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POPE JOHN PAUL II AND THE DIGNITY OF THE HUMAN BEING

REV. JOHN J. COUGHLIN, O.F.M.*

Since his election in 1978 as the Successor to the Apostle Peter, His Holiness Pope John Paul II has remained one of the principal protagonists on the global stage for the dignity and value of every human being.¹ Although the popular press and media sometimes have been slow to recognize this message, an online search of the Holy Father's copious encyclicals, addresses, and homilies reveals that he has advocated human dignity literally hundreds of times during the course of his twenty-five year pontificate.² In fact, long before his election as Pope, Karol Wojtyła was developing his understanding of the dignity of the human person in his philosophical and theological writings.³ In a 1968 letter to the French theologian Henri de Lubac, Wojtyła wrote

The evil of our times consists in the first place in a kind of degradation, indeed in a pulverization, of the fundamental uniqueness of each human person. This evil is even much more of the metaphysical order than of the moral order. To this disintegration, planned at times by atheistic ideologies, we must oppose, rather than sterile polemics, a kind of "recapitulation" of the inviolable mystery of the person. . . .

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1. See GEORGE WEIGEL, WITNESS TO HOPE: THE BIOGRAPHY OF POPE JOHN PAUL II 289, 348 (1999) (observing that the dignity of the human being has been one of the great themes of John Paul II's pontificate).

2. Additionally, Pope John Paul II has made over one hundred visits outside the territory of Italy to virtually every corner of the globe, proclaiming that "man is the primary and fundamental way for the Church." John Paul II, Address to Celebrate 100 Apostolic Journeys (June 12, 2000), in L'OSSERVATORE ROMANO, June 18, 2003, at 3 (weekly edition in English).

3. See, e.g., KAROL WOJTYŁA, THE ACTING PERSON 72-74 (Anna-Teresa Tymieniecka ed., Andrzej Potocki trans., D. Reidel Publishing Co. 1979) (1969) (describing the "ontological foundation" of the concrete and unique experience of each human person as an acting subject); KAROL WOJTYŁA, LOVE AND RESPONSIBILITY 25-34 (H. T. Willetts trans., Farrar, Straus and Giroux, Inc. 1981) (1960) (discussing the meaning and implications of the use of another person).

4. HENRI DE LUBAC, AT THE SERVICE OF THE CHURCH 172 (Anne Elizabeth Englund

The belief that each human being possesses a metaphysical value simply in the fact of his or her existence remains at the root of John Paul II's indefatigable defense of human dignity. In this brief essay, my purpose is not to afford a comprehensive presentation and critique of the philosophical and theological foundations of human dignity, but rather to highlight certain features of John Paul II's thinking that raise questions about disturbing trends in the law.

I.

The philosophical foundation for John Paul II's defense of the dignity of the human being begins with two ancient truths. First, it posits the universality of one human nature that transcends the limits of history and culture. One must admit that, historically, the idea of the universality of human nature has stemmed from Aristotelian cosmology,⁵ which mistakenly understood the universe as fixed and immutable. Because he desires a philosophical approach consistent with the modern scientific method, John Paul II attempts to retrieve essential aspects of the tradition through the adoption of a radical realism and the human capacity to know it. His philosophical method requires a turn to the human subject and a phenomenological analysis of the somatic, emotional, intellectual, and moral dimensions of human experience.⁶ Nonetheless, he refuses to embrace a skepticism

trans., 1993); see also KENNETH L. SCHMITZ, *AT THE CENTER OF THE HUMAN DRAMA: THE PHILOSOPHICAL ANTHROPOLOGY OF KAROL WOJTYLA/POPE JOHN PAUL II* 39 (1993) ("In all of this, what comes home to Karol Wojtyla is the dignity of the human person.").

5. See PATRICK A. HEELAN, *SPACE-PERCEPTION AND THE PHILOSOPHY OF SCIENCE* 254-58 (1983) (describing the discontinuity between Aristotle's cosmology and the findings of modern science). For a collection of scientific and theological essays on cosmology, see generally *QUANTUM COSMOLOGY AND THE LAWS OF NATURE, SCIENTIFIC PERSPECTIVES ON DIVINE ACTION* (Robert John Russell et al. eds., 2d ed. 1996).

6. Edmund Husserl was the leading proponent of phenomenology, and there were many subsequent developments of his thought. See EDMUND HUSSERL, *THE CRISIS OF EUROPEAN SCIENCES AND TRANSCENDENTAL PHENOMENOLOGY* 258 (David Carr trans., Northwestern Univ. Press 1970) (1954) (describing "pure" or "transcendental phenomenology" as concerned with "self-consciousness," and one's "own exclusive subject matter"); MARTIN HEIDEGGER, *BEING AND TIME* 188-95 (John Macquarrie & Edward Robinson trans., 1962) (discussing intentionality's function in the interpretation of textual and other symbolic materiality); M. MERLEAU-PONTY, *THE PHENOMENOLOGY OF PERCEPTION*, at viii-ix (Colin Smith trans., 1962) (suggesting that science is a "second order" hermeneutical expression of the basic experience of the world). Wojtyla's habilitation thesis at Lublin University focused on Max Scheler's philosophy as a phenomenological basis for a retrieved Christian ethics. This was an attempt to integrate the objectivity of Thomism with the emphasis on human experience in modern thought. Although he ultimately rejects phenomenology as an inadequate explanation of the objectivity of reality, Wojtyla argued that phenomenology represents a method for probing

that denies the possibilities for the apprehension of truth in the human intellect. Rather, John Paul II's reflection on experience leads to his affirmation of a universal human nature and permanent natural law contained within the human person.⁷ In his view, the dignity of the human person, human rights language, and an objective moral order all depend on the universality of human nature.⁸

Second, John Paul II accepts the classical metaphysical view, which understands the human person as characterized by the intellect and free will.⁹ In accordance with the modern starting point, John Paul II believes that reflection on human experience reveals the human being as a dynamic and irreducible unity of body and spirit.¹⁰ The intellect signifies the interior consciousness of the human being in which the multi-faceted interplay of somatic, emotional, reasoned, aesthetic, and spiritual awareness form the concept of self in relation to others and to the world.¹¹ Free will means that the human being may pursue goals identified in the intellect to constitute oneself through action.¹² The interrelatedness of the intellectual and intentional faculties enables the human being to constitute oneself in accordance with the understanding of value recognized through the intellect and appropriated through the intentional act of the will. In Pope John Paul II's understanding, each human person remains "a

human experience. He was especially interested in the role played by emotions in support of moral action. See Robert F. Harvanek, *The Philosophical Foundations of the Thought of John Paul II*, in *THE THOUGHT OF JOHN PAUL II* 1-21 (John M. McDermott ed., 1993) (describing the Thomist and phenomenological philosophical strains in the thought of John Paul II).

7. See John Paul II, *Fides et Ratio*, http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_14091998_fides-et-ratio_en.html (Sept. 14, 1998) (describing "attitudes of widespread distrust of the human being's great capacity for knowledge").

8. See JOHN PAUL II, *Veritatis Splendor*, in *THE ENCYCLICALS OF JOHN PAUL II* 674 (J. Michael Miller ed., 1996) (discussing the universality of human nature and the moral order); cf. MICHAEL J. PERRY, *THE IDEA OF HUMAN RIGHTS: FOUR INQUIRIES* 11-41 (1998) (arguing that the justification for human rights language is ultimately religious).

9. See WOJTYLA, *THE ACTING PERSON*, *supra* note 3, at 134-35. Compare 1 THOMAS AQUINAS, *SUMMA THEOLOGICA* 390-417 (Fathers of the English Dominican Province trans., 1947) (distinguishing between the intellect and will as the powers of cognition and appetite in the human soul), with RICHARD CROSS, *DUNS SCOTUS* 83-84 (1999) (believing that the distinction was not to be real, but only formal, Duns Scotus thus avoids, apparently, a faculty psychology).

10. See AQUINAS, *supra* note 9, at 363-70 (discussing the relationship between the human soul and body); *id.* at 370-82, 451-58 (discussing the unity of the human being as body and soul).

11. See WOJTYLA, *THE ACTING PERSON*, *supra* note 3, at 36-41 (describing the process of self consciousness).

12. See *id.* at 134-35 (describing the act of the will in response to the appeal of value).

remarkable psychophysical unity, each one a unique person, never again to be repeated in the entire universe.”¹³ John Paul II thus understands the dignity of the human being both in an objective and in a subjective sense. The objectivity derives from the universality of human nature according to which every human person possesses the potential for intelligent and free action. The subjectivity flows from the fact that the human being may employ the intellect and will creatively to constitute the individual self.

This understanding of human dignity rejects determinism, empiricism, and idealism. While recognizing the importance of the human body, John Paul II's philosophical understanding refuses to limit the person to mere genetic factors as being determinative of who the person is, and what the person may become. It thus refutes Freudian theory, in both pristine and derivative forms, to the extent that it exhibits a biological determinism.¹⁴ Likewise, it eschews a social determinism in which the human person is simply the sum of environmental factors, which may be predicted and verified by empirical science. It opposes Marxist theories that attempt to create a kind of human person through state manipulation of social conditions and its consequential defacement of the individual person.¹⁵ At the same time, it also stands as a critique of Cartesian dualism between mind and body. In contrast to the disembodied Cartesian concept of the intellect that underlies the work of modern theorists such as Locke and Hume, John Paul II understands the human being as an embodied subject.¹⁶ Nor does John Paul II's understanding of human dignity accept Kantian idealism, which proffers abstract categories, types,

13. Stefan Swiezawski, *Introduction to KAROL WOJTYLA, PERSON AND COMMUNITY*, at xiii (Theresa Sandok trans., 1993).

14. See JOHN PAUL II, *supra* note 8, at 701-02 (rejecting the determinism of certain theorists who “have come to question or even deny the very reality of human freedom.”); see also PETER GAY, *FREUD: A LIFE FOR OUR TIME* 119 (1998) (discussing the determinism of Freudian theory).

15. See PERSON AND COMMUNITY, *supra* note 13, at 220; see also JOHN PAUL II, *Sollicitudo Rei Socialis*, in *THE ENCYCLICALS OF JOHN PAUL II*, *supra* note 8, at 426, 441-44 (describing the Marxist and capitalist political realities of the twentieth century and acknowledging problems with each system).

16. See JOHN PAUL II, *supra* note 8, at 713-15 (critiquing the separation between the body and reason as it yields a “purely formal freedom.”); see also HEELAN, *supra* note 5, at 3-8 (stating a phenomenological critique of Cartesian dualism and rejecting as too limited the epistemological approach of Locke, Berkeley, Hume, E. Mach, J.S. Mill, and B. Russell in which to perceive is to be in a pictorial representation that matches physical reality); GEORGE LAKOFF & MARK JOHNSON, *PHILOSOPHY IN THE FLESH: THE EMBODIED MIND AND ITS CHALLENGE TO WESTERN THOUGHT* 45-59 (1999) (observing that the linguistic study demonstrates reason to be dialogical rather than purely literal due to its dependence on metaphors drawn from the embodied reality of the intellect).

and forms. Along with the erroneous Cartesian dualism, idealist abstractions fail to account for the basic and concrete experiences of life.¹⁷

Reflection on human experience leads John Paul II to affirm reason as a distinctive human capacity that testifies to human dignity. Practical reason affords the recognition of a set of fundamental human goods.¹⁸ Among these basic goods, one might identify, *inter alia*, life, knowledge, play, marriage, aesthetic experience, friendship, and religion.¹⁹ Through the use of right reason, the human being has the intellectual capacity to recognize primary and secondary principles as well as tertiary norms that logically flow from the basic human goods.²⁰ Consideration of the basic good of life, for example, points to principles that prohibit the taking of innocent human life and to more specific norms such as an international treaty provision against genocide. This “universal moral law” constitutes a “kind of grammar” that endows any discussion of human rights or system of law with an objective “moral logic.”²¹

While the universality of human nature and the objective moral norms derived from it testify to the dignity of the human person, John Paul II has also drawn attention to the subjective and particular experience of cultures and individuals. On the one hand, transcendent human nature renders every human being a “somebody” in a metaphysical sense.²² On the other, the human being realizes oneself as “more of a somebody” in an intensely personal and subjective way through the particular historical circumstances of one’s life.²³ When he addressed the United Nations in 1979, John Paul II was

17. Although critical of Kantian idealism, Wojtyla places importance on Kant’s second categorical imperative that one must not use another human person as a means to an end. See WOJTYLA, *LOVE AND RESPONSIBILITY*, *supra* note 3, at 27-28.

18. See AQUINAS, *supra* note 9, at 451-58 (drawing a specific distinction between the practical and speculative intellects). “The speculative and practical intellects are not distinct powers. . . . For it is the speculative intellect which directs what it apprehends, not to operation, but to the consideration of truth; while the practical intellect is that which directs what it apprehends to operation.” *Id.* at 406; see also JOHN FINNIS, *NATURAL LAW AND NATURAL RIGHTS* 100-01 (1982) (describing “practical reasonableness”).

19. See FINNIS, *supra* note 18, at 85-90 (describing an illustrative list of basic goods).

20. See ROBERT P. GEORGE, *IN DEFENSE OF NATURAL LAW* 102-11 (1999).

21. John Paul II, Address to the 50th General Assembly of the United Nations Organization (Oct. 5, 1995), at http://www.vatican.va/holy_father/john_paul_ii/speeches/1995/October/documents/hf_jp-ii_spe_05101995_address-to-uno_en.html.

22. KAROL WOJTYLA, *The Personal Structure of Self-Determination*, in *PERSON AND COMMUNITY*, *supra* note 13, at 187, 192; see also WOJTYLA, *THE ACTING PERSON*, *supra* note 3, at 72-74 (discussing the ontological basis of action).

