2003) (*The Differentiated Position of the Vatican*).

144. Pope John Paul II, *Die Kirche schlägt eine Pädagogik des Friedens vor*, 3 L’Osservatore Romano 34 (Jan. 16, 2004) (*The Church Suggests a Pedagogic of Peace*; New Year’s speech of John Paul II to the diplomatic corps).

for the UN to decide on the use of force, not a national government. With this position, the Pope did not articulate a new position, but stuck to the position of the Second Vatican Council.¹⁴⁵

III.5 *The Use of Military Force as the Last Resort*

Faced with his decisive stance on the defense of life, it was out of the question for John Paul II that the use of military force could ever be considered as anything other than the ultima ratio.¹⁴⁶ At the same time, the Pope had seen that during the war in former Yugoslavia, the European states and the UN took too long before taking effective action and, as a consequence, innocent civilians suffered needlessly. The Pope noted publicly that the “the worst [thing] to happen to today’s Europe would be to accept war, which cruelly torments millions of men and women, in particular in the Balkan states and in the Caucasus.”¹⁴⁷

Because he approached the conflict from the perspective of human rights, it became a question of justice and solidarity to come to the rescue of those suffering. “It is possible,” John Paul II remarked concerning the suffering of the civil population in the Balkans, “to put an end to this if one takes up measures that enforce the rules of law”¹⁴⁸; elsewhere, he called this the “principle of non-indifference.”¹⁴⁹ These statements might still be interpreted to support the claim that John Paul II relied solely on nonmilitary means—even in 1993 at the height of the Balkan wars—like negotiations and sanctions.¹⁵⁰ A bit later, however, he made clear that

the dialogue and the negotiations can under no circumstances release one from the duty to disarm the aggressors that have taken entire ethnic groups hostage. One has to support the international organizations to collect and distribute the humanitarian aid supplies; if necessary, one has to use force in the process so that the aid supplies can access the needy population as it is a case of justified “humanitarian intervention.”¹⁵¹

145. Cf. Pope Paul VI, *Pastoral Constitution on the Church in the Modern World: Gaudium et Spes*, No. 79 (Dec. 7, 1965) (available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html).

146. Cf. *Recht auf Verteidigung*, *supra* n. 135.

147. Pope John Paul II, *Gemeinschaft der Nationen - Ziel politischer Zusammenarbeit in Europa*, 50 L'Osservatore Romano 23 (Dec. 17, 1993) (Supp. XLVI) (*Unity of Nations - the Goal of Political Cooperation in Europe*); speech of Pope John Paul II at the Ministerial Council of the Conference for Security and Cooperation in Europe (CSCE) on Nov. 30, 1993).

148. *Id.*

149. Pope John Paul II, *Streitkräfte im Dienst der Verteidigung von Freiheit und Sicherheit*, 15 L'Osservatore Romano 24 (Apr. 15, 1994) (*Armed Forces in Duty for the Defense of Freedom and Security*); speech of Pope John Paul II to the military bishops).

150. Cf. Gino Concetti, *Il diritto di intervento umanitario* 197 (Vigodarzere 1994).

151. Ernesto Gallina, *Botschafter der Vergangenheit - Gestalter der Zukunft*, 46 L'Osservatore Romano 25 (Nov. 17, 1995) (Supp. XLIV) (*Ambassador of the Past - Architect of the Future*); speech of Archbishop Ernesto Gallina, special representative for international governmental organizations, before the 17th Conference of the World Association of Lawyers in Ca-

After September 11, 2001, the question that demanded an answer was whether the al-Qaeda attacks against the USA legitimized, as an act of preemptive defense, an attack on Afghanistan, since the Taliban regime had offered its country as a base for the terror organization. In answering this question, John Paul II pointed out that there is “a right to defense against terrorism,” because “these terror organizations have used their own followers as weapons to send them out against unarmed, unsuspecting people.” Thus, terrorism is based “on the neglect scorn of human life” and commits “unbearable crimes against humanity.”¹⁵² Defense against terrorism, the Pope said, is “a right that must abide like any other right by moral and ethical rules in the choice of both the aims and the means.”¹⁵³ Here, the Pope was arguing that regardless of the reprehensibility of terrorism, combating terrorism cannot unhinge existing international law, as the case of preemptive self-defense at least threatens to do.¹⁵⁴ Simply put, any use of military force that goes beyond immediate self-defense can, according to the Pope, only be used to enforce elementary legal norms, like efforts to stop the most severe human rights violations. The decision of whether this use of force is warranted belongs to the institution that is above particularistic interests, the UN.

In his last peace message, the Pope admitted freely that there were no persuasive legal answers to the new questions raised by the “plague of terrorism,” because international law has so far been based on interstate conflicts. The Pope recognized that “[a] legal order of norms that has been worked out over the course of centuries to organize relations between sovereign states is hard pressed to face conflicts in which groups become active that cannot be captured by conventional definitions of statehood.”¹⁵⁵

That being said, the UN does not have plenary authority to wage war; it must be a last resort. The Pope thought that when the UN—though it would be more precise to say the Security Council of the UN—begins debating whether using force is an appropriate response against international human rights violators that there are still important limitations within which it must make its decision. “[W]ar is . . . a means like [no] other that can be used to settle disputes between nations,” the Pope recalled at the beginning

nada); cf. *Hilfe auch mit Gewalt durchsetzen*, 6 L'Osservatore Romano (Feb. 12, 1993) (*To Enforce Help*).

152. Pope John Paul II, *Kein Friede ohne Gerechtigkeit - keine Gerechtigkeit ohne Vergebung*, 31 L'Osservatore Romano 51–52 (Dec. 21, 2001) (*No Peace Without Justice - No Justice Without Forgiveness*; message of Pope John Paul II on the celebration of World Peace Day on Jan. 1, 2002).

153. *Id.*

154. Cf. *Friedensappelle von Papst Johannes Paul II. angesichts der tragischen Ereignisse in den vergangenen Monaten*, 31 L'Osservatore Romano 51–52 (Dec. 21, 2001) (*Peace Appeals of Pope John Paul II Considering the Tragic Events in the Past Months*).

155. Pope John Paul II, *Eine stets aktuelle Aufgabe: Zum Frieden zu erziehen*, 33 L'Osservatore Romano 51–52 (Dec. 19, 2003) (*An Ever Current Task: To Educate for Peace*; message of Pope John Paul II on World Peace Day on Jan. 1, 2004).

of 2003, at the beginning of the Iraq war. "The Charter of the UN and international law reminds us that even if the security of common welfare is concerned, war is only to be chosen in the worst case and under very strict conditions."¹⁵⁶

The Pope had thus grappled with the question of *ius ad bellum*, competent authority, just cause, and the ultima ratio and, though starting from a traditional just war posture, has developed some textual adaptations insofar as he put ultima ratio at the core of his admonitions regarding the use of force. That being said, concerning the ethical limits of using force, the Pope hardly deviated from what is already known.

When John Paul II spoke to these questions, his emphasis was on the suffering of the civilian population. He had experienced the effects of war as a young man in Poland. And, thus, cautioned that whoever decides to resort to military means must not forget "the effects [on] the civilian population during and after the fighting."¹⁵⁷ The discriminatory principle was, thus, at the core of his thoughts. And, with the entire weight of his papal authority, with "the authority given to Peter and his successors by Christ," and "in community with the bishops of the Catholic Church," John Paul II taught, in the encyclical *Evangelium Vitae*, the tradition that "the direct and voluntary killing of an innocent human being is always gravely immoral."¹⁵⁸ This prohibition concerns, of course, the "deliberate decision to deprive an innocent human being of his life . . . as a means to a good end."¹⁵⁹

CONCLUSION

Sadly, even if killing the civilian population is not intended in a war, the so-called "new wars" confront soldiers, politicians, and international leaders with problems unknown so far. Asymmetric warfare has replaced interstate war—the opponents of conventional armies are now irregular armies, which, because they are militarily inferior, evade open battle. This type of warfare could be the military campaigns of rebel armies against unpopular regimes, insurgencies of ethnic minorities against majority re-

156. Pope John Paul II, *Nein zum Tod! Nein zum Egoismus! Nein zum Krieg! Ja zum Leben! - Ja zum Frieden!* 4 L'Osservatore Romano 33 (Jan. 24, 2003) (*No to Death! No to Egoism! Yes to Life! - Yes to Peace!*; New Year's speech of Pope John Paul II to the diplomatic corps).

157. *Id.*

158. Pope John Paul II, *Evangelium Vitae*, *supra* n. 131, No. 57.

159. Eberhard Schockenhoff rightly points out that the German term "*unschuldig*" ("innocent") is an imprecise one although it is commonly used. In contrast, the Latin *innocents*, which refers to those who do not cause any damage, is a counter-term to *nocentes*, which means those who cause damage. Cf. Eberhard Schockenhoff, *Insgesamt schlüssig. Eine moralphilosophische Analyse von "Evangelium vitae,"* 49 Herder Korrespondenz 541–47, 543 (1995) (*Overall Logical: A Moral Philosophical Analysis of "Evangelium vitae"*); see also Josef Fuchs, S.J., *Das "Evangelium vom Leben" und die "Kultur des Todes"*, 213 Stimmen der Zeit 579–592, 585 (1995) (*The "Gospel of Life" and the "Culture of Death"*); Pope John Paul II, *Evangelium Vitae*, *supra* n. 131.

gimes, or the activities of criminal gangs, terrorist attacks, or, last but not least, regular armies fighting against these types of threats.¹⁶⁰ In his last peace message, John Paul II admitted freely that there are no persuasive solutions to these problems so far: “A legal order of norms that has been worked out in the course of centuries to organize relations between sovereign states is hard pressed to face conflicts in which groups become active that cannot be captured by conventional definitions of statehood.”¹⁶¹

160. Cf. Michael Ignatieff, *Die Zivilisierung des Krieges* 158 (Rotbuch Verlag ed., Hamburg 2000) (*The Civilization of War*).

161. Pope John Paul II, *Eine stets aktuelle Aufgabe: Zum Frieden zu erziehen*, *supra* n. 155.