The Global Quest for *Tranquillitas Ordinis*. Pacem in Terris, Fifty Years Later
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Pacem in Terris. *Quid novi?*

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The real novelty of this encyclical lay in its reception by the media and world public opinion. It was a first. In 1963, the world was right in the midst of the Cold War, two years after the erection of the Berlin Wall. But it was also right in the midst of decolonization, and a cycle of economic growth and modernization with a certain euphoria concerning scientific and technical progress. The Church herself was seeking *aggiornamento*. John XXIII had convoked and opened the Second Vatican Council. His fatherly personality had won him a great deal of confidence in all circles. He had called for peace between the two blocs at the time of the recent Cuban Missile Crisis (October 1962). He had just received Khrushchev's son-in-law in the Vatican, and in the same year he was awarded the Balzan Peace Prize.

John XXIII addressed his encyclical, beyond the usual ecclesiastical recipients, to "all men of good will" (a term of uncertain meaning taken by the Vulgate from Luke 2, 14). That enlarged the circle of its audience and disposed public opinion toward a favorable reception of *Pacem in Terris*. The well-chosen title gave rise to an immense surge of hope that the great cleavages dividing humanity could be overcome. This optimistic sentiment was shared in the West, while the countries under Soviet domination found themselves deprived of fundamental liberties.

The encyclical adopts a language accessible to all categories of readers and avoids theological references. It aims to encourage reflection in favor of peace among persons of all religious and philosophical persuasions. What is most striking is how little development the encyclical accords to the question of war and peace. Peace is envisioned within a positive dynamic that fosters it and that presupposes the search for an order that is inscribed in human nature itself. *Tranquilitas ordinis* receives an especially rich treatment. Peace is not only the absence of war. The encyclical deals broadly with natural and universal social ethics.

The more open and accessible style of the encyclical contributed to the fact that certain points of doctrine were attributed to it which in reality were already part of the patrimony of the social doctrine of the Church, for example, the distinction among three powers in the operation of public authority, in conformity with natural law (67). Its merit is thus to have made the social doctrine of the Church better known.

The doctrine did receive some reorientation on four points: the conception of natural law in relation to human nature; the optimistic notion of the signs of the times; the recognition of individual liberty of conscience; the appeal to a world public authority.

1. The social discourse of the Magisterium regularly affirms that human rights are derived from the human person. This formulation surprised the adherents of traditional natural law. According to *Pacem in Terris* 9, "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. These rights and duties are universal and inviolable, and therefore altogether inalienable". It seems that there is a conflation of two philosophies here: that of the natural law and that of the person. The notion of the person is central to the encyclical, as it was in all of the previous social doctrine. The encyclical draws human rights and duties from the fact that the human being is a person.

At the same time, the text says that these rights derive from his nature. The source of "right" is in nature. This conception has since been reinforced in the writings of the Magisterium. This affirmation requires the treatment of the doctrine of natural law. This shift bears on the notion of right.

The passage from an objective concept of natural law to a subjective concept is already present in Pius XII. Each human person is the bearer of rights by virtue of his nature. This accent on "individual rights" is explained by the rejection of collectivist ideologies that conceive of right as originating only from the state. It was necessary to counteract those who claim that there is no man other than collective man and that human nature resides in this abstraction. It was necessary to restore to the individual his quality of personhood and thus of individual realization of human nature. Individuals, not the collective, are the original subjects of human rights. Behind these formulations lies personalist philosophy. The issue of collectivism was thus resolved, but not that of the very notion of right.

Certainly, "the laws which govern men [are to be sought where] the Father of the universe has inscribed them in man's nature, and that is where we must look for them; there and nowhere else" (6). The norms refer to an immutable moral order inscribed in man and which is known as the natural law. At this level, classical doctrine no longer speaks of the natural rights of man. It considers right as a measure between two or more persons.

Classical doctrine does not confuse natural right with natural law. Right refers to a natural order of things, which is the natural law apprehended by reason at a given moment. The natural law does not change, but our per-

ception of natural law takes shape and evolves. The reference to a naturally just order is not to be confused with the search for consensus, which is always precarious, nor with the pure positivity of law which is law only because it is imposed by force.