23. WOJTYLA, *The Personal Structure of Self-Determination*, *supra* note 22, at 192.

particularly critical of communist and other totalitarian regimes that stifled individual expression and failed to respect the primacy of the conscience of nations and persons. The recognition of a transcendent moral order “safeguard[s] the objective rights of the spirit, of human conscience and of human creativity . . .”²⁴ Upon his return to the United Nations in 1995, the Pontiff expressed caution about the emerging globalization, which may signal that “the world has yet to learn how to live with diversity.”²⁵ In the global environment of the market economy, the legitimate differences of nations, cultures, and persons tend to be subsumed into an unrelenting consumerism. With its materialist reduction of the individual to consumer, this new form of globalization threatens both the objective moral order and legitimate diversity of subjective self-expression.²⁶

John Paul II’s analysis of human experience then recognizes the intellect and free will as complementary faculties.²⁷ As a constituent aspect of human dignity, the exercise of free will requires that the person not be restricted by authoritarian regimes and law. This requirement implies a negative conception of freedom as the absence of constraint. According to John Paul II, however, a correct analysis of human freedom entails a balance between negative and positive conceptions of freedom. Positive freedom focuses upon the basic human goods identified by the intellect and the power to pursue these goods in one’s life through the exercise of free will.²⁸ In his early work, *Love and Responsibility*, Bishop Wojtyla demonstrates the need for the proper proportions between negative and positive conceptions of freedom. His analysis of the word “use” points to the conclusion that in the absence of an objective moral order one human being would be free to use the other according to subjective preference.²⁹ True freedom and true human dignity derive not simply from a “freedom from” or a “freedom against,” but also from a “freedom for” some substantive value. In the exercise of one’s freedom, the human

24. John Paul II, Address to the 34th General Assembly of the United Nations Organization (Oct. 2, 1979), in U.N. GAOR 34th Sess., 17th plen. mtg. at 353, U.N. Doc. A/34/PV.1-32 (1979).

25. John Paul II, *supra* note 21.

26. See JOHN PAUL II, *Centesimus Annus*, in THE ENCYCLICALS OF JOHN PAUL II, *supra* note 8, at 588, 631-34 (stressing that ethical and religious values must inform the free market).

27. See WOJTYLA, *The Problem of the Will in the Analysis of the Ethical Act*, in PERSON AND COMMUNITY, *supra* note 13, at 3-21.

28. See WOJTYLA, THE ACTING PERSON, *supra* note 3, at 174-75 (discussing the necessary connection between true freedom and moral truth).

29. See WOJTYLA, LOVE AND RESPONSIBILITY, *supra* note 3, at 25-34.

being expresses his or her dignity to the extent that one acts in accordance with the basic goods known in the human intellect.

The limitation of human dignity to a negative conception of freedom distorts the integrated function of intellect and will. By overlooking the objective moral order, the limitation suggests that all truth is ultimately historical and relative. It yields an understanding of the human being in which the individual creates the self on the basis of subjective preference. It diminishes rights language to mere human self-invention. It removes both the metaphysical and moral basis from the philosophical justification of the concept of the dignity and worth of every human being.

II.

The theological foundation of John Paul II's defense of human dignity may be discussed in terms of the biblical themes of creation, redemption, and consummation.

From the theological perspective, the most fundamental reason for respecting the dignity of the human being is that each person is created in the image of God. In a series of talks given during papal audiences from 1979 to 1980, John Paul II discussed the meaning of the *Genesis* creation accounts.³⁰ In the first creation account, Adam's "original solitude" in the Garden of Eden discloses something significant about the human condition.³¹ Adam is alone as there is no other creature who expresses so fully the *imago Dei*. Adam is alone because he is neither fully divine nor merely an animal. He represents the human being as subject, different from the other animals in the capacity to think, choose, and act as an agent in the creative process. The mystery of the human being's creation in the image of God means that the human person has been endowed with creativity. The definitive creation of the human being is incomplete until the creation of Eve. When Adam recognizes Eve as a human being like himself, "flesh of my flesh," he is filled with joy.³² They are embodied spirits for whom thinking, acting, and expressing depends on the body, which is not accidental but integral to human nature.³³ The divine

30. The talks were subsequently published in book form. JOHN PAUL II, ORIGINAL UNITY OF MAN AND WOMAN: CATECHESIS ON THE BOOK OF GENESIS (1981); see also WEIGEL, *supra* note 1, at 336-38 (giving an overall description of the speeches).

31. See JOHN PAUL II, *supra* note 30, at 21-25.

32. *Genesis* 2:23; see also JOHN PAUL II, *supra* note 30, at 43-48.

