

Justenhoven | O'Connell [eds.]

Peace Through Law

Reflections on *Pacem in Terris* from Philosophy,
Law, Theology, and Political Science

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Das *Institut für Theologie und Frieden* hat die Aufgabe, die ethischen Grundlagen menschlicher Friedensordnung zu erforschen und in den aktuellen friedenspolitischen Diskurs hineinzutragen. Mit den „Studien zur Friedensethik“ wird eine friedensethische Vertiefung der außen- und sicherheitspolitischen Debatte angestrebt. Dabei geht es letztlich um die Frage: Durch welche Politik wird den heute von Gewalt, Armut und Unfreiheit bedrohten Menschen am besten geholfen und zugleich der Errichtung einer zukünftigen friedlichen internationalen Ordnung gedient, in der Sicherheit, Wahrung der Gerechtigkeit und Achtung der Menschenrechte für alle gewährleistet werden?

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edited by
Prof. Dr. Heinz-Gerhard Justenhoven
Dr. Bernhard Koch

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Heinz-Gerhard Justenhoven |
Mary Ellen O'Connell [eds.]

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Introduction

Two World Wars profoundly influenced the 20th Century. In the aftermath of those wars came renewed efforts to prevent further catastrophe. Charismatic figures led the way to founding the United Nations under a Charter in which the preamble declares: The “People of the United Nations are determined to save succeeding generations from the scourge of war.” International law and international institutions have made progress toward this goal, but plainly the world is still a long way from effectively banning major organized violence between or within states.

Christians have engaged in a variety of efforts toward overcoming the problem of armed conflict by promoting peace through scholarship, through official Church teaching, prayer, and other action. In 1963, at the height of the Cold War and only a few months after the Cuban Missile Crisis, Pope John XXIII published his famous peace encyclical *Pacem in Terris*. It was an attempt to bridge the ideological gap between East and West and to offer a practical vision of how conflict could be resolved peacefully in a time of globalization. He offered something new, something beyond the accepted international policies of his time, such as normative ideas for reforming the UN. *Pacem in Terris* envisions a diverse world capable of living together without war. It calls for renewed commitment to the United Nations, to human rights, disarmament, development, and international law. John XXIII explained the role of public authorities within nation states in keeping the peace and working in general for the common good. He saw the need for similar authority for the international community. He implies that the UN could be that authority, given accomplishments such as the Universal Declaration on Human Rights adopted by the UN in 1948. The Pope called for the further development of the UN and international law in the direction of human rights, development, and disarmament.¹ The UN and international law have, in his view, the potential to play a pivotal and effective role in the maintenance of peace between nations. This conviction became a fundamental component of Catholic teaching. It is found in *Pacem in Terris*, the Pastoral Constitution *Gaudium et Spes*, one of the documents of the Second Vatican Council (1965), and in Pope Francis’s encyclical *Laudato Si* (2015).²

1 Pope John XXIII., Encyclical *Pacem in Terris*, No. 137: http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html

2 Cf. Pope Francis, Encyclical *Laudato Si* (2015) No.175: “...there is urgent need of a true world political authority, as my predecessor Blessed John XXIII indicated some years ago”. http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html

Fifty-years after John XXIII's inspiring message, this book looks again at his ideas for 'global political authority' and global law in the context of today. The discussants share their perspectives from theology, philosophy, international law, economics, and political science. *Johan Verstraeten* links contemporary Catholic peace teaching and practice to *Pacem in Terris*. The quest for a 'global public authority' is a cornerstone in the normative design of Catholic peace teaching, *Heinz-Gerhard Justenhoven* argues. He notes that despite John XXIII and the Second Vatican Council's interest, few concrete ideas to substantiate 'global public authority' have emerged in the decades since 1965.

Mary Ellen O'Connell shares John XXIII's optimism about the capacity of both the United Nations and international law to serve as instruments of peace. International law developed over centuries, shaped by the world's religions and philosophies. Its core rule, a rule at the heart of the UN Charter, is the prohibition on military force. This rule owes much to Christianity. In O'Connell's view, what the world lacks today is not a global public authority but the John XXIII's insight as to the importance of international law and institutions.

In analyzing the encyclical, *Matthias Lutz-Bachmann* acknowledges that Pope John is transcending Kant's imperatives in "Perpetual Peace" of 1795 due to the globalized circumstances under which states are living and human rights being the normative basis of international community. The Pope's quest for a global public authority corresponds with the normative obligation of the international community to safeguard fundamental human rights. This is how the concept of 'ius cogens' in public international law is to be understood, *Lutz-Bachmann* argues.

For *Stefan Oeter* elements of successful law and authority are missing. He finds no "global people" or a global deliberative process. The international arena compares unfavorably to nation states equipped with government, law and constitutions. The world might, however, be able to develop a constitution.

Greater global organization and improved international law are unlikely and unwelcome in the eyes of Anglican theologian *Nigel Biggar*. He shares his doubts that international law will ever attract sufficient consensus to be effective law in our diverse world. He rejects global political authority in the form of a world state as "utopian and undesirable".

Dietmar von der Pforten offers a more positive perspective on international law. He takes up two prominent legal philosophical questions, pointing out that these questions pertain to international law as much as law within states. All law must deal with the problem of balancing legal stability

with legal effectiveness. If the law changes too easily, it is policy, not law. If law never changes, it becomes anachronistic or worse. *Von der Pforten* also connects international law to the wider world of law in discussing the role of enforcement in legal theory. International law is widely (though mistakenly) believed to be unenforceable. Regardless, the focus on enforcement of law is overblown. Law depends more on acceptance and respect than coercive measures against law violators.

Andreas Hasenclever and *Annette Schramm* in analyzing world state concepts point to conceptual shortcomings, which inhibit their realization. They move away from the search for a world state to global governance concepts, and find evidence of such governance in the growing body of public institutions. They call these “islands of authority” where states delegate their own authority and pool their sovereignty. *Michael Reder*, too, describes global actors as “parts of complex and dynamic global networks” that deserve trust because of the cooperative problem-solving capacities of different actors in the global arena. Still, there is a negative aspect of these networks in that many global actors lack democratic legitimacy. Their political agendas are dominated by the focus of northern post-industrial state populations.

Nevertheless, within the international economic order that has supported the wealth of the north, *Karsten Nowrot* finds an ever-developing orientation towards the universal common good. What is lacking is institutional convergence. The world remains dominated by fragmented, inter-governmental organizations. While new international arrangements evolve, international courts are already playing a significant role. *Christian Tams* points to the value of courts in a subsidiary role within the UN system. For *Samuel Tessema*, the International Criminal Court fills, at least in part, the place of a global public authority. He outlines where the ICC is falling short and what needs to be done to reach the status of a true global court for holding accountable those who violate the most significant rules of the global system: human rights, law of armed conflict, and the UN Charter prohibition on the use of force.

The contributors do not ignore the widespread criticism and skepticism respecting “global public authority” and global law. Nevertheless, in the spirit of *Pacem in Terris*, the general view is more hopeful and constructive. More of the authors are optimistic than pessimistic about what can be accomplished toward a more peaceful and humane world.

Pacem in Terris as Turning Point: How the Catholic Church has Attempted to Overcome War by its Ethics and Practice of Peace

Johan Verstraeten

While *Rerum novarum* (1891) is regarded as the *Magna Charta* of Catholic social teaching in general, *Pacem in Terris* (1963) is unquestionably the “watershed document of the modern Catholic Peace movement”¹. This “decisive breakthrough”² and “first ecclesial Charter of Human Rights”³ is, together with the decrees of Vatican II, “the resolution of a crucial state of Roman Catholicism’s long struggle with the modernizing and secularizing culture of the West”⁴ and “the fullest general treatment of political morality to be found in modern Catholic social teaching”⁵.

In this article I will first articulate why *Pacem in Terris* is a major shift in Catholic thinking about war and peace. Subsequently I will outline the evolution of the papal doctrine on war and peace after *Pacem in Terris*. Finally I will argue that the Catholic contribution to peace cannot be limited to official documents, but needs also to be interpreted in the light of the ‘peace praxeology’, or more concretely, peace advocacy and action by catholic movements such as *Pax Christi* and *Sant’Egidio*.

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- 1 For example: Zahn, Gordon C. Afterword. In: Thomas A. Shannon (ed.). *War or Peace. The Search for New Answers*. Maryknoll, NY, 1980, p. 233; Christiansen S.J., Drew. *Commentary on Pacem in Terris*. In: Lisa Sowle Cahill et al. (Eds.). *Modern Catholic Social Teaching. Commentaries and Interpretations*. Washington (D.C.), 2004, p. 233; Appleby, Scott. “In Truth, Justice, Charity and Liberty” Contesting *Pacem in Terris* in Our Time. In: *Journal of Catholic Social Thought*, 2004, 1, p. 39; Curran, Charles. *The Teaching and Methodology of Pacem in Terris*. In: *Journal of Catholic Social Thought*, 2004, 1, p. 17.
 - 2 Eicher, Peter. *Er ist Unser Friede. Von der Sicherheitsmoral zum Friedenszeugnis*. In: Peter Eicher (ed.). *Das Evangelium des Friedens. Christen und Aufrüstung*. München, 1982, p. 77.
 - 3 René Coste as quoted by Christiansen, Drew, *Commentary*, p. 239, footnote 29.
 - 4 Langan, John, S.J. *Human Rights in Roman Catholicism*. In: Charles E. Curran, Richard A. McCorminck, S.J. (Eds.). *Official Catholic Social Teaching (Readings in Moral Theology, 5)*. New York (NY), 1986, p. 110.
 - 5 Christiansen, Drew, *Commentary*, p. 223.

1. *The turning point: Pacem in Terris.*

Written in the specific historical context of the cold war, nuclear deterrence and particularly the aftermath of the Cuba crisis *Pacem in Terris* has shifted the Catholic peace theology beyond classical just war thinking.

With regards to war as such and conscious of the destructive power of modern weapons, Pope John XXIII declares that “it no longer makes sense to maintain that war is a fit instrument with which to repair the violation of justice”⁶. More precisely the official Latin reads like this: “*Quare aetate hac nostra, quae vi atomica gloriatur, alienum est a ratione, bellum iam aptum esse ad violare iura sarcienda*”⁷. Despite the apparent clarity of the argument, there is no agreement among scholars about its precise meaning.

James Douglass interprets it as a pure pacifist assertion: “the conditions of modern war are such that no form of warfare can be justified”⁸.

Paul Ramsey, followed by Charles Curran, interprets it as a reconfirmation of the teaching of Pius XII⁹. Curran refers to John Courtney Murray’s interpretation of the war ethics of Pius XII according to which only defensive wars are justified and wars for avenging past offenses are rejected.¹⁰

According to René Coste the contention is about the “radical ethical irrationality of war”. This irrationality is the reason why only in special circumstances, when armed violence is in perfect accordance (“coincides”) with the justice of the cause, and the just way of waging war, war can eventually reach the level of moral rationality, but it can never do this on itself.¹¹

Brian Hehir concludes that the dispute over the literal sense “remains unresolved and may not be open to definitive resolution”. He proposes to

6 Pacem in Terris, nr. 127.

7 “Therefore, in an age such as ours, which prides itself on its atomic energy it is contrary to reason to hold that war is now a suitable way to restore rights which have been violated” (PT 127). According to Charles Curran the dispute is mainly caused by the original authorized but erroneous English translation from Latin.

8 Hehir, J. Brian. *The Just-War Ethic and Catholic Theology: Dynamics of Change and Continuity*. In: Thomas A. Shannon (ed.). *War or Peace? The Search for New Answers*. Maryknoll (NY), 1980, p. 20; Douglass, James. *The Nonviolent Cross: A Theology of Revolution and Peace*. New York (NY), 1966, p. 84.

9 Hehir, *The Just War Ethic*, p. 20.

10 Ramsey, Paul. *The Just War. Force and Political Responsibility*. New York (NY), 1966, pp. 78, 208-210; Curran, *The Teaching and Methodology of Pacem in Terris*, p. 30.

11 Coste, René. *Théologie de la Paix (Cogitato Fidei)*, 203). Paris, 1997, pp. 186-187. This interpretation is quite different from his earlier interpretation in *Morale Internationale*, pp. 354-355, where he writes that it is not a direct and absolute condemnation of nuclear war. Pope John makes an appeal to the ‘common sense’; one cannot understand any more that a nuclear war with its risk of escalation could still be a just war.

read the encyclical in the light of later documents as “not proscribing the defensive use of force under very restricted conditions”. But according to him this is nothing more than “toleration of the use of force, not a moral endorsement”¹².

I personally think that *Pacem in terris* nr. 127 must be interpreted in the perspective of the whole of the encyclical. Its focus is not on war but on the conditions for a sustainable peace: “relations between states, as between individuals, must be regulated not by armed force, but in accordance with the principles of right reason: the principles that is, of truth, justice and vigorous and sincere co-operation”¹³.

This can be read as a shift in focus “from casuistry to vision and a program for peace”¹⁴, a program that Czempiel had suggested in the title of his significant article: “The Christians and Foreign Politics. Just War Doctrine or *Praxeology of Peace?*”¹⁵

Pacem in Terris is clearly an example of the latter: it describes the necessary conditions for a sustainable international peace based on human rights and the universal common good. According to Drew Christiansen Pope John’s reference to the order of love as basis for peacemaking is the crucial hermeneutic key. The encyclical proposes in nr. 164 an “*hermeneutic of political life and contemporary history in which love and the unity of the human family are the heuristic tools. That is, Christian love enables one to see in ambiguous historical developments opportunities and positive accomplishments, ignored by realists, which contribute to the growing unity of the human family*”¹⁶.

There is, however, more than merely an ethic of love because Pope John’s endorsement and particular interpretation of the human rights discourse is at least as important. In order to understand this adequately three perspectives must be taken into account: Pope John’s reinterpretation of natural law in terms of the nature of the human person, his new attitude towards the world underpinned by a theology of the ‘signs of the times’ and, his qualified endorsement of the Universal Declaration of Human Rights in the perspective of the ‘universal common good’.

12 Hehir, *The Just War Ethic*, p. 20.

13 *Pacem in Terris*, nr. 114.

14 Curran, *The Teaching and Methodology of Pacem in Terris*, p. 22.

15 Czempiel, Ernst Otto. *Die Christen und die Auswärtige Politik. Lehre vom Gerechten Krieg oder Praxeologie des Friedens*. In: *Civitas. Jahrbuch für Christliche Gesellschaftsordnung*, 6. 1967, pp. 20-45.

16 Christiansen, *Commentary*, p. 226.

1.1 Natural law, the dignity of the human person and human rights

Pacem in Terris begins with an assertion of “the necessity of human rights for the good order of society”¹⁷. These rights are, according to Thomas Merton, the whole basis of the encyclical. While Machiavelli and many political leaders consider authority as resting “on force and ruse, ruthlessness and cruelty, to the ability to seize power and hold on to it against all contenders”, *Pacem in Terris* rests on “the objective reality of man, on the natural law, that is on the inner orientation of man to freedom, and on the obligation which this entails”¹⁸. With this summary Merton grasps the essence of the encyclical. Human rights are not presented as merely self-evident or as simply the consequence of a solemn proclamation by the United Nations, but as grounded in natural law.¹⁹

That does not mean that *Pacem in Terris* is simply reiterating the philosophical understanding of natural law as articulated in the Catholic tradition.

According to Charles Curran the encyclical puts “more stress on the human person and not on human nature as such”²⁰ because the inviolability of the human person is interpreted as “the direct consequence of his dignity”²¹. In other words: the focus is on the “nature of the human person” and on the capacity that human beings “can use their God-given reason to discover the order that the Creator put into the world”²². “While the framework appears to be one of natural law, natural law has been turned inside out. Human nature, not nature is the touchstone. Conscience, rather than cosmic law is the foundation of the moral order”²³

Drew Christiansen rightly observes that with this shift in emphasis *Pacem in Terris* reconnects official Catholic social thought with the late medieval/early Catholic rights theory “[...] and its belief “that rights rest on the *ius naturale* as the human power of reason”²⁴.

Indeed, the basic moral principle is the human person as described in *Pacem in terris* nr. 9: “Any well-regulated and productive association of men in society demands the acceptance of one fundamental principle: that

17 Langan, Human Rights, p. 110.

18 Merton, Thomas. *Seeds of Destruction*. New York (NY), 1964, pp. 164-165.

19 Cardinal Renato R. Martino. *Pacem in Terris on the International Common Good and World Authority*. In: *Grace & Truth. A Journal of Catholic Reflection for Southern Africa*, 2004, 1, p. 23.

20 Curran, *The Teaching and Methodology of Pacem in Terris*, p. 19

21 Coste, René. *Morale Internationale. L'humanité à la recherche de son âme* (Bibliothèque de théologie. Serie 2 : Théologie Morale). Paris, Desclée, p. 238.

22 Curran, *The Teaching and Methodology of Pacem in Terris*, p. 18.

23 Christiansen, *Commentary*, p. 224.

24 Christiansen, *Commentary*, p. 240, footnote 43 and his excursus pp. 333-335.

each individual man is truly a person. His is a nature, that is, endowed with intelligence and free will. As such he has rights and duties, which together flow as a direct consequence from his nature”.

This criterion reflects the ‘personalist’ turn in natural law thinking as endorsed by *Mater et Magistra* (1961), in which Pope John XXIII had grounded Catholic social teaching “*on one basic principle: individual human beings are the foundation, the cause and the end of every social institution [...] for men are by nature social beings*”²⁵.

Today most Catholic theologians agree that that the personalist emphasis on human freedom and human rights is a significant development in the Catholic understanding of natural law. Thomas Merton expresses this succinctly: as follows: “Pope John teaches that when authority ignores natural law, human dignity, human rights and the moral order established by God, it undermines its own foundations and loses its claim to be obeyed, because it no longer speaks seriously to the *conscience of free men*”²⁶.

1.2 A more positive attitude and the theology of the signs of the times.

Pope John’s reinterpretation of the natural law in terms of protecting human freedom and free conscience had such far reaching consequences for the future of Catholic peace thinking, that it is not surprising that, in the beginning, it was not received by all theologians without reservation. Drew Christiansen notes that immediately after the publication of *Pacem in Terris* some scholars have expressed their fear that the emphasis on human freedom (as inspired by the thinking of Pietro Pavan) would particularly run the risk to create misunderstandings about the commitment of Catholics in the realm of politics: “At issue was the independence of the Catholic faithful from hierarchical supervision when they engaged in politics”²⁷. The Dominican papal theologian Luigi Chiappi “suspected the document of inclining towards liberalism and indifferentism” and Georges Jarlot s.j., editor of *Etudes*, warned against a potential ideological contamination by Marxism²⁸.

But, was a more positive attitude towards Marxism and representative of the communist world so negative? The critical voices have insufficiently taken into account that Pope John XXIII had made two fundamental dis-

25 John XXIII, *Mater et Magistra*, 219.

26 Merton, *Seeds of Destruction*, p. 170.

27 Christiansen, *Commentary*, p. 222.

28 Christiansen, *Commentary*, p. 222.

tinctions in order to hold out his hand to ‘people of good will’, also to the ‘enemies’ on the other side of the iron curtain.

First he distinguished between the human person “who retains in every case his dignity as a person” and “the philosophies to which he sometimes adheres”²⁹. A person who adheres to an unacceptable worldview is still to be respected as a person with dignity.

Secondly, he made a distinction between “false philosophical teachings”, which he still rejected, and “movements even if these movements owe their origin and inspiration to these false tenets,” since such movements “contain elements that are positive and deserving of approval”³⁰. In quite diplomatic terms, Pope John suggests that such movements can change history. At times it can occur that “meetings for the attainment of some practical results which previously seemed completely useless now are either actually useful or may be looked upon as printable for the future”³¹. Curran thinks that the logic of these contentions is “tactful but crystal clear”³². Without forgoing the necessity of great prudence, they are “a call for a thaw in the cold war” and “an opening to the left” which involves “a movement away from intractable opposition to dialogue”³³. *Pacem in Terris* paved the way towards the *Ostpolitik* of Pope Paul VI and his secretary of State Casaroli.

On the individual level Pope John acknowledged the ‘prudential’ freedom of the laity to be engaged in alliances across ideologies (on the condition that they remained loyal to the principles of the official social teaching)³⁴. His recognition of prudential freedom was according to Donal Dorr “a significant change of attitude by the Vatican in the political field”³⁵. Indeed, the recognition of the prudential freedom of the laity was in fact combined with a shift in the official Catholic policy with regards to left wing movements and the opponents of the ‘free west’ during the Cold War.

This open attitude towards historical movements, which contribute to peace, is underpinned by a fundamental new theological interpretation: secular movements cannot only do good but their historical action can be theologically qualified as ‘signs of the times’. With this expression Pope John anticipated the theology of the pastoral constitution *Gaudium et spes*.

29 *Pacem in Terris*, nr. 158.

30 *Pacem in Terris*, nr. 159.

31 *Pacem in Terris*, nr. 160.

32 Curran, *The Teaching and Methodology of Pacem in Terris*, p. 29.

33 Curran, *The Teaching and Methodology of Pacem in Terris*, p. 29. See also Dorr, Donal. *Option for the Poor. A Hundred Years of Catholic Social Teaching*. New York (NY), 2003, p. 144.

34 *Pacem in Terris*, nr. 160.

35 Dorr, *Option for the Poor*, p. 144.

Indeed, *Pacem in Terris* proposes fundamentally not a deductive approach, despite the impression it gives in so far as every level of analysis (personal, intra-state, international) is judged on the basis of its conformity with the natural order “as the order established by God”³⁶.

The peace encyclical reconfirms *Mater et Magistra* in which John XXIII endorsed the method of Joseph Cardijn and the Christian workers movement (“see, judge, act”, MM 236), but he did this with an important addition: what appears in the analysis as a positive contribution to peace and the common good, gets now theological significance as ‘signs of the times’. As such the word is not used, but the intention of Pope John is crystal clear: what he describes in *Pacem in Terris* nr. 39-45 as ‘nota’ are in fact ‘*signa temporum*’³⁷. The text enumerates three signs of the times: (1) The progressive improvement in the economic and social condition of working men (which began by claiming their economic and *social* rights, but now also includes their ‘*political* rights’); (2) The part that women are now playing in political life (which is a sign of “the increasing awareness of their natural dignity”), and (3) the political independence of former colonies (with an additional remark about the elimination of racial discrimination). These are three concerns from the emancipatory agenda, to which he adds others signs as well, such as the increasing interdependence.

For Pope John the concept of “signs of the times” is so fundamental that even respect for human rights and duties is implicitly interpreted as such a sign: they are a way to God. According to Pope John, respecting human rights and duties not only leads to a better understanding of truth, justice, charity and freedom [in this order!³⁸], but also to “a better knowledge of God”³⁹. Such way of thinking anticipates what a year after *Pacem in Terris* will be articulated in the Pastoral Constitution *Gaudium et spes* 11 as “deciphering authentic signs of God’s presence and purpose in the happenings, needs and desires” in which the people of God “has a part along with other men of our age”.

With the introduction of the expression “signs of the times” *Pacem in Terris* began “a new style of experience based religious reflection to social questions”⁴⁰. But there is more. In a most insightful article Mary Elsbernd

36 *Pacem in Terris*, nr. 1.

37 In fact, *Pacem in Terris* mentions more than 3 signs of the times. Archbishop Denis Hurley mentions 12 different signs of the times in the encyclical in his article Reading the Signs of the Times 1963-2003. In: *Grace & Truth. A Journal of Catholic Reflection for Southern Africa*, 2004, 1, pp 9-11.

38 In the Compendium of the Social Doctrine of the Catholic Church the order is different: truth, freedom, justice and love.

39 *Pacem in Terris*, nr. 45.

40 Christiansen, Commentary, p. 233.

and Reimund Bieringer observe that before *Pacem in Terris* pope John had used the expression ‘*signa temporum*’ at least twice. In his apostolic constitution *Humanae salutis* (25 Dec. 1961) he writes: “*Christ exhorts us to discern the signs... of the times*”. In his “act of faith” of 24 March 1963 Pope John acknowledges that he learned from his acquaintance with a diversity of cultures that “*the moment has come to acknowledge the signs of the times, to understand the possibilities that they offer and to look much forward into the future*”⁴¹.

This sentence is of the utmost importance since it anticipates to what pope Paul VI will later on articulate as a ‘forward looking imagination’. For Paul VI a “forward looking imagination” is a *conditio sine qua non* for the creation of a more peaceful and just world.⁴²

Reflecting upon the implications of pope John’s vision on the signs of the times, pope Paul VI rightly pointed out that an indispensable aspect of the theology of the signs of the times requires not only an analysis of facts or of “what is”, but also of what can be. According to him a ‘forward looking imagination’ makes it possible to

(1) “to perceive in the present the *disregarded* possibility hidden within it” and

(2) It enables people to direct the present “towards a fresh future”.

Instead of continuing to discuss issues in terms of mere ‘facts’ or old frameworks of meaning, pope Paul VI proposes a profound scrutiny of political and social realities as a complex social field that contains hidden, and even *disregarded* possibilities for new developments. In other words: Beaten paths must be left. We need a method to discover the perspectives which the dominant discourse(s) do not allow us to perceive. According to Pope Paul VI, this scrutiny, moreover, “sustains social *dynamism* by the *confidence* that it gives to the *inventive powers* of the human mind and heart”. For Paul VI – confirming here the positive attitude of his predecessor – such an imaginative dynamism requires breaking down the mental walls

41 Quoted in Elsbernd, Mary/ Bieringer, Reimund. Interpreting the Signs of the Times in the Light of the Gospel: Vision and Normativity of the Future. In: Johan Verstraeten (ed.). *Scrutinizing the Signs of the Times in the Light of the Gospel* (B.E.T.L. 208). Leuven, 2007, p. 44.

42 The idea of a ‘forward looking imagination’ reappeared in a document from the pontifical council for justice and peace on the financial crisis: *Towards Reforming the International Financial and Monetary Systems in the Context of Global Public Authority* (published October 24, 2011).

that narrow the mind. According to him the fresh future can be defined theologically as (1) the fruit of the spirit of Christ which also “*breaks down the horizons*” *within which our understanding “likes to find security”* and (2) as transgressing the limits to which our activity “would willingly restrict itself”. Hence his conclusion that the crucial task is “to go beyond every system and every ideology” because they constitute the hermeneutical horizon that limit our understanding of the reality of the contemporary crisis.

I think that this open, imaginative and future oriented way of thinking, which in an embryonic form is already present in *Pacem in Terris*, is perhaps the most important contribution the Church can make to a world without war, since it fully matches with what John Paul Lederach proposes as a way toward sustainable conflict transformation. According to Lederach, it is necessary “*To imagine responses and initiatives that, while rooted in the challenges of the real world, are by their nature capable of rising above destructive patterns and giving birth to that which does not yet exist. In reference to peace-building, this is the capacity to imagine and generate constructive responses and initiatives that, while rooted in the day-to-day challenges of violent setting, transcend and ultimately break the grips of those destructive patterns and cycles*”⁴³.

1.3 The Universal Declaration of Human rights and the Universal Common Good.

Inspired by David Hollenbach, John Langan characterizes *Pacem in Terris* as containing “the most complete and systematic list of ... human rights in the modern Catholic Tradition”⁴⁴. While both the hierarchy of the Catholic Church and theologians have “been for a long time suspicious about the doctrine of human rights, because of the context of a laicist and anticlerical historical context in which they have emerged”⁴⁵, *Pacem in Terris* embraced the human rights discourse positively.

For René Coste the enumeration of human rights is in a way comparable with the Universal Declaration and this is “one of the most original parts of the document, which has most impressed the world opinion”. Notwithstanding the fact that pope John’s endorsement of the Universal Declaration is not ‘unqualified’⁴⁶, it leaves no doubt that he interpreted it as “a step in

43 Lederach, John Paul. *The Moral Imagination. The Art and Soul of Building Peace.* Oxford, 2005, p. 182.

44 Langan, *Human Rights*, p. 113.

45 Coste, *Morale Internationale*, p. 240.

46 *Pacem in Terris*, nr. 144.

the right direction, an approach toward the establishment of a juridical and political ordering of the world community,” and as “a solemn recognition of the personal dignity of every human being; an assertion of everyone’s right to be free to seek out the truth, to follow moral principles, discharge the duties imposed by justice, and lead a fully human life”⁴⁷. This positive attitude is clearly different from the opinion of contemporary thinkers according to whom Catholicism is incompatible with the human rights tradition because of the presumed incompatibility of Catholicism with modernity⁴⁸. This is a thesis which is convincingly refuted by Charles Taylor nuanced analysis of modernity, and by David Hollenbach’s argument for the capability of the catholic tradition to enrich the human rights tradition from within by way of giving freedom rights a communitarian interpretation (as preconditions for life in community with others)⁴⁹. In any case it is undeniable that for pope John respect for rights and duties is a necessary condition for peace.

A significant aspect of his endorsement of the human rights discourse is the fact that he inserts it in the perspective of a global ethic. The text does not use the word globalization as such, but it already points to the implications of a global interdependence. As ethical counterpart of this the encyclical proposes a more inclusive vision of the common good. While Pope John’s predecessors had applied it mainly to the sphere of the national state, he now refers to the “universal common good“, which is a truly “innovative concept”⁵⁰.

For Pope John the idea of a universal common good is connected with the conviction that an international order based on the anarchy of states is no longer capable of resolving problems⁵¹ “*Under the present circumstances of human society, both the structure and form of governments, as much as the power that public authority wields in all the nations of the world, must be considered inadequate to promote the universal common good*”⁵². Hence his argument for a world-wide public authority, not conceived as a monolithic world state, but a complex authority structure guided by the principle of subsidiarity⁵³. An ‘international authority’ is needed which must recog-

47 Pacem in Terris, nr. 144.

48 See for example Rowland, Tracey. Culture and the Thomist Tradition: After Vatican II. New York (NY), 2007.

49 Hollenbach, David, A.J. A Communitarian Reconstruction of Human Rights: Contributions from Catholic Tradition. In: R. Bruce Douglass, David Hollenbach (Eds.). Catholicism and Liberalism. Contributions to American Public Philosophy. Cambridge (MA), 1994, pp. 127-150; Taylor, Charles. A Secular Age, Cambridge (MA), 2007.

