



# Notre Dame Journal of Law, Ethics & Public Policy

Volume 21

Issue 1 *Symposium on Pope John Paul II and the Law*

Article 1

1-1-2012

## Foreword

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### Recommended Citation

Elizabeth R. Kirk, *Foreword*, 21 NOTRE DAME J.L. ETHICS & PUB. POL'Y 1 (2007).

Available at: <http://scholarship.law.nd.edu/ndjlepp/vol21/iss1/1>

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## FOREWORD

### JOHN PAUL II AND THE LAW

ELIZABETH R. KIRK\*

We come to you, men of weak faith,  
So that you might fortify us with the example of your  
life . . . .<sup>1</sup>

So opens the moving ode composed by Nobel laureate poet Czeslaw Milosz on the occasion of John Paul II's eightieth birthday. During the course of his twenty-six-year pontificate, Pope John Paul II preached and wrote comprehensively on almost every imaginable topic at the heart of the Church, civil society, and the nature of the human person. He was a prolific author—writing fourteen encyclicals, fifteen apostolic exhortations, eleven apostolic constitutions, and forty-five apostolic letters, in addition to several books, plays, and poems.<sup>2</sup> His impact on Catholics and non-Catholics worldwide was profound, as both the worldwide farewell during his last days and the spectacular attendance at his funeral demonstrated. Up to two million pilgrims flocked to Rome to pay their last respects to the deceased pope,<sup>3</sup> and according to some reports, the foreign dignitaries in

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1. CZESLAW MILOSZ, *Ode for the Eightieth Birthday of Pope John Paul II*, in *NEW AND COLLECTED POEMS 1931–2001*, at 709 (2001).

2. See Holy See Press Office, His Holiness John Paul II Short Biography (June 30, 2005), [http://www.vatican.va/news\\_services/press/documentazione/documents/santopadre\\_biografie/giovanni\\_paolo\\_ii\\_biografia\\_breve\\_en.html](http://www.vatican.va/news_services/press/documentazione/documents/santopadre_biografie/giovanni_paolo_ii_biografia_breve_en.html) (last visited Mar. 27, 2007).

3. *Pope John Paul II Buried in Vatican Crypt*, CNN.com, Apr. 9, 2005, <http://www.cnn.com/2005/WORLD/europe/04/08/pope.funeral/index.html>.

attendance at his funeral constituted one of the largest gatherings of statesmen in the history of the world.<sup>4</sup> Spontaneously chanting “Santo Subito,” the people proclaimed the *sensus fidei*: this man was a saint. His successor, Pope Benedict XVI, later announced that the standard five-year waiting period, required before opening the cause for beatification and canonization, would be waived for John Paul II’s cause.<sup>5</sup>

John Paul II certainly had an enormous impact on the world because of his prolific writings and powerful teachings and because he spoke with the authority of his office as the Vicar of Christ. However, as the Nobel laureate poet indicated, he was also persuasive, especially to the modern, faithless, and skeptical world, through the example of his life. Mankind drew strength from his personal witness, and all knew they were loved by him. John Paul II’s voice will echo through the ages, not simply because of his prolific moral, philosophical, and theological works—although those will keep scholars occupied for centuries and guide the Church for ages to come—but because of the way he embodied his views so powerfully in a life lived on the public stage.

Given John Paul II’s significant presence on the world stage, it is appropriate to ask what his impact might be on particular fields of inquiry or professional vocations. As lawyers, then, we might ask: what were John Paul II’s thoughts on the nature of law and jurisprudence? What will be his legacy in terms of the civil law? How can we, as civil lawyers, best mine the rich lode of his intellectual legacy?<sup>6</sup> To begin to answer these questions and to suggest a way forward under the guidance of John Paul II, it is fitting that the *Notre Dame Journal of Law, Ethics & Public Policy* should publish a symposium issue to honor him and to explore his influence on the law. In this issue, we find a number of splendid articles examining the application of these principles articulated so well by John Paul II as a scholar, as a religious leader, and as a man, to particular contemporary situations and

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4. See *Huge Crowds Queue to Honour Pope*, BBC NEWS, Apr. 5, 2005, <http://news.bbc.co.uk/1/hi/world/europe/4411485.stm>; see also The Holy See, Extraordinary Missions Representing State and International and Supranational Organizations in the Funeral Mass of His Holiness John Paul II, [http://www.vatican.va/gpII/documents/delegazioni-uff-esequie-jp-ii\\_20050408\\_en.html](http://www.vatican.va/gpII/documents/delegazioni-uff-esequie-jp-ii_20050408_en.html) (last visited Mar. 27, 2007) (containing a list of dignitaries in attendance at John Paul II’s Requiem Mass).

5. Holy See Press Office, *supra* note 2.

6. See John F. Coverdale, *The Legacy of John Paul II to Lawyers*, 36 SETON HALL L. REV. 1 (2005) (exploring the legacy of John Paul II to civil lawyers).

problems—such as the relationship between moral and civil law,<sup>7</sup> the education of children,<sup>8</sup> international trade,<sup>9</sup> the nature of human rights,<sup>10</sup> and the post-communist political landscape of Poland<sup>11</sup>—as well as to discrete areas of the law—such as immigration law,<sup>12</sup> corporate governance,<sup>13</sup> and the proper scope of the First Amendment.<sup>14</sup>

As these articles demonstrate, the lasting impact of John Paul II on the law—like his impact on moral theology, politics, culture, human rights, or anything else—will certainly come from his rich philosophical and theological teachings. Some of the most important of those teachings include the dignity of the human person, the relationship between freedom and truth, and the compatibility of faith and reason.

After a half century, which saw some of history's most heinous crimes against humanity, John Paul II boldly championed respect for the dignity of the human person. In his first encyclical, *Redemptor Hominis*, he proclaimed:

He who is the 'image of the invisible God' (Col 1:15), is himself the perfect man who has restored in the children of Adam that likeness to God which had been disfigured ever since the first sin. Human nature, by the very fact that it was assumed, not absorbed, in him, has been raised in us also to a dignity beyond compare. For, by his Incarnation,

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7. Gregory R. Beabout & Mary Catherine Hodes, *John Paul II on the Relationship Between Civil Law and the Moral Law: Understanding Evangelium Vitae in Light of the Principle of Subsidiarity and the Moral Grammar of John Paul II*, 21 NOTRE DAME J.L. ETHICS & PUB. POL'Y 71 (2007).

8. Christopher Tollefsen, *John Paul II and Children's Education*, 21 NOTRE DAME J.L. ETHICS & PUB. POL'Y 159 (2007).

9. Adam K. Butman, Note, *Bridging the Gap: A Catholic Perspective on Global Trade as a Tool of Development*, 21 NOTRE DAME J.L. ETHICS & PUB. POL'Y 263 (2007).

10. Renato Raffaele Cardinal Martino, *John Paul II and the International Order: Human Rights and the Nature of the Human Person*, 21 NOTRE DAME J.L. ETHICS & PUB. POL'Y 51 (2007).

11. Gerald J. Beyer, *Freedom, Truth, and Law in the Mind and Homeland of John Paul II*, 21 NOTRE DAME J.L. ETHICS & PUB. POL'Y 17 (2007).

12. Nicholas DiMarzio, *John Paul II, Migrant Pope Teaches on the Unwritten Laws of Migration*, 21 NOTRE DAME J.L. ETHICS & PUB. POL'Y 191 (2007).

13. Michael Lower, *John Paul II and Employee Participation in Corporate Governance*, 21 NOTRE DAME J.L. ETHICS & PUB. POL'Y 111 (2007).

14. Adèle Hutton Auxier, Note, *Tiptoeing Through the Junkyard: Three Approaches to the Moral Dilemma of Racist Hate Speech*, 21 NOTRE DAME J.L. ETHICS & PUB. POL'Y 215 (2007).

he, the Son of God, in a certain way united himself with each man.<sup>15</sup>

He continued in *Evangelium Vitae*. “Man is called to a fullness of life which far exceeds the dimensions of his earthly existence because it consists in sharing the very life of God. The loftiness of this supernatural vocation reveals the greatness and the inestimable value of human life even in its temporal phase.”<sup>16</sup> And, in one of his last encyclicals, *Fides et Ratio*, John Paul II declared that one of the gifts of Christianity to philosophy is its “proclamation of human dignity.”<sup>17</sup> The relevance of this contribution to legal theory is apparent. As Fr. John Coughlin has noted, “[E]very system of law reflects certain assumptions about what it means to be human,” and insofar as modern systems of law differ from the Catholic conception, “John Paul II’s concern for the dignity of the human being presents challenges to the legal systems of the modern liberal states.”<sup>18</sup>

John Paul II took up the question of the relationship between freedom and truth explicitly in *Veritatis Splendor*, in which he addressed the questions: “[W]hat is freedom and what is its relationship to the truth contained in God’s law? [W]hat is the role of conscience in man’s moral development? [H]ow do we determine, in accordance with the truth about the good, the specific rights and duties of the human person?”<sup>19</sup> While acknowledging an increased respect for and protections of freedom in the modern world, John Paul II laments its separation from a rich understanding of the truth.<sup>20</sup> His purpose, he

15. POPE JOHN PAUL II, REDEMPTOR HOMINIS: THE REDEEMER OF MAN para. 8 (1979) (quoting SECOND VATICAN COUNCIL, GAUDIUM ET SPES: PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD para. 22 (1965) (emphasis omitted)).

16. POPE JOHN PAUL II, EVANGELIUM VITAE: THE GOSPEL OF LIFE para. 2 (1995) (emphasis omitted) [hereinafter EVANGELIUM VITAE].

17. POPE JOHN PAUL II, FIDES ET RATIO: ON THE RELATIONSHIP BETWEEN FAITH AND REASON para. 76 (1998) [hereinafter FIDES ET RATIO].

18. John J. Coughlin, *Pope John Paul II and the Dignity of the Human Being*, 27 HARV. J.L. & PUB. POL’Y 65, 74–75 (2003) (describing the theological and philosophical underpinnings for John Paul II’s affirmation of the dignity of the human person and examining three ways in which that concept has relevance to the law).

19. POPE JOHN PAUL II, VERITATIS SPLENDOR: THE SPLENDOR OF TRUTH para. 30 (1993) [hereinafter VERITATIS SPLENDOR].

20. [There is] an overall and systematic calling into question of traditional moral doctrine, on the basis of certain anthropological and ethical presuppositions. At the root of these presuppositions is the more or less obvious influence of currents of thought which end by detaching human freedom from its essential and constitutive relationship to truth.

explains, is to “clarify, in light of the word of God and the living Tradition of the Church, the fundamental notions of human freedom and of the moral law, as well as their profound and intimate relationship.”<sup>21</sup> To this end, John Paul II revives certain Thomistic understandings of the natural law<sup>22</sup> and explains that according to a proper understanding of God’s eternal law and our participation therein, “God’s plan poses no threat to man’s genuine freedom; on the contrary, the acceptance of God’s plan is the only way to affirm that freedom.”<sup>23</sup> John Paul II later elaborates on the relationship between freedom and truth in the context of life issues in *Evangelium Vitae*. There, he makes the connection of this relationship to civil law explicit, stating “there is a need to recover the *basic elements of a vision of the relationship between civil law and moral law*, which are put forward by the Church, but which are also part of the patrimony of the great juridical traditions of humanity.”<sup>24</sup> Furthermore, he states, “[t]he doctrine on the necessary *conformity of civil law with the moral law* is in continuity with the whole tradition of the Church.”<sup>25</sup> The two are not identical, as John Paul II recognizes, noting that “*the purpose of civil law* is different and more limited in scope than that of the moral law.”<sup>26</sup> Several of the contributors to this symposium explore the extent to which the two should conform.

A third emphasis of John Paul II that will certainly have a lasting impact on the civil law is his insistence on the compatibility between faith and reason. In *Fides et Ratio*, he built on *Veritatis Splendor* “by concentrating on the theme of *truth* itself and on its *foundation* in relation to *faith*.”<sup>27</sup> Speaking to a pessimistic and skeptical world, John Paul II focuses on philosophical inquiry, stating “[w]ith its enduring appeal to the search for truth, philosophy has the great responsibility of forming thought and culture; and now it must strive resolutely to recover its original vocation.”<sup>28</sup> In opposition to the historical separation that has devel-

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*Id.* at para. 4.

21. *Id.* at para. 37.

22. *Id.* at para. 44–45. For a close reading of *Veritatis Splendor* with respect to natural law theory, see Russell Hittinger, *Natural Law as “Law”: Reflections on the Occasion of Veritatis Splendor*, 39 AM. J. JURIS. 1 (1994) and Gerard V. Bradley, *Response to Hittinger*, 39 AM. J. JURIS. 33 (1994).

23. *Veritatis Splendor*, *supra* note 19, at para. 45.

24. *Evangelium Vitae*, *supra* note 16, at para. 71.

25. *Id.* at para. 72.

26. *Id.* at para. 71.

27. *Fides et Ratio*, *supra* note 17, at para. 6.

28. *Id.*

oped between faith and reason as methods of inquiry, John Paul II proclaims

Faith and reason are like two wings on which the human spirit rises to the contemplation of truth; and God has placed in the human heart a desire to know the truth—in a word, to know himself—so that, by knowing and loving God, men and women may also come to the fullness of truth about themselves.<sup>29</sup>

While the encyclical itself is intended primarily to reinvigorate a Christian understanding of philosophy and its proper relation to theology, the implications of John Paul II's thought in this document will naturally be felt in the realm of civil law, as well as the political one. The extent to which faith and revelation ought to aid or complement reason in other realms, such as the legal or political, is also important, and in the American political system, for example, the question concerning the proper role of religion in the public square, particularly in the public lives of legislators, is a highly important, although contentious, issue.

One could discuss John Paul II's influence by exploring particular positions he has taken with respect to the Christian intellectual tradition and contemporary culture, but to do so would not capture the fullness of his legacy. In some ways, he faced ancient problems, and the positions that he took were restatements—albeit in new and fresh ways—of centuries-old Christian thought.<sup>30</sup> What instead is so remarkable about John Paul II is the comprehensive nature of his moral thought and the powerful way that his life was a consistent example of that thought. For John Paul II, these points were not *merely* the product of complicated intellectual exercises, or even affirmations of fundamental truths, which he was obligated to express as Defender of the Faith. Rather, they were also borne out of his concern for the flock entrusted to him, out of his profound compassion for the human condition, and out of love for each and every person. As he stated when questioned about his repeated emphasis on the dignity of the human person: “[T]he development of my studies

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29. *Id.* at intro. para.

30. See VERITATIS SPLENDOR, *supra* note 19, at para. 46.

The alleged conflict between freedom and law is forcefully brought up once again today with regard to the natural law, and particularly with regard to nature. Debates about nature and freedom have always marked the history of moral reflection; they grew especially heated at the time of the Renaissance and the Reformation, as can be seen from the teaching of the Council of Trent.

*Id.* (emphasis omitted).

centered on man—on the human person—can ultimately be explained by my pastoral concern.”<sup>31</sup> As the articles in this issue of the *Journal* demonstrate, his teachings speak powerfully to the modern world, in part because of the personal witness he exemplified—because of the kind of pope he was.

*He was the Worker Pope.* During the Nazi occupation of Germany, John Paul II worked as a manual laborer in a limestone quarry and a chemical plant.<sup>32</sup> As George Weigel details in his biography of the Pope, John Paul II’s experience in industrial labor introduced the young Karol Wojtyła to a side of mankind he had not previously encountered, and it would impact and enrich his developing views of the dignity of the human person<sup>33</sup> and of the inherent worth of work.<sup>34</sup> These personal experiences, and his evolving views of the person and labor, found vivid expression in his papal writings, such as *Laborem Exercens*<sup>35</sup> and *Centesimus Annus*.<sup>36</sup> In Professor Lower’s article in this issue of the *Journal*, he examines these documents and other writings of John Paul II as they relate to the economic sphere and to civil law.<sup>37</sup> In particular, he examines John Paul II’s understanding of human work, private property, and the efficient use of resources, as well as the universal destination of goods, the state’s role in private property rights, and the proper relationship between private property and capital. Concluding that the dignity of the human person requires employee participation in corporate governance, he then considers the law’s role in regulating employee participation in corporate governance, positing that

[t]he role of the state (or federation of states) is to promote the common good and to do what it can to ensure that the human rights of each individual member are respected. Putting it another way, the state’s role is to

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31. POPE JOHN PAUL II, *CROSSING THE THRESHOLD OF HOPE* 200 (Vittorio Messori ed., Jenny McPhee & Martha McPhee trans., 1994) [hereinafter *JOHN PAUL II, CROSSING THE THRESHOLD*].

32. GEORGE WEIGEL, *WITNESS TO HOPE: THE BIOGRAPHY OF POPE JOHN PAUL II* 53–58 (1999) (detailing Karol Wojtyła’s labors during the war).

33. *Id.* at 57 (“Although there were some rough customers among them, what struck the young Wojtyła most about these men was their innate dignity, which expressed itself in friendliness and a willingness to help others despite their own hard circumstances.”).

34. *Id.* at 57–58 (“Work, with all its rigors and hardships, was a participation in God’s creativity, because work touched the very essence of the human being as the creature to whom God had given dominion over the earth.”).

35. POPE JOHN PAUL II, *LABOREM EXERCENS: ON HUMAN WORK* (1981).

36. POPE JOHN PAUL II, *CENTESIMUS ANNUS: ON THE ONE HUNDREDTH ANNIVERSARY OF RERUM NOVARUM* (1991) [hereinafter *CENTESIMUS ANNUS*].

37. See generally Lower, *supra* note 13.



establish and protect the mechanisms that will allow the individuals for which it is responsible to pursue their own self-realization in a collaborative effort with other individuals. But this does not mean that the state needs to legislate on every issue for which it is responsible.<sup>38</sup>

*He was the Pilgrim Pope.* Making more trips than any previous pontiff, John Paul II made 104 pastoral visits outside Italy and 146 within Italy.<sup>39</sup> The *Journal* is honored to feature Bishop DiMarzio's article in which he describes John Paul II as the "migrant pope," not because of his many travels, but because he, as a non-Italian, was himself a migrant to a foreign land. Drawing upon John Paul II's example, Bishop DiMarzio states:

[I]t is clear that John Paul realized that he, too, was a migrant, the first migrant pope in 400 years who became the defender of human dignity and [the] human rights of migrants. No pope before him was ever able to accomplish as much as he did in this area.<sup>40</sup>

Relying upon John Paul II's Christian anthropology and specifically his understandings of freedom, human dignity, and self-determination, Bishop DiMarzio urges lawyers and policy-makers to find a new way of thinking about migration law. He explores how these themes manifest themselves in John Paul II's teachings, writings, and speeches, paying particular attention to John Paul II's many messages to the migrants of the world.

*He was the Pope for Freedom.* The effects of John Paul II's penetrating reflections on the nature of human freedom were deeply felt in the social and political realms. Many associate the pontiff with the fall of communism, and while his actual role may not be understood for decades, his inspiration to those in totalitarian states—especially to the people of his own homeland—is unquestioned. In confronting totalitarian states, John Paul II always championed freedom in its proper relationship to truth, in particular the truth about the dignity of the human person. His criticisms were not reserved for totalitarian regimes, however, and he often reminded Western democratic governments of the dangers of false understandings of freedom or the human person.<sup>41</sup>

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38. *Id.* at 149.

39. Holy See Press Office, *supra* note 2.

40. DiMarzio, *supra* note 12, at 192.

41. *See, e.g.,* CENTESIMUS ANNUS, *supra* note 36, at para. 46 ("It must be observed in this regard that if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism.").

In his article in this issue, Professor Beyer explores John Paul II's particular concern for Poland, noting that "John Paul II decried the fact that many people in contemporary Polish society make decisions according to a 'false ideology of freedom.'"<sup>42</sup>

Many of the articles in this *Journal* symposium, including Professor Beyer's, address the relationship between freedom and truth as enunciated by John Paul II. For John Paul II, freedom is not an absolute, but rather, it is inextricably tied to the truth about the human person, whose end is the Good, or God.<sup>43</sup> However, this broad articulation inevitably becomes problematic when one considers how to practically embody the moral truth about the human person within the civil law without trampling on human freedom. St. Thomas Aquinas asserts, for example, that the two are not and should not be co-extensive—human law should neither prohibit all vices<sup>44</sup> nor prescribe all virtues.<sup>45</sup> Professor Beyer explores the problem, characterizing the reception of John Paul II's views on freedom in this way:

The Pope's denunciation of "false freedom" caused dismay among many defenders of liberal democracy. . . . Some of Poland's most prominent intellectuals . . . worried that the Roman Catholic Church wanted the government to "legislate morality." Some even surmised that the Roman Catholic Church sought to create a "theocracy."<sup>46</sup>

In the context of the contemporary Polish situation, and with particular attention to the divisive issue of abortion, Professor Beyer examines how freedom and truth might positively operate in democratic governments without unduly trampling the rights of the individual. He summarizes John Paul II's

42. Beyer, *supra* note 11, at 20.

43. See VERITATIS SPLENDOR, *supra* note 19, at para. 9.

44. THOMAS AQUINAS, SUMMA THEOLOGICA Pt. I-II, Q. 96, Art. 2 (English Dominican Fathers tr., 1947) ("[H]uman law is framed for a number of human beings, the majority of whom are not perfect in virtue. Wherefore human laws do not forbid all vices, from which the virtuous abstain, but only the more grievous vices, from which it is possible for the majority to abstain; and chiefly those that are to the hurt of others, without the prohibition of which human society could not be maintained: thus human law prohibits murder, theft and such like.").

45. *Id.* at Pt. I-II, Q. 96, Art. 3 ("[H]uman law does not prescribe concerning all the acts of every virtue: but only in regard to those that are ordainable to the common good,—either immediately, as when certain things are done directly for the common good,—or mediately, as when a lawgiver prescribes certain things pertaining to good order, whereby the citizens are directed in the upholding of the common good of justice and peace.").

*Id.*

46. Beyer, *supra* note 11, at 17 (citations omitted).

thought, noting that while evils might have been committed in the name of truth,<sup>47</sup> “an equally potent threat to human rights resides in the denial of the relationship between freedom and the truth.”<sup>48</sup> In suggesting a way forward, Professor Beyer suggests that the concept of “public order”<sup>49</sup> “provides a helpful and necessary clarification about the degree to which church teaching and civil law should correspond.”<sup>50</sup> Acknowledging the limits of his proposal, especially with respect to the insufficient specificity of the concept of public order as applied to specific situations, Beyer nonetheless suggests that “it can at least help set the right terms for rational debate.”<sup>51</sup>

Professor Beabout and Ms. Hodes explore the accusation of a trend toward theocracy in John Paul II’s thought, especially in light of *Evangelium Vitae*, and conclude that such an interpretation “inappropriately ignores John Paul II’s central teachings on the relationship between church and state, between moral law and civil law, which he articulated most extensively in his 1991 encyclical *Centesimus Annus*.”<sup>52</sup> The authors suggest that the modern misunderstanding of John Paul II’s statements about the correspondence of moral law and civil law arises out of the incongruity of modern moral language.<sup>53</sup> Examining what John Paul II means by “rights,” “personhood,” and “freedom,” as illuminated by the concept of subsidiarity, the authors then turn to *Centesimus Annus* which, according to them, provides his best articulation of how a society ought to best promote the dignity of the human person in accordance with properly ordered freedom. Understood thus, John Paul II’s thought is not an anti-democratic call for the creation of a theocracy, but rather, “a call for the state to carry out its task of protecting human freedom and basic human rights while governing according to the rule of law, treating each person equally.”<sup>54</sup>

In a Note on whether democratic governments ought to restrict racist hate speech, Ms. Auxier argues that John Paul II’s moral thought and own human experience provide a useful way of relating truth and freedom in democratic government.<sup>55</sup> Not-

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47. *Id.* at 33 (citing *EVANGELIUM VITAE*, *supra* note 16, at para. 70).

48. Beyer, *supra* note 11, at 33.

49. *Id.* at 42 (defining public order as state provision for “1) the safeguarding of the rights due to all citizens in accordance with justice 2) public peace and 3) public morality”).

50. *Id.* at 18.

51. *Id.* at 45.

52. Beabout & Hodes, *supra* note 7, at 74.

53. See Beabout & Hodes, *supra* note 7.

54. *Id.* at 109.

55. See Auxier, *supra* note 14.

ing in particular John Paul II's phenomenological approach, Auxier recounts the Pope's experiences under the racist Nazi regime and the totalitarian Soviet state. John Paul II was profoundly influenced by these experiences, she suggests, which helped him speak persuasively against racism and intolerance in modern democracies.<sup>56</sup> In light of his thought, she asks: what should be the role of the state and civil law in regulating instances of hate speech? Auxier argues that John Paul II's thought is incompatible with an interpretation of free speech that maximizes freedom without concern for the dignity of the human person. Balancing this conclusion against the principle of subsidiarity, which itself acknowledges state action where appropriate, Auxier concludes that "assaultive racist speech" may well be an occasion for the state to intervene. She ends her analysis with several reflections on practical implications of John Paul II's thoughts on First Amendment jurisprudence in the United States.

Finally, the *Journal* is honored to include in the symposium the wisdom of Cardinal Martino, who brings to the discussion the experiences gained during his tenures as the Permanent Observer of the Holy See to the United Nations, as a Vatican diplomat, and, most recently, as President of the Pontifical Council for Justice and Peace. In his article, Cardinal Martino seeks to clarify the authentic nature of fundamental human rights, so as to address the common misconceptions and misunderstandings which often pervade any discussion of human rights, such as the problematic relationship between freedom and truth. After examining fundamental rights, especially as articulated by the Universal Declaration of Human Rights, Cardinal Martino seeks to explain those rights by setting forth an "understanding of the nature of the human person from the perspective of the teachings of John Paul II."<sup>57</sup> Cardinal Martino incorporates, in his discussion, specific aspects of John Paul's teachings on human rights, such as his defense of marriage, his assertion of the fundamental status and role of the family in society, his emphasis on the protection of the right to life, and his assertion about the importance of religious liberty. Sensitive to the fact that some readers may not share John Paul II's understanding of human rights, Cardinal Martino nevertheless expresses hope that "the wisdom of the Good News [may be brought] into the temporal

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56. *Id.* at 246, 235 (noting that "as a survivor of two dictatorships, he had a particular appreciation for the appropriate boundaries of state power and the importance of intellectual freedom").

57. Martino, *supra* note 10, at 53.

affairs of the American political and legal institutions—especially those dealing with fundamental human rights.”<sup>58</sup>

*He was the Pope for Youth.* John Paul II’s love for young people—the joy and strength he drew from their presence, his concern for their well-being, and the hope he placed in them for the future—were expressed repeatedly in his writings.<sup>59</sup> And, yet once again, his personal witness made clear the depth of his sincerity. In 1984, John Paul II initiated World Youth Day, which quickly became a beloved international tradition.<sup>60</sup> Milosz again captures it best: “People ask, not comprehending, how it’s possible/ [t]hat the young of the unbelieving countries/ [g]ather in public squares, shoulder to shoulder,/ [w]aiting for news from two thousand years ago . . . .”<sup>61</sup> Transmitting the Good News to young people was of particular importance to John Paul II, as was their general education.<sup>62</sup>

It is appropriate therefore that the *Journal* is able to include Professor Tollefsen’s article, in which he considers the impact John Paul II and natural law theory might have on children’s education. In doing so, he emphasizes the wider implications of a philosophy pertaining to education, stating “[t]he issue of education is thus, in some respects, architectonic with respect to all the other culturally significant moral questions of the day.”<sup>63</sup> Given the fundamental importance of the education of youth, Professor Tollefsen explores the best framework for furthering the ends of proper education, in light of both the natural law and John Paul II’s teachings, recognizing in the end “the Pope clearly believed that it was part of the vocation of parenthood and the nature of the family that parents be the primary sources

58. *Id.* at 69.

59. See, e.g., JOHN PAUL II, *FAMILIARIS CONSORTIO: ON THE ROLE OF THE CHRISTIAN FAMILY IN THE MODERN WORLD* para. 26 (1981) [hereinafter *FAMILIARIS CONSORTIO*]

Acceptance, love, esteem, many-sided and united material, emotional, educational and spiritual concern for every child that comes into this world should always constitute a distinctive, essential characteristic of all Christians, in particular of the Christian family: thus children, while they are able to grow “in wisdom and in stature, and in favor with God and man,” offer their own precious contribution to building up the family community and even to the sanctification of their parents.

*Id.* (quoting *Luke* 2:52).

60. See Chronicle of World Youth Days, [http://www.vatican.va/gmg/documents/gmg\\_chronicle-wyd\\_20020325\\_en.html](http://www.vatican.va/gmg/documents/gmg_chronicle-wyd_20020325_en.html) (last visited Mar. 28, 2007).

61. MIŁOZ, *supra* note 1, at 709.

62. See, e.g., *FAMILIARIS CONSORTIO*, *supra* note 59, at paras. 36–40 (discussing the role of the Christian family in educating the young).

63. Tollefsen, *supra* note 8, at 159.

of the content of their children's education."<sup>64</sup> Of specific relevance to this symposium, Professor Tollefsen recognizes the inevitable "political question: what is the role of the state in the provision of children's education and the determination of the content of that education."<sup>65</sup> After discussing different models for the role of states in education, Professor Tollefsen concludes that "it is only through education, adequately understood from within the family, and adequately protected and fostered by the state, that upright families will fulfill their mission to society . . . ."<sup>66</sup>

*He was the Millennial Pope.* On the eve of the new millennium, as the world worried about Y2K, John Paul II prepared his flock for a springtime of Christian life by declaring the year 2000 to be a Jubilee Year for the Church<sup>67</sup> and by repeatedly reassuring them with his refrain, "Be not afraid!"<sup>68</sup> In addition to preparing the world for the theological aspects of the new millennium, he continued to reflect on themes of human dignity and freedom in the modern world. A hallmark of modernity is the increased globalization of trade, creating the interdependence of society and nations. This interconnectedness presents challenging questions for Catholic social teaching, and for the civil law, especially international law. Of particular concern to John Paul II was the impact of increased globalization on the poor of developing countries.<sup>69</sup> In his Note, Mr. Butman considers the challenges of globalization in light of John Paul II's teachings, focusing on human dignity, the priority of the person, subsidiarity, and solidarity. Given John Paul II's "emphasis on people, solidarity, and freedom,"<sup>70</sup> Butman considers the impli-

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64. *Id.* at 180.

65. *Id.* at 181.

66. *Id.* at 188–89.

67. *See, e.g.*, POPE JOHN PAUL II, TERTIO MILLENNIO ADVENIENTE: ON THE COMING OF THE THIRD MILLENNIUM para. 17 (1994).

68. JOHN PAUL II, CROSSING THE THRESHOLD, *supra* note 31, at 4.

69. *See, e.g.*, Pope John Paul II, Message of His Holiness Pope John Paul II for the Celebration of the World Day of Peace (Jan. 1, 2004) [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/messages/peace/documents/hf\\_jp-ii\\_mes\\_20031216\\_xxxvii-world-day-for-peace\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_20031216_xxxvii-world-day-for-peace_en.html) (last visited Mar. 28, 2007):

The challenge, in short, is to ensure a globalization in solidarity, a globalization without marginalization. This is a clear duty in justice, with serious moral implications in the organization of the economic, social, cultural and political life of nations. . . . My thoughts go here to one of the greatest difficulties which the poorer nations have to face today.

*Id.*

70. Butman, *supra* note 9, at 287 (proposing an emphasis on establishing a multilateral, rules-based approach to global exchange, reducing tariffs on

cations of those teachings on reforming the trade system and offers concrete suggestions for reform. He then concludes by asserting that when global trade “comports with the demands of social justice, trade provides a means for poor people in developing states to become global entrepreneurs, participate in the international circle of exchange, and receive a fair profit that can lift them out of poverty.”<sup>71</sup>

John Paul II was the embodiment of his teachings in many other ways. He was the *Ecumenical Pope*. As the author of *Ut Unum Sint*,<sup>72</sup> on the Church’s commitment to ecumenism, he personally reached out to people of every faith and, in particular, had a special love for the Jewish people, calling them “our elder brothers in the faith.”<sup>73</sup> He was the *Pope of Forgiveness* who wrote movingly on God’s mercy in *Dives in Misericordia*.<sup>74</sup> By his example of forgiving his would-be assassin, Mehmet Ali Agca, he personally lived out Christ’s call to love one’s enemies, and he set an example of humility by asking for forgiveness, on behalf of the Church, for her sins throughout the centuries.<sup>75</sup> He was the *Ailing Pope*, repeatedly reaching out to the elderly<sup>76</sup> and serving as a sign of contradiction to a modern culture obsessed with youth and health. In decades following the attempt to take his life, the world watched him age and grow frail, yet always with an inner sense of energy that suggested his mystical, spiritual strength. And, after all, he was the *Dying Pope*. Having consistently defended the dignity of natural death,<sup>77</sup> John Paul II demon-

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developing exports, reducing export subsidies that benefit richer countries, and protecting human development).

71. *Id.* at 294.

72. POPE JOHN PAUL II, *UT UNUM SINT: ON COMMITMENT TO ECUMENISM* (1995).

73. JOHN PAUL II, *CROSSING THE THRESHOLD*, *supra* note 31, at 99 (emphasis omitted).

74. POPE JOHN PAUL II, *DIVES IN MISERICORDIA: RICH IN MERCY* (1980).

75. *See, e.g.*, INTERNATIONAL THEOLOGICAL COMMISSION, CONGREGATION FOR THE DOCTRINE OF THE FAITH, *MEMORY AND RECONCILIATION: THE CHURCH AND THE FAULTS OF THE PAST* para. 1 (1999) (stating that John Paul II “extended a request for forgiveness to a multitude of historical events in which the Church, or individual groups of Christians, were implicated”).

76. Pope John Paul II, Letter of His Holiness Pope John Paul II to the Elderly (1999), [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/letters/documents/hf\\_jp-ii\\_let\\_01101999\\_elderly\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/letters/documents/hf_jp-ii_let_01101999_elderly_en.html) (last visited Mar. 28, 2007).

77. *See, e.g.*, *EVANGELIUM VITAE*, *supra* note 16, at paras. 64–67; Pope John Paul II, Address of John Paul II to the Participants in the International Congress on “Life-Sustaining Treatments and Vegetative State: Scientific Advances and Ethical Dilemmas” (Mar. 20, 2004), [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/speeches/2004/march/documents/hf\\_jp-ii\\_spe\\_20040320\\_congress-fiamc\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/speeches/2004/march/documents/hf_jp-ii_spe_20040320_congress-fiamc_en.html) (last visited Mar. 28, 2007).

strated the power of redemptive suffering and taught a watching world how to die. On his death bed, his pastoral concern and overwhelming love for his people continued to be manifest. Hearing the enormous crowds gathered outside his window, he said, among his last words, "I have looked for you. Now you have come to me. And I thank you."<sup>78</sup> As the articles in this symposium demonstrate, in his prolific and deeply intellectual works and in his comprehensive moral teachings, John Paul II bequeathed a magnificent legacy to the law. May the example of his life fortify lawyers as they seek to honor that legacy.

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78. *Pope's Condition Remains "Very Serious"*, GUARDIAN UNLIMITED, Apr. 2, 2005, <http://www.guardian.co.uk/pope/story/0,12272,1450824,00.html?gusrc=rss> (last visited Mar. 28, 2007).