33. See JOHN PAUL II, *supra* note 8, at 714-15 ("In fact, *body and soul are inseparable*: in the person, in the willing agent and in the deliberate act, *they stand or fall together.*").

command to the first parents—to “[b]e fruitful and multiply”—recognizes that, in the complementarity of the sexes, the capacity for procreation involves man and woman directly in the divine creativity.³⁴ The original solitude yields to the creative process of self-discovery in which one constitutes oneself through the gift of self to the other.³⁵

The second creation narrative places the human person at the center of a moral drama. At the Tree of Knowledge, Adam and Eve possess human self-awareness as well as an understanding of the choice between good and evil.³⁶ As the subjects of the drama, they must exercise their freedom either to act in accordance with or in rebellion against the objective truth of the created order of reality. Self-knowledge and free will open the possibility of the Fall from original innocence through original sin. The narrative depicts the inner dialectic of the human person between the ideal person in the supralapsarian state and the actual self of the fractured person who may fail but nonetheless aspires to act in accordance with the objective truth. The human person may discover the divine through an act of self-giving or reject the truth of the Creator’s intention through the choice to be selfish.³⁷ Both of the creation accounts in *Genesis* thus testify to the dignity of the human person, created in the image of God, and thereby endowed with the freedom to exercise creative capacities as the thinking, choosing, and acting subject in relation to the Creator’s intention implanted in the very nature of the person.

In the first encyclical letter of his pontificate, *Redemptor Hominis*, John Paul II elected to focus on the theological principle that the Redemption of Christ fulfills and enhances the dignity of the human being.³⁸ John Paul II starts his reflection on the Mystery of Redemption with a statement about the Incarnation. “Through the Incarnation,” the Pontiff observes, “God gave human life the

Patrick Heelan writes:

[T]he individual human subject . . . [is] identical at all times with a Body that he or she uses or experiences; that Body is inserted into its experienced setting, a World (for that subject), within which it is both a noetic subject, and an object through which physical causality flows freely without interference or pause.

HEELAN, *supra* note 5, at 12-13.

34. *Genesis* 1:38; see also JOHN PAUL II, *supra* note 30, at 99-120; JOHN PAUL II, *supra* note 8, at 709-10.

35. See JOHN PAUL II, *supra* note 30, at 128-34; WOJTYLA, LOVE AND RESPONSIBILITY, *supra* note 3, at 126.

36. See JOHN PAUL II, *supra* note 30, at 27-42.

37. See JOHN PAUL II, *supra* note 30, at 35-42, 121-40.

38. See WEIGEL, *supra* note 1, at 288.

dimension that he intended man to have from his first beginning”³⁹ It was a patristic theme of Irenaeus, which culminated in the Christology of the Franciscan school with Duns Scotus, that even in the absence of the Fall, the Creator had intended the Incarnation as the fulfillment of the creative process.⁴⁰ In other words, God so loved the human being that, in the Incarnation, human flesh was divinized. The act of the Incarnation, in which the eternal Word of God took on human flesh, reveals the “greatness, dignity and value” of the human being.⁴¹

Given the reality of the fallen human condition as a consequence of original sin, the incarnational theme needs to be complemented by the Augustinian realism adopted in the Thomistic synthesis.⁴² For Pope John Paul II, the Redemption of fallen creation and the disorder of the human situation reveal the profound depth of God’s love. Even after humanity’s rejection of the order of divine love, God remains faithful to his creative intent. The events of the Paschal Mystery of Christ reveal that unconditional love is the only antidote to sin and death. The Mystery of the Redemption is the proof of the perfect love of God expressed in the forgiveness of all humanity.⁴³ John Paul II writes that the human person cannot live without this love. In the absence of the “revelation” of love, the human person remains “incomprehensible” to self. If the human person “does not encounter love, if he does not experience it and make it his own, if he does not participate intimately in it,” the person remains incomplete, isolated, and alienated from the divine mystery.⁴⁴ God’s forgiveness of humanity, which is expressed in the Son’s perfect self-sacrificial love, serves as a testament to the highest degree of human dignity both by revealing the love of God for humanity and by demonstrating the fullest possibility for the human person.

39. JOHN PAUL II, *Redemptor Hominis*, in THE ENCYCLICALS OF JOHN PAUL II, *supra* note 8, at 46, 47.

40. See JOHN BEHR, ASCETICISM AND ANTHROPOLOGY IN IRENAEUS AND CLEMENT 57-65 (2000); RICHARD CROSS, THE METAPHYSICS OF THE INCARNATION: THOMAS AQUINAS TO DUNS SCOTUS 311 n.2 (2002).

41. JOHN PAUL II, *supra* note 39, at 59.

42. See HANS URS VON BALTHASAR, A THEOLOGICAL ANTHROPOLOGY 206-07 (Benziger Verlag trans., 1967) (describing Augustine’s doctrine of the fallen nature of the human being and its further clarification in the thought of Thomas Aquinas to mean that the post-lapsarian human being enjoys the imperfect use of reason and will which are in need of redemption).

43. See JOHN PAUL II, *Evangelium Vitae*, in THE ENCYCLICALS OF JOHN PAUL II, *supra* note 8, at 792, 815 (“Christ’s blood reveals to man . . . his greatness . . .”).

44. JOHN PAUL II, *supra* note 39, at 58.

Pope John Paul II's prophetic voice in defense of the dignity of every human being is grounded not only in the theology of creation and redemption but also in the consummation of time, which is both already and yet to come. The Pontiff's deep understanding of the Catholic tradition includes a love for Mary, Virgin and Mother, as the exemplar of the eschatological hope for humanity.⁴⁵ She is the new Eve, who like humanity's first parents in their supra-lapsarian state, is innocent of original sin. Unlike the fallen primogenitors, she chooses good over evil. The Lucan infancy narratives identify her as a human creature without sin, who in her simplicity, humility, and joy renders the *fiat* that opens the doors of Redemption.⁴⁶ John's Gospel records that she stands steadfast, courageous, and faithful at the foot of the Cross.⁴⁷ In the ancient tradition established on the basis of the *Acts of the Apostles*, she is present in the cenacle when the Holy Spirit descends on the Church to fill it with wisdom.⁴⁸ Together with her Son, Mary thus already represents the full possibilities for human dignity in the here and now. Theologically, the rest of humanity can only anticipate the fullness of human dignity, which it is believed will come to eschatological fruition at the consummation of time.

III.

What connections might one draw between the philosophical and theological foundations of John Paul II's conception of human dignity and law? Again, my purpose here is not to present an exhaustive response to this question, but only to mention a few issues and examples.

To start, every system of law reflects certain assumptions about what it means to be human.⁴⁹ The law interacts with these

45. See John Paul II, *Mulieris Dignitatem*, http://www.vatican.va/holy_father/john_paul_ii/apost_letters/documents/hf_jp-ii_apl_15081988_mulieris-dignitatem_en.html (Aug. 15, 1998).

46. *Luke* 1:26-38.

47. *John* 19:25.

48. *Acts* 1:13-14.

49. See John Paul II, Pope's Address to the Roman Rota (Feb. 5, 1987), in *L'OSSERVATORE ROMANO*, Feb. 23, 1987, at 6 (weekly edition in English) (stating that canon law must flow from the essential elements of theological anthropology); John Paul II, Address to the Roman Rota (Jan. 26, 1988), in *L'OSSERVATORE ROMANO*, Feb. 15, 1988 at 7 (weekly edition in English) (urging that canon law should reflect an "integrated concept of the person" in accord with theological anthropology, which strives to enhance both natural and transcendent values.); see also John J. Coughlin, *Law and Theology: Reflections on What it Means to be Human from a Franciscan Perspective*, 74 *ST. JOHN'S L. REV.* 609, 610-11 (2000) (noting the different elements of liberal theory).

anthropological assumptions, with the result that, over the course of time, the law influences society's understanding of what a human being is and ought to be. The law of the former communist states that comprised the Soviet Union, for example, defaced the dignity of the individual and exaggerated the role of the state. As a philosopher and bishop in Communist Poland, Karol Wojtyla developed a theory of the human being that stressed solidarity and participation in subsidiary structures such as the family, church and labor unions in order to offset the alienation yielded by the communist system of law.⁵⁰ When he began to shape his anthropology through lectures, writing, and pastoral activity starting in the 1950s, it would have been virtually impossible to predict that his ideas would ultimately contribute to the fall of the communist system in Poland and throughout Eastern Europe. Although there is debate about the exact extent of John Paul II's influence in bringing about the collapse, few reliable scholars would contend that he was not a factor in the disintegration of the repressive regimes that comprised the Soviet Union.⁵¹ The concept of the dignity of every human being stood in sharp contrast to the defaced anthropological assumptions of the communist system. What started as the ideas of a young scholar priest eventually developed into the profound insights about human dignity of the philosopher Pope.

Although he is a proponent of democracy, John Paul II's concern for the dignity of the human being presents challenges to the legal systems of the modern liberal states. First, John Paul II's anthropology suggests that human dignity requires legal recognition of the fundamental spiritual nature of the human being. Religion for John Paul II is not only a basic human good but representative of the highest realm of the human person's creative energies. As a bishop at Vatican II, he contributed to the formation of the council document that bears the title *Dignitatis Humanae (On Human Dignity)*.⁵² The document articulates the essentially spiritual nature of the human being and the corresponding importance of religious freedom as a

50. See WOJTYLA, *THE ACTING PERSON*, *supra* note 3, at 276-79; KAROL WOJTYLA, *Participation or Alienation?*, in *PERSON AND COMMUNITY*, *supra* note 13, at 197-206.

51. See JONATHAN KWITNY, *MAN OF THE CENTURY: THE LIFE AND TIMES OF POPE JOHN PAUL II 590-92 (1997)* (discussing the various theories about the role played by John Paul II in the collapse of Soviet communism).

52. VATICAN COUNCIL (2D: 1962-1965), *Declaration of Religious Freedom (Dignitatis Humanae)*, reprinted in *The Sixteen Documents of Vatican II* (Marianne Lorraine Trouvé ed., N.C.W.C. trans., Pauline Books & Media 1999) (1965), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/index.htm.

basic human right. While the implications of this anthropological principle for the anti-religious and totalitarian governments of the former Soviet Union were evident, John Paul II is troubled about the viability of the anthropological principle in an increasingly secularized Western world. From his perspective, the protection of the spiritual nature of the human being remains absolutely essential to democratic government and human fulfillment. One aspect of this protection requires formal recognition of the individual's legal right to practice one's religion free from state coercion. In the first encyclical of his papacy, the Holy Father stated: "[T]he curtailment of the religious freedom of individuals and communities is not only a painful experience but above all an attack on man's very dignity. . . ."⁵³ An equally important aspect of the protection of religious liberty necessitates that the state recognize the autonomy of the church. A more recent papal statement, for example, has expressed concern about the nascent Constitution of the European Union.⁵⁴ In dislocation from their historical tradition, many of the European governments presently doubt the advisability of explicitly recognizing in the Union's Constitution the role of religious culture, spirituality, and life in the formation of Western civilization.⁵⁵ Clearly, John Paul II does not share the worry that an expressed recognition of the obvious would jeopardize human freedom, but he believes that the dislocation illustrates a significant threat to human dignity in an increasingly secularized world. John Paul II's words challenge the European Union and all of Western civilization not to forsake the cultural heritage that gave rise to the philosophical and theological foundations of the concept of human dignity.⁵⁶

Second, John Paul II's focus on the dignity of the human being confronts the anthropological assumptions espoused by the market

53. JOHN PAUL II, *supra* note 39, at 77.

54. John Paul II, Address of John Paul II to the Presidents of the Parliaments of the European Union (Sept. 23, 2000) ("[T]he Union must not forget that Europe is the cradle of the notions of the person and of freedom, and that these notions emerged because the seed of Christianity was planted deep in Europe's soul."), at http://vatican.va/holy_father/john_paul_ii/speeches/2000/jul_sep/documents/hf_jp-ii_spe_20000923_european-union_en.html.

55. See *Pope Urges Europe to Avow Christianity*, N.Y. TIMES, Feb. 17, 2003, at A3 (decrying the fact that the European Union plans to omit any mention of God or its Christian heritage in its Constitution).

56. See CHARLES TAYLOR, *A CATHOLIC MODERNITY?* 25-37 (James L. Heft ed., 1999) (suggesting that the secular critique of Christianity has resulted in a humanism which has ironically advanced basic Christian values, but that this humanism is now itself threatened as a result of the loss of the transcendent).

economy. The market economy tends to generate an image of the human person whose primary fulfillment is as a consumer of an ever greater array of material goods so as to gratify apparently limitless subjective desires. This image runs contrary to the location of human dignity in the individual's capacity for thinking and acting in accordance with an objective moral order. While he has endorsed "the positive role of business, the market, private property and the resulting responsibility for the means of production, as well as free human creativity in the economic sector," John Paul II stresses that a component aspect of the objective moral order remains the just distribution of goods among the members of society.⁵⁷ Moreover, the image of the human being as a consumer also underestimates the legitimate role played by human participation and solidarity in family life, religious association, and other fundamental forms of human fulfillment. In *Evangelium Vitae*, John Paul II warns of the dangers posed to human dignity by a system of law that encourages cultural, economic, and political currents, which diminish participation and solidarity. He writes: "A person who, because of illness, handicap or, more simply, just by existing, compromises the well-being or life-style of those who are more favored tends to be looked upon as the enemy to be resisted or eliminated."⁵⁸ For John Paul II, the metaphysical dignity of the human person stems not from what an individual produces or consumes but from one's ontological worth as a being in the image of God.

Third, John Paul II proposes that the moral measure of the dignity of individuals and communities is at the same time located precisely in how they relate to the less fortunate members of society. During his 1994 pastoral visit to the United States, he spoke specifically to Americans urging us "to *defend the right to life* of every human being from conception to natural death, to care for and protect the unborn and all those whom others might deem 'inconvenient' or 'undesirable.'"⁵⁹ The Pope recalled that society has an obligation to defend the basic goods and rights of the powerless. This moral principle "*is not something alien to America, but rather speaks to the very origins of this nation!*"⁶⁰ The Pontiff's challenge raises questions about the proper development of rights language in constitutional law.

57. JOHN PAUL II, *supra* note 26, at 632.

58. JOHN PAUL II, *supra* note 43, at 802.

59. WEIGEL, *supra* note 1, at 779.

60. *Id.*

Rights language has tended to focus on individuals and their subjective preferences.⁶¹ The dominance of individual autonomy suggests a separation of law from the value afforded by the objective moral order. Additionally, rights language has tended to reflect a negative concept of freedom, which in itself is insufficient to inform the human being and society about the good. Unless the negative notion of freedom is balanced with a positive account, it is difficult to establish the correct proportions between subjective desires and the common good.⁶² These tendencies in the development of rights language could obscure the metaphysical worth of each human being, which is measured by the degree of protection afforded to the powerless.

Finally, John Paul II's conception of human dignity calls not for a culture of blame but for a culture of forgiveness. The Pontiff's reservations about the death penalty are now well known.⁶³ Over and over again, he has appealed to the heads of nations and states to grant clemency and spare the lives of various individuals who have received judicial sentences to die at the hands of the state.⁶⁴ It is not that the Pontiff wishes to deny the heinous nature of the crimes committed by some persons on death row or the need for retributive justice. Rather, as a disciple of Christ, he firmly believes that forgiveness, not blame, remains one of the most sublime manifestations of human dignity. He knows the great spiritual truth that when we forgive someone for a serious injury, we transform ourselves. A culture of blame defiles not only the natural and supernatural dignity of the human being who needs forgiveness but also of the one who has the capacity to forgive the other.

61. See JOHN PAUL II, *supra* note 43, 808-10.

62. See PHILIP PETTIT, *REPUBLICANISM: A THEORY OF FREEDOM AND GOVERNMENT* 18-31 (1997) (discussing "republican liberty," which means "freedom as non-domination"); STEPHEN HOLMES, *PASSIONS AND CONSTRAINT: ON THE THEORY OF LIBERAL DEMOCRACY* 28-30 (1995) (comparing liberal theory's "negative liberty" of freedom from government interference and "positive liberty" of the individual's right of political participation and suggesting the borders between negative and positive conceptions of liberty are often unclear); see also Richard B. Stewart & Cass R. Sunstein, *Public Programs and Private Rights*, 95 HARV. L. REV. 1193, 1202-03 (1982) (stating the role of the judiciary and individual rights, in which, consistent with traditional liberal theory, the courts function to curtail government intrusions into the realm of individual autonomy through a set of fundamental constitutional rights).

63. See JOHN PAUL II, *supra* note 43, 844-45.

64. See Hubert B. Herring, *Pope's Plea for Clemency Spares Life of Inmate*, N.Y. TIMES, Jan. 31, 1999, §4, at 2 (reporting that in response to John Paul II's plea for clemency, Missouri Governor Mel Carnahan had commuted the death sentence of Darrell J. Mease, who was to have been executed on February 10, 1999).

The Pope's desire for a culture of forgiveness and redemption goes far beyond the specific issue of the morality of the death penalty. His desire directly confronts the notion of a secular salvation. He has experienced personally the futility of the salvation offered by Marxist regimes.⁶⁵ While appreciating the great scientific, economic, and social advances of the modern democracies and the market economy, John Paul II rejects the notion that material well-being constitutes ultimate salvation. He knows that neither communism nor capitalism can redeem human history from the evil perpetrated by human beings and societies. For the Pontiff, salvation and redemption remain inherently religious ideas. As a disciple of Christ, John Paul II believes that absolute salvation and final redemption may only be discovered in the self-sacrificial love and forgiveness of the Cross. The Cross stands as the greatest testament to human dignity.

CONCLUSION

The philosophical foundation of Pope John Paul II's defense of human dignity has metaphysical, existential, and moral dimensions. The universality of a transcendent human nature affords a metaphysical foundation for the dignity and worth of each human being. Existentially, the human being acts through the intellect and will to create a sense of self in concrete historical circumstances. The creative freedom of the human being is enhanced to the extent that the will acts in accord with the objective moral order understood in the intellect. Theologically, John Paul II sees the human being as created in the image of God, conflicted as a consequence of freedom to choose between good and evil, redeemed by the perfect love of Christ, and living in the present time with the hope of the absolute consummation of this love. Considered together, the philosophical and theological foundations constitute a sturdy conceptual structure on which to rest human dignity. It is upon this structure that the Universal Pastor of the Catholic Church has relentlessly preached his message of human dignity to the four corners of the earth.

65. See JOHN PAUL II, *CROSSING THE THRESHOLD OF HOPE* 132 (Jenny McPhee & Martha McPhee trans., 1994) (cautioning against oversimplification in identifying the causes of the Soviet system's collapse and stating his opinion that Soviet Communism fell of its own "mistakes and abuses").