Yes, the person has natural rights that one can claim on the basis of one's dignity. But these rights have their source in a measure that is anterior to this dignity, a measure that the Creator has determined and that is inscribed in the order created by Him. The most telling example is that of the inviolable right to life, a right that has been relativized however in the cases of legitimate defense or the action of killing within the framework of a just war. It must therefore be said: man has an innate natural right to life to the extent that this is naturally just. St. Thomas interpreted the fifth commandment: "Thou shalt not unjustly take the life of another person". The just measure is to be sought in interpersonal relations. Right is set forth on the basis of a just relationship between persons.

The formulation of *Pacem in Terris* (9) seems to posit an equivalence between the notions of person and nature. This is not the case in classical thought. The person or hypostasis of Christ exists in two natures. The hypostasis is a mode of personified existence. It is the same in the definition of Boetius: "The person is an individual substance (*subsistentia*) of a reasonable nature". The nature of the human person is specified by reason. *Pacem in Terris* (9) employs the concept of nature where Boetius utilized that of individual substance. In effect, the same human nature is realized, that is to say, subsists, in each person. The person is the individualization of a rational nature. Human nature exists only in the individuals who realize it. It is modernity that understands natural rights as inherent in each individual.

2. In the enumeration of rights that flow from human nature, one finds for the first time a formulation of individual liberty of conscience and religion. "Among man's rights is that of being able to worship God in accordance with the right dictates of his own conscience, and to profess his religion both in private and in public" (14). This expression could be understood in St. Thomas' sense as objectively true conscience, or in the subjective sense, following Suarez, as conscience which believes itself to be in truth. Two citations follow – from Lactance and Leo XIII who claim the necessary liberty of the act of faith. This affirmation is close to that of *Pacem in Terris* (12) which speaks of the "right to freedom in investigating the truth". Pius XI had already claimed the "liberty of consciences" against the totalitarian state without speaking of "liberty of conscience", and Pius XII in his 1942 Christmas message had included "the right to worship God in public and private" among the fundamental rights.

Did this proposition constitute a change in relation to the celebrated statement of Pius XII in *Ci Riesce* (6 December 1953) where he upheld the traditional doctrine that error could be tolerated, but that it could not be recognized as a right? *Pacem in Terris* gathers the heritage of the popes who, since Leo XIII, have emphasized fundamental liberties of the person in relation to totalitarian regimes. Freedom of religion – an expression which would only appear with Paul VI and the declaration *Dignitatis Humanae* of Vatican II – is a space of immunity in relation to all power external to the person. The natural right envisaged here is that which would be defined by Vatican II as the right not to be impeded in religious matters. Neither John XXIII nor Vatican II innovated on that point. Leo XIII had already recognized the freedom of conscience "in the sense that man, within the state, has the right to follow the will of God according to the knowledge of his duty and to fulfill its precepts without anything impeding him". The Council would explain that the liberty to believe or not to believe is a liberty oriented toward the truth, and not an arbitrary choice.

3. The notion of "sign of the times" which would reappear in *Gaudium et Spes* (4, 11) was an uncommon formulation. It was strongly emphasized, and interpreted, as a sort of rallying cry to modernity. That was an error. The four parts of the encyclical conclude with a reading of the signs of the times: order among human beings, order within each political community, order among political communities, and order in the world community.

Among these signs of the times were cited: the advancement of the working classes, the advancement of women, the advancement of peoples who had been colonized (75-79); the affirmation of the rule-of-law state and of democratic procedures; the regulation of conflicts by negotiation; the conviction that war is no longer a means of "obtaining justice for the violation of rights"; and, finally, the creation of the United Nations was hailed and the Universal Declaration of Human Rights of 1948 was saluted as "a step toward the establishment of a legal-political organization of the world community" (144). With optimism, these promising developments were interpreted as signs of progress toward a greater respect for the dignity of the person and the natural moral order.

The reference to the signs of the times is one of the hallmarks of the encyclical and its dynamic conception of the natural order. The natural order is a given, in the sense that it is inscribed in beings. But it is also something to be realized. It assumes the dimension of time, the progress of consciences and a collective will. Nature is perceived through the manifold of

human history. It calls for discernment. Nature in *Pacem in Terris* is not merely essential; it is also existential.

4. *Pacem in Terris* left its mark on subsequent Catholic social thought through its enumeration of four pillars on which a society conformed to the natural moral order rests: "The order proper to human communities is essentially moral. Its foundation is *truth*, and it must be brought into effect by *justice*. It needs to be animated and perfected by men's *love* for one another, and, while preserving *freedom* intact, it must make for an equilibrium in society which is increasingly more human in character" (37). John XXIII would have the occasion to specify that "These four principles that sustain the whole edifice belong to the natural law which is inscribed in every human heart. That is why We have addressed Our exhortation to all humanity" (DC, 1963, 728). These four criteria, already present in the teaching of Pius XII, received a systematic articulation in *Pacem in Terris*.

5. The encyclical attracted the attention of the international community with its uncommon insistence on the necessity of a global authority. Our Academy dedicated a study to this theme in its Ninth Plenary Session in May 2003.[1] "Today the universal common good presents us with problems which are world-wide in their dimensions; problems, therefore, which cannot be solved except by a public authority with power, organization and means co-extensive with these problems, and with a world-wide sphere of activity. Consequently the moral order itself demands the establishment of some such general form of public authority", says *Pacem in Terris* (137). This reasoning is consistent with the doctrine of the common good. When the common good has a universal dimension, as is the case when it concerns the preservation of peace among nations, it is necessary to have an authority that is capable of effectively promoting it. The encyclical specifies that this global authority "cannot be imposed by force. It must be set up with the consent of all nations" (138). It ought to protect the rights of the person and to be governed by the principle of subsidiarity. Pius XII had already spoken of his hopes for a world authority. The encyclical, however, gives an explicit recognition to the United Nations.

After the appearance of the absolutist state and particularly in the wake of the treaties of Westphalia (1648), the Holy See unceasingly referred to

[1] Pontifical Academy of Social Sciences, *The Governance of Globalization*, Acta 9 (Vatican City, 2004).

the existence of a human community founded on the law of nations as expounded by authors like Vitoria or Suarez and Grotius. It was only after the First World War that the principle of a binding international order for the resolution of conflicts resurfaced. Benedict XV had insisted on the institution of a permanent arbiter that would be endowed with the power to sanction states. At the end of the Second World War, Pius XII expressed the wish that the new organization of the United Nations would be given sufficient authority to guarantee peace and prevent all aggression. The critique of the unlimited authority of the nation-state was reinforced by Pius XII.

By an authority of universal jurisdiction, John XXIII understood an authority for arbitration of conflicts between states and of supervision under international law. He did not pronounce himself in favor of something like a world government, but rather for a regulatory authority in international relations.

The hope for a "general authority equipped with world-wide power" is accompanied in *Pacem in Terris* by three conditions to be observed (138-141):

- First, this authority should result from a unanimous agreement and not be imposed by force. It should not be at the service of the most powerful nations and their interests. Legal and moral equality of political communities is a principle of justice. All are equal in natural dignity.
- Secondly, the universal common good is defined in reference to the human person. It should have for "its special aim the recognition, respect, safeguarding and promotion of the rights of the human person" (139). A global authority should thus create the conditions for the respect of the rights of the human person at all levels.
- Thirdly, the exercise of such a global authority should be governed by the principle of subsidiarity. In conformity with this principle, it should only intervene in order to supplement the insufficiency of national powers for the resolution of problems that have a global dimension.

There is thus no question of charging the encyclical with the irrational desire to create a universal political power, rather than an effective service for peace.

6. *Pacem in Terris* also invites a distinction "between error as such and the person who falls into error – even in the case of men who err regarding the truth or are led astray as a result of their inadequate knowledge, in matters either of religion or of the highest ethical standards" (158). The encyclical also suggests a distinction between false ideologies and the historical movements that carry them. Whereas the first are fixed, the second can evolve. These formulations could have seemed extremely complacent about

the totalitarian regimes which at the time were oppressing a good portion of humanity. Nothing permitted the thought in 1963 that these "historical movements" were susceptible of evolution and that 25 years later, they would disappear. Under the pontificate of Paul VI, with the participation of Archbishop Casaroli, what is called the Ostpolitik of the Holy See was going to have to confront regimes determined to make Christianity and the Church disappear. One can therefore credit the optimist John XXIII and Monsignor Pavan with the prescient idea that communist regimes would finish by dissolving.

In opening the Council, John XXIII had proclaimed his "complete disagreement with the prophets of doom who announced catastrophes as if the world was nearing its end", and he invited recognition of the "mysterious designs of divine providence" in the course of events. The world gave such a positive reception to this encyclical because it gave people a vague feeling of being understood and loved. We need prophets in order to help us discern the crimson thread of the history of salvation that runs through human history. Fifty years after its publication, *Pacem in Terris* indicates to us the course to be maintained in a globalized world that no longer refers to the natural law.