50 Christiansen, Commentary, p. 231.

51 Appleby, In truth, p. 38.

52 Pacem in Terris, nr. 135.

53 See for this: Martino, Pacem in Terris on the Universal Common Good and World Authority, pp. 22-23.

nize the dignity and rights of all individuals and which, respecting the principle of subsidiarity, will not replace individual states, while being “better able to address the many worldwide issues that individual states cannot adequately address”⁵⁴.

2. *Developments after Pacem in Terris*

2.1 *Gaudium et spes*

The next decisive step in the development of the Catholic ethics of peace and war was the Pastoral Constitution *Gaudium et Spes* (1965), which confirmed and even reinforced the positive peace approach of *Pacem in Terris* with the words: “peace is not merely absence of war; nor can it be reduced solely to the maintenance of a balance of power between enemies; nor is it brought about by dictatorship. Instead, it is rightly and appropriately called an enterprise of justice”⁵⁵.

Simultaneously the council fathers did not hesitate to praise “those who renounce the use of violence in the vindication of their rights”⁵⁶. They also acknowledged explicitly the choice of Christians to become conscientious objectors and they called for laws that would guarantee them a humane treatment. “At the time, Catholic pacifists regarded this rather limited official acknowledgement as a notable achievement”⁵⁷.

Moreover, without using the term genocide as such, the text radically condemns “the methodological extermination of an entire people, nation or ethnic minority” as an horrendous crime, a condemnation followed by a rejection of blind obedience to commands⁵⁸.

On the other hand the right to armed defense continues to be acknowledged “as long as the danger of war remains and there is no competent and sufficiently powerful authority at the international level” and military service is described as “a genuine contribution to the establishment of peace” provided that troops fulfill their role properly⁵⁹. But, as mentioned, this is balanced with the endorsement of conscientious objection.

54 Curran, *The Teaching and Methodology of Pacem in Terris*, p. 27.

55 *Gaudium et spes*, nr. 78.

56 *Gaudium et spes*, nr. 78.

57 Finn, James. *Pacifism and Justifiable War*. In: Thomas A. Shannon (ed.). *War or Peace? The Search for New Answers*. Maryknoll (NY), 1980, p. 8.

58 *Gaudium et spes*, nr. 79.

59 *Gaudium et spes*, nr. 79.

The most famous proposition is, however, the condemnation of “total war”. More precisely, the condemnation of war acts directly intended to kill civilians: “any act of war *aimed* indiscriminately at the destruction of entire cities or extensive areas along with their population is a crime against God and men itself”⁶⁰.

Unfortunately the Latin and official version of this text remains somewhat ambivalent because, under the pressure of a powerful US lobby, the original “*pertinet ad*” or “*secumfert*” (both referring to real bombardments) was replaced by “*tendit in*”. The USA lobby feared that a clear condemnation of the nuclear attacks on Hiroshima and Nagasaki would harm the national interest of the USA. Via the insertion of “*tendit in*” the US lobby tried to solve the problem by distinguishing between the condemnation of the *intention* to destroy entire cities and, a massive destruction of population centers as unintended effect of a presumed well intended act such as ending the war earlier or reducing the ultimate number of its victims. According to Norbert Glatzel the condemnation of total war can be read as an act with double effect reasoning, but I think that this is an erroneous interpretation. Following the convincing argument by John Ford with regards to obliteration bombing⁶¹, even with a “*tendit in*” terminology, there is no justification possible of a “counter city” bombardment, because the massive killing of civilians is in this case the *direct intention* and not the unintended indirect effect of the act. Consequently it is not possible to ‘escape’ the condemnation of the nuclear attacks on Hiroshima and Nagasaki via a reference to an act with double effect reasoning. According to Dubarle, secretary of the sub-commission which drafted the text on peace in *Gaudium et spes*, it was *not* the intention of the council fathers to weaken the condemnation or to avoid references to Hiroshima. This is confirmed by Eduard Herr’s detailed analysis of the genesis of the text: an attempt to let the ‘*tendit in*’ be preceded by a ‘*per se*’ was rejected with a ‘*non placet*’⁶².

About the deterrence system the text of GS is altogether quite diplomatic, although the arms race is finally judged to be not a safe way to preserve a steady peace and it is, moreover, criticized as a system the costs of which do harm to the poor.⁶³

60 *Gaudium et spes*, nr. 80.

61 Glatzel, Norbert. Neueste Kirchliche Lehrverkündigung. In: Norbert Glatzel, Ernst Joseph Nagel (Eds.). *Frieden in Sicherheit. Zur Weiterentwicklung der katholischen Friedensethik*. Freiburg, 1981, pp. 133-136.

62 Herr, Eduard. *Sauver la paix. Qu'en dit l'Eglise?* Bruxelles, 1991, pp. 33-65.

63 *Gaudium et spes*, nr. 81.

2.2 Later developments

After Vatican II, the popes have not ceased to criticize the arms race and the deterrence system.

According to Pope Paul VI “the question of war and peace presents itself today in new terms”. “It is not that the principles have changed... But today war has at its disposal means which have ‘immeasurably magnified its horrors and wickedness’” (message to the special session of the UN General Assembly, 1978).

In fact the ‘new terms’ were articulated in many ways.

In *Populorum progressio* (1987) Pope Paul VI introduced ‘development’ as the new name of peace. As such he confirmed the positive peace vision of *Gaudium et spes* according to which peace is not only an absence of war but a process which requires the creation of just institutions and respect for the rights of poor. Later on, in liberation theology which radicalized the development approach, institutional injustice, theologically interpreted as structural sin, will be seen as one of the main causes of violent conflicts.

One of the most striking initiatives by Pope Paul VI was, moreover, the idea to deliver yearly peace messages on the occasion of the world day of Prayer for Peace, held on the 1st of January every year. An analysis of these messages reveals that gradually, particularly since the pontificate of John Paul II, the ecological agenda was inserted into the peace agenda.

In *Sollicitudo rei socialis* (1987) Pope John Paul II reformulated the device of Pius XII, “*opus justitiae pax*” as “*opus solidaritatis pax*”. It is by way of radical solidarity as a response to the global interdependence and structural sin, that a more just and peaceful world will be created.

In many other regards Pope John Paul II contributed to developing the Church’ vision of peace. He enriched the teaching on human rights and human dignity with a “Christocentric” theology (Encyclical *Redemptor Hominis*). He also radically rejected violence as a legitimate means to realize justice and he opted for nonviolent strategies. Inspired by the Sant’ Egidio community he took initiatives for the reconciliation between religions (such as the interreligious meetings in Assisi).⁶⁴

The most important evolution after Vatican II was the increasing role of bishops’ conferences in developing a Catholic peace ethic. Particularly in

64 For a detailed articulation of the Peace ethics of JP II see Justenhoven, Heinz-Gerhard. The Peace Ethics of Pope John Paul II. In: Heinz-Gerhard Justenhoven/ William Barbieri (Eds.). *From Just War to Modern Peace Ethics (Arbeiten zur Kirchengeschichte , 120)*. Berlin, 2012, pp. 313-344.

the 1980s several bishops' conferences in the USA and Europe issued inspiring documents concerning peace in general and new developments in the deterrence system such as the installation of SS20, Pershing II and cruise missiles in Europe. The most influential of these letters was the '*Challenge of Peace*' published in 1983 by the bishops of the USA. This document not only presented an excellent ethical reflection on deterrence and inspiring peace theology, but also and above all a new method of open conversation about the various drafts of the text by scholars and activists, diplomats and policy makers. This open consultation method did not receive much sympathy from cardinal Ratzinger, head of the Congregation for the Doctrine of the Faith.

A most important document is the '*Compendium of the Social Doctrine of the Catholic Church*' published in 2004. The chapter on the promotion of peace, the last version of which is clearly influenced by Cardinal Martino's expertise as former president of *Pax Christi*, reaffirms the earlier developments in papal teaching and above all the positive definition of peace in terms of being the fruit of justice and love.

Modern war is criticized in sharp terms, as well as deterrence and several sorts of weapons, but the right to legitimate defense remains conditionally accepted. The Compendium also endorses an important recent evolution in international law which limits the 'sovereignty of state' thinking with regards to humanitarian intervention. Priority must be given to "the duty to protect". The text refers to the proposition by Pope John Paul II (1993) that "the principle of national sovereignty cannot be claimed as a motive for preventing an intervention in defense of innocent victims"⁶⁵. The Compendium also reconfirms the magisterium's support for the International Criminal Court.

The Holocaust/Shoah (in these words⁶⁶) and terrorism⁶⁷ are radically condemned, but simultaneously the compendium pleads for a "courageous and lucid analysis of the reasons behind terrorism", which is in diplomatic terms a clear rejection of the simplistic idea of 'war on terror'.

65 Compendium nr. 506.

66 Compendium nr. 506.

67 Compendium nr. 514.

3. *Broadening the scope: the role of peace movements in the praxis of the Church*

The Catholic Church's attempts to avoid war cannot be reduced to the production of texts. More important are concrete actions for conflict transformation and war prevention. The Holy See and its diplomacy have played a crucial role in this regard⁶⁸. But the Catholic Church is more than its official diplomacy, since the whole people of God is responsible for the mission of the Church to promote peace. Movements such as *Pax Christi* and *Sant'Egidio* are representative bearers of this general responsibility.

The most prominent movement is *Pax Christi*, which acknowledges *Pacem in Terris* as its "*magna Charta*"⁶⁹. Founded in France in 1945 to promote reconciliation between the French and the Germans following World War II, *Pax Christi* was endorsed by Pope Pius XII a few years later as an official Catholic peace movement in which members of the hierarchy, clergy and laypeople work together on an equal and democratic basis. Its presidency is shared by a bishop and a lay woman, both of whom are elected. As an international organization *Pax Christi* began to play an important role since the Dutch cardinal Alfrink became its president in 1965. Since the 1970ies *Pax Christi* advocates against the arms trade and under the impulse of bishop Dom Helder Camara it started advocating more strongly for non-violence. In 1979 it was given special consultative status at the UN, and it is working at UN centers in Geneva, New York, Vienna and Paris. It is also officially represented at the African Union and the Council of Europe and has regular access to the European Parliament, the European Commission and NATO. In 1983 *Pax Christi* received the UNESCO peace education prize and in 1987 the UN peace messenger award. In all the years since its foundation *Pax Christi* played an important role in the transformation of conflicts. During the war in Bosnia it offered practical help in refugee camps and organized interreligious meetings in Serbia, Albania, and Kosovo. It organized reconciliation meetings in Northern Ireland. It participated in successful coalitions such as those working to ban landmines and cluster

68 See for example Araujo, Robert, S.J. The Holy See as International Person and Sovereign and Participation in International Law. In: Heinz-Gerhard Justenhoven/William A. Barbieri (Eds.). *From Just War to Modern Peace Ethics (Arbeiten zur Kirchengeschichte, 120)*. Berlin, 2012, pp. 249-273; Buonomo, Vincenzo. La pace e l'attività internazionale della Santa Sede. In: Vitorio Alberti (ed.). *Il Concetto di Pace. Attualità della Pacem in Terris nel 50° Anniversario (1963-2013)*. Pontificio Consiglio della Giustizia e della Pace. Citta del Vaticano, 2013, pp. 407-440.

69 What follows is based on an internal document from Marie Dennis and additional information received from Paul Lansu.

munitions and in actions to stop the use of child soldiers. *Pax Christi* was co-founder of the International Action Network against Small Arms and Light Weapons. It promoted the establishment of the International Criminal Court and did a lot of work in the Middle East, where it co-sponsored the *Ecumenical Accompaniment Program* in Israel and Palestine. Other contributions were a successful mediation between the Lord's Resistance Army and the government of Uganda to initiate peace talks in 2006; a multi-year strategy to address deep-seated racism in U.S. communities; a closed door dialogue between civil society actors from the greater Middle East, including Israel and Palestine; establishing "sports for peace" programs in South Sudan and Haiti; action for community-based reintegration of former combatants in the Democratic Republic of Congo; dialogue between youth from Kosovo and youth from Northern Ireland; courses in preventive reconciliation using the principles of Aikido in the Philippines; work at a national and international level for the abolition of nuclear, chemical and biological weapons; a high level solidarity delegation to post-coup Honduras; "peace week" initiatives, many of them annual, in the Netherlands, Belgium, Germany, France, UK, the African Great Lakes region, Kosovo, Russia, Croatia, the Philippines and Colombia.

In short, *Pax Christi* "initiated a new way of thinking and praxis into the church" since it "has incorporated a wide range of conflict transformation and peace building practices into its collective program (...)"

A very effective part of *Pax Christi* is its international office, which describes itself as follows. "Guided by the faith and by the social teachings, we attempt to raise a voice in the face of grave human rights' violations and threats to peace".⁷⁰ As a faith-based Catholic movement, *Pax Christi International* pays special attention to the impact of religion in relation to violent conflicts, recognizing that intolerance and extremisms toward or associated with any religious group can cause or exacerbate violence. Simultaneously, "*Pax Christi* believes that the resources of faith traditions, including the Christian tradition, can make a significant contribution to peace". Its members proclaim that "The starting point of our advocacy is God, our desire to love and serve God. Our goal is to build a just society, based on gospel values".

70 See Lansu, Paul. Spirituality of Advocacy in Pax Christi International. Brussels, Updated version 2010. See also an advisory package prepared by the international *Pax Christi* secretariat, entitled: Avenues for Advocacy in the U.N. Human Rights Council; A *Pax Christi International* Advisory Package (Internal ref. 2009-0379-en-gl-HR).

Focusing on the human person its advocacy serves mainly “those who suffer and are victims of selfishness and unjust structures”, and at the same time *Pax Christi International* wants “to be present where decisions are made in order to wield a transformative influence on the complex issues of those injustices”.

For *Pax Christi International* advocacy means “a planned piece of work that seeks to bring about change in a given context”. It encompasses:

- a. Policy analysis, evidence-based research and strategizing;
- b. Campaigning, awareness raising and mobilizing; and
- c. Lobbying and influencing decision- and/or policy-making.

One of the most important features of the *Pax Christi* advocacy is that it is based on spirituality from below. In this regard it differs from classical diplomacy. “Traditionally, in times of peace at least, only diplomats conducted international politics. Economic growth, democratization in the west, the increasing importance of issues such as human rights, disarmament, and development have all helped broaden the actors of international relations from just the professional diplomat to a wider range of actors: non-diplomatic civil servants, non-state lobby groups, development aid groups, and other NGOs. This ‘new diplomacy,’ modeled on values rather than state sovereignty, works through coalitions – or networks – of state and non-state actors”, hence for *Pax Christi*. “Advocacy is more than critically engaging decision-makers on behalf of the poor, oppressed, and other victims of violence. It is political *action with, and by the marginalized* executed in order to amplify their voices within the democratic framework of nation states and international governmental bodies. This necessarily involves mass mobilization on certain issues, strengthening collective bargaining, and democratic and non-violent struggles and campaigns. The thrust is towards policies that enact a special concern for those impoverished and oppressed.” One of the focal points in the strategy of *Pax Christi International* is a “globalization from below” and establishing a “network from below for justice and peace”, which starts from “listening to the victims of violence”. Starting bottom up from the level of the people means first of all: “to listen to their stories and to learn from them. We can only realize what they have to teach us if we humbly accept that they have the knowledge of the issues affecting them, while we arrive as marginally informed outsiders. It is this act of humility that allows us to advocate from the perspective of victims and the poor, the only perspective that makes our work credible in the eyes of those we want to influence”.

Sant'Egidio is another Catholic movement which excels in building up 'networks for peace', based on "personal and organizational contacts across religious boundaries"⁷¹. Its mediation in Mozambique is one of the best examples of an effective contribution to a sustainable peace agreement in a context where classical diplomacy had failed. Scott Appleby labels *Sant'Egidio* as the "most successful conflict mediators of the 1990ies"⁷². According to him there are two 'secrets' behind its success: first, "the community builds an unimpeachable record for integrity and good offices in the societies it comes to serve. Through various initiatives, from orchestrating international humanitarian relief to providing direct services to the needy, *Sant'Egidio* practices nonpartisan social action that underscores its equanimity and commitment to the common good". "Second, the community does not seek political or economic power for itself, but neither is it averse to drawing on its powerful friends for the cause of peace."⁷³

Conclusion

The two examples of Catholic peace movements demonstrate that the Catholic Church' contribution to overcome war and to build peace is more than a matter of papal messages. However since *Pacem in terris* official texts remain indispensable as expressions of the fundamental shift from just war thinking to peace ethics, but they are not sufficient since, as John Paul II has acknowledged, the teaching of the Church "will gain credibility more immediately from the witness of actions than as a result of its internal logic and consistency"⁷⁴.

But even when we acknowledge the necessity of effective action for peace by movements like *Pax Christi* or *Sant'Egidio*, one thing remains a *conditio sine qua non*: war will never be overcome without a profound inner conversion and for this inner combat the church offers rich spiritual resources.

Indeed, as *Pacem in Terris* suggests, "the world will never be a dwelling place of peace, till peace has found a home in the heart of every man"⁷⁵. As such *Pacem in Terris* resonates what great spiritual masters have always understood. Etty Hillesum articulates this as follows. We must fight war and

71 Appleby, R. Scott. *The Ambivalence of the Sacred*. Lanham (MD), 2000, p. 157.

72 Appleby, *The Ambivalence*, p. 157.

73 Appleby, *The Ambivalence*, pp. 162-163.

74 Pope John Paul II, *Centesimus annus* nr. 57.

75 *Pacem in Terris*, p. 165.