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Intervento del Segretario per i Rapporti con gli Stati alla Fordham University di New York

Riportiamo di seguito l'intervento che S.E. l'Arcivescovo Paul Richard Gallagher, Segretario per i Rapporti con gli Stati, ha pronunciato alla Fordham University di New York su *The Holy See Perspective on Contemporary International Issues,* il 25 settembre scorso:

Intervento di S.E. Mons. Paul R. Gallagher

Once again this year, you have invited the Head of the Holy See Delegation to the General Assembly of the United Nations to address your dinner event. On behalf of His Holiness Pope Francis and of the Cardinal Secretary of State, and in my own name, I thank you for giving me this opportunity.

It should be evident that the Holy See's approach to international affairs is not entirely comparable to that of states and international organizations, even though in the course of history there have been, and continue to be, many similarities and points of agreement. The Holy See views international life through the lens of the spiritual mission and vocation of the Catholic Church, which upholds the equal dignity of all human beings, prior to any political or cultural construct, and the transcendent dimension of each individual man and woman, with all its consequences for the life of society. Consequently, while the Holy See is a sovereign entity of international law, similar to states in the sense that it is fully capable of acting as a party to treaties and establishing diplomatic relations, it strives, by its presence in the international community, to promote the common good of humanity, without regard to nation, race or culture. In a particular way, the Holy See seeks to promote religious freedom – understood as a necessary corollary of man's transcendent dimension – and, in general, everything that contributes to the integral human development of peoples and individuals. Peace between, and for, all peoples has always been one of the primary objectives of the Holy See's international activity, for without peace integral human development is impossible.

For those who are less familiar with international politics and law, I should clarify that the term "Holy See" is not synonymous with "the Vatican". The Holy See, in other words the papacy – the Pope and his collaborators (cf. *Code of Canon Law*, can. 361) – is a subject accepted and recