

***Pacem in Terris* Conference**

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Peacemaking Today

In Light of *Pacem in Terris*

A Luncheon Talk

John XXIII's *Pacem in Terris* was a revolutionary document. It reconceived the political order, not on the basis of state power, but rather on the rights of persons. Unlike the Anglo-American liberal tradition in political theory, the Catholic natural law tradition had always recognized the naturalness of social and political communities; and since the Congress of Vienna in 1814, the Holy See has participated in a state-based international order. But, in *Pacem in Terris*, Blessed Pope John XXIII turned that political order inside out, when he rested the legitimacy of any political authority on its service of human rights. It was certainly a revolution for the natural law tradition, but in time it would prove revolutionary for the liberal political tradition as well.

As the Italian journalist Giancarlo Zizola wrote, *Pacem in Terris* was Pope John's "utopia." Much has already been done by church and world to advance John's vision. Nevertheless, it still remains a work in progress. (See Christiansen, "A Vision of Peace," **America**, April 8-15, 2013] The tasks to be done include strengthening the United Nations Human Rights Council, increasing the effectiveness

international tribunals and improving mechanisms for implementation and enforcement of the Responsibility to Protect.

In his invitation to me, Jerry Powers asked me to review Catholic teaching on rights since *Pacem in Terris* and to identify rights in need of further implementation with an eye toward American contributions to peacebuilding. So, after a brief reflection on the nexus between human rights and the enjoyment of peace, I will look at four issues: (1) Selective Conscientious Objection, (2) the rights of workers, (3) the right to a healthful environment, and (4) the International Criminal Court. First, however, a brief reflection on the interrelationship between peace and human rights.

Part I

Enjoyment of Rights as the Substance of Peace

The secret of Pope John's world-changing vision was that he could read the human heart. His openness to the world moved him to encourage the drafting of the International Declaration of Human Rights when Pope Pius XII, who had once proposed the idea as a necessity for post-war peace, abandoned the project because there was no consensus among the drafters on the metaphysical and religious foundations of rights.

The French jurist Rene Cassin was a principal architect of the declaration. In the fall of 1948 under the dark shadow of the Cold War, Cassin received support from Archbishop Angelo Roncalli to work through the difficulties of building a cross-cultural consensus

amid the overheated East-West antagonisms of the time. “On several occasions,” wrote Cassin, “I received discreet personal encouragements from the Papal Nuncio Roncalli.” (Glendon, *A World Made New*, 132) Roncalli had appreciated, as he later wrote in *Pacem in Terris*, that the declaration would be “an act of highest importance.”(PT 143)

The relation between rights and peace is not immediately self-evident. For two decades after the adoption of the Universal Declaration of Human Rights in 1948, human rights remained an annoyance to diplomats and an embarrassment to a generation of post-war political philosophers. Nonetheless, five years before the Helsinki Accords, the event that precipitated the contemporary human rights revolution, Pope John presented a vision of human rights as the foundation of a peaceful world order.

For nearly 30 years after the adoption of the declaration, until President Jimmy Carter’s 1977 Notre Dame Commencement address, not just social conservatives but the U. S. government had refused to recognize socio-economic rights as protected interests. But Pope John believed that only the enjoyment of the full range of human rights by all peoples would yield the peace for which we yearn.

Over the decades, official church teaching has articulated the intimate connection between peace and human rights in various ways. Pope Paul VI, writing on the 25th anniversary of the declaration, put the case this way:

In order that [human beings] may be guaranteed the right to life, to liberty, to equality, to culture, to the enjoyment of the benefits of civilization, to personal and social dignity, Peace is necessary: when Peace loses its equilibrium and efficiency, Human Rights become precarious and are compromised . . . Moreover, where Human Rights are not respected, defended and promoted . . . there true Peace cannot be . . . Peace and Rights are reciprocally cause and effect, the one of the other.
(WDPM, 1969)

In other words, where there is war and instability, human rights suffer: life is put at risk through direct attack, of course, but through starvation, loss of healthcare, the interruption of education, etc. Similarly, where rights are systematically denied, disorder, uprisings and forced migration are inevitable.

Not far from this vision of the reciprocity of peace and rights, then, frequently lies the degrading experience of war: World War II, Vietnam, Bosnia, Iraq. As Pope John Paul II wrote in *Centesimus Annus*, “[A]t the root of war are usually real and serious grievances: injustices suffered, legitimate aspirations suppressed, poverty, and the exploitation of multitudes of desperate people who see no real possibility of improving their lot by peaceful means.”

Another way to see the relationship comes from the frequent assertion in Catholic social teaching that peace is “more than the absence of war.” For John XXIII and for Catholic social teaching

thereafter, human rights, if you will, supply the positive substance of peace. Not the rights taken singly, but as a cluster of goods to which society and especially political systems are ordered. So, the realization of human rights diminishes occasions for war and civil strife, and by respecting our human dignity in all its dimensions human rights actively contribute to building peace. That is the dynamic that Pope John and his successors intuited as the link between peace and human rights.

Part II

Selective Conscientious Objection

The first development in Catholic rights teaching I would like to cite that still remains to be implemented in U. S. law is *Selective Conscientious Objection*. Just as World War II lay behind the idea of proposals for a universal declaration of human rights, so a variety of responses to immoral and unjust orders during that conflict led the Second Vatican Council to the condemn blind obedience to authority, commend those who resisted unjust orders and to advocate for legal provision for conscientious provision. “It seems right,” the Council wrote,

[that laws make humane provision for the case of those who for reasons of conscience refuse to bear arms . . .

(GS, 79)

In the wake of the Vietnam War, moreover, the U. S. bishops understood the need for protection of selective conscientious

objectors as well. In their 1971 Declaration on Conscientious Objection and Selective Conscientious Objection, the bishops wrote, "In the light of the Gospel and from an analysis of the Church's teaching on conscience, it is clear that a Catholic can be a conscientious objector to war in general or to a particular war "because of religious training and belief." They went on to recommend modification of the Selective Service Act to allow selective objection and the end of peacetime conscription.

In the first Clinton administration, the Chaplains' office at Department of Defense, the United States Catholic Conference and others successfully advocated for inclusion of Selective Conscientious Objection in draft personnel regulations developed by the Department of Defense. The proposal went all the way up to the Assistant Secretary for Personnel but died there.

So, today peacetime conscription is ended, and, though in practice the military makes some allowance for selective conscientious objection by enlistees and commissioned officers in our all-volunteer army, SCO still lacks legal recognition.

One small step for peace in this *Pacem in Terris* anniversary year would be for the Congress, with the backing of the Catholic members, to grant formal legal recognition for selective conscientious objection. Selective Conscientious Objection is a necessary corollary of the Just War, and proponents of the Just War Tradition should be eager to support as SCO as an integral

part of the Just War system; and the military should defend it as essential to the integrity of its officers and enlisted personnel.

For Catholics to engage the option of Selective Conscientious Objection, the Church would have to take part in this change by making its own teaching on war and peace “church wide and parish deep.” Not only the state, therefore, but the church as well has obligations: to educate its people on the mature use of conscience and on the church’s contemporary teaching on war, peace and nonviolence. As a practical matter, legislation would formalize what is already observed in practice, but it would be a major step toward bringing individuals, government and the public to be more self-conscious about decisions of war and peace, and so make us a more peaceable people.

The Rights of Workers

The second set of human rights to which U. S. Catholics should turn their attention is *worker rights, particularly the right to organize*. Modern Catholic Social Teaching was inaugurated with Pope Leo XIII’s *Rerum Novarum* and his defense of the rights of workers. While workers’ rights were a keystone of Catholic teaching through the 1950s, in the 1960s with the first of the UN Development Decades and the spread of the conviction that “a rising tide lifts all ships,” they ceased to hold center stage. A major exception was Pope John Paul II’s *Laborem Exercens*, “On Human Work.” There the pope, who coached the Solidarity labor movement in its resistance to Communist tyranny in Poland, argued that work

is essential to human dignity and fulfillment. He proclaimed the priority of labor over capital, promoted worker solidarity and defended the rights of workers.

Then, particularly in the U.S., the rights of workers again fell from view until the struggles over public sector union rights in Midwestern and mountain states after the 2010 U. S. elections. Just the year before, however, Pope Benedict XVI in *Caritas in Veritate*, “Charity in Truth,” once again identified workers as central to the transformation of the post-modern economy.

Writing of the loss of the social safety net due to the fiscal crisis and the growth of inequality, he wrote,

The repeated calls issued within the Church's social doctrine . . . for the promotion of workers' associations that can defend their rights must therefore be honored today even more than in the past. . . (CiV, 25)

In the spirit of Blessed John Paul II, Benedict concluded, “I would like to remind everyone, especially governments engaged in boosting the world's economic and social assets, that the *primary capital to be safeguarded and valued is [man,] the human person in his or her integrity.*” (*Ibid.*) As the economy is re-made by the titanic forces of globalization and technical innovation, defending the dignity of the worker will take a great deal of thought, imagination and social experimentation. The shape of unions and of workers’ rights will be transformed in the years ahead, but given the overwhelming power

of capital and government, the cornerstone of the labor movement and of Catholic social action, at both state and national levels, must be support for *the right of workers to organize*. To be sure, solutions must be found to the pension burdens that union contracts place on states and municipalities, but prohibiting unionization is no more acceptable in the United States today than in Poland in the 1980s.

Catholic members of Congress can give needed support to workers' rights to bargain collectively for fair contracts through the Employee Free Choice Act (EFCA). EFCA would remove many of the obstacles to organizing that presently favor capital over labor. As such, it responds to one of our day's most urgent Signs of the Times.

The Right to a Healthful Environment

A third right developed in church teaching since *Pacem in Terris* is *the right to a healthful environment*, a right first mentioned in the 1990 World Day of Peace Message, "Peace with God the Creator, Peace with all Creation." There Blessed John Paul II wrote, "The State also has the responsibility of ensuring that its citizens are not exposed to dangerous pollutants or toxic wastes. *The right to a safe environment* is ever more insistently presented today as a right that must be included in an updated Charter of Human Rights." (WDPM, 1990, no. XX) In his 1999 World Day of Peace Message, he reiterated that "the promotion of human dignity is linked to the right to a healthy environment." (no.10)

In *Caritas in Veritate*, Benedict XVI devoted considerable space to environmental responsibility (nos. 48-52). Of special relevance for us is his emphasis on the interconnection between care for the environment and peace.

[H]ow many natural resources are squandered by wars! Peace in and among peoples would also provide greater protection for nature. The hoarding of resources, especially water, can generate serious conflicts among the peoples involved. Peaceful agreement about the use of resources can protect nature and, at the same time, the well-being of the societies concerned. (no. 51)

As you know, climate change creates threats to human life both in the damage from rising oceans and the depletion of fresh water supplies. Island states in the South Pacific and Indian Ocean are already threatened both by rising ocean levels and the degradation of drinking water supplies by the intrusion of saltwater into aquifers.

The USCCB with the National Religious Partnership for the Environment and the Catholic Coalition on Climate Change has lobbied for funding for “international mitigation,” that is compensation for these mini-states and other larger but poor nation states for adaptations they are forced to make in response to global climate change. Such aid would satisfy what Pope Emeritus Benedict called “*a pressing moral need for renewed solidarity,*

especially in relationships between developing countries and those that are highly industrialized.” (no. 49)

Without doubt, climate change is an issue of greatest import for this and future generations. It is past time for *the U. S. to engage in serious negotiations to limit emissions that result in global warming.*

Last December’s Doha meeting set 2015 as the date for completing a new protocol to become effective in 2020. To the surprise of most, it also extended the Kyoto Protocols to 2020, though most states, including the U.S. fall short of the goals set there. Doha also set the goal of reducing carbon emissions further, but specific goals are still lacking.

According to the World Resources Institute, the U.S. may attain the 17 per cent reduction below 2005 levels goal projected by President Obama for 2020 only “with ambitious actions by states, federal agencies and Congress,” a very tall order in the present state of American politics. With that 2020 deadline in mind, concerted and persistent civic and political action will be necessary to *insure for future generations the right to a safe environment*, as Catholic teaching holds.

The International Criminal Court

Finally, allow me a word on *the International Criminal Court*.

Some of the most remarkable developments affecting human rights in the last generation have been practices developed to

enforce human rights both domestically and internationally. They include truth and reconciliation commissions like that in South Africa; domestic trials for human rights offenders like the current trial of Guatemala's former president Efraín Ríos Montt; the exercise of universal jurisdiction to indict war criminals and human rights offenders; the establishment of special international war crimes tribunals such as those for Rwanda and the former Yugoslavia; the articulation of the Responsibility to Protect as a principle of international law and its application in places as dissimilar as Kenya and Libya, and the establishment of the International Criminal Court.

These juridical remedies, though far from perfect and still haphazard in their execution, have enhanced human rights by providing methods of enforcement that deny impunity to gross human rights offenders and the sponsors of genocide. Of these, I would just like to single out the International Criminal Court as a human rights enforcement mechanism in need of support from the U. S. Catholic community. At the 2010 review conference of the ICC, the Holy See delegation testified:

The Rome Statute marked an important contribution to respect for the human person by recognizing that human rights are not limited by national borders, political position, religious background or cultural heritage but rather are inherent in every human person. (Statement,

Rome Statute Review Conference, Kampala, 1 June, 2010)

Archbishop Alain Paul Lebeaupin, the head of delegation, praised the contribution of the Rome Statute, the treaty that created the court, “in promoting justice and peace.”

Last week brought good news about growing U.S. cooperation with the ICC, first in the transfer of Bosco Ntagenda to the court for offenses in Rwanda the Democratic Republic of Congo; and reports that the U.S. is funding rewards for information leading to the arrest of fugitives in atrocity cases and disseminating notices on the wanted. According to the New York Times, the U.S. has aided the court in other ways, including “protecting crucial witnesses, sharing DNA data and providing forensic assistance.” (NYT, 4/3/13) Harold Koh, the State Department’s Legal Adviser and a former assistant secretary of state for human rights, publicly praised the court as “an important forum” that “can help increase stability and thus decrease the need for costly military interventions in the future.” (Ibid.)

U. S. cooperation with the court is an improvement over the steady avoidance of involvement in the years following the ICC’s establishment in 2003. But what is now needed is that the U.S. become signatory to the Rome Treaty. Though full U.S. commitment to the treaty is a longshot, President Obama should sign the treaty and make an effort to bring it for ratification to the Senate before the conclusion of second term, especially if there are Democratic

gains and the addition of sympathetic Republicans in the Senate in 2014.

U.S. adoption of the Rome Statute would foster international law, but it will also advance the rule of law in the United States, making U.S. foreign and military policy more cautious and responsible, thereby contributing to a more peaceful world.

Signing on to the ICC is one of the most significant contributions the U.S. can make to the “peace on earth” of which Pope John XXIII dreamed. This jubilee of the encyclical is the right time to begin campaigning for ratification. Working for the U.S. joining the I.C.C. may seem utopian, but so did *Pacem in Terris* 50 years ago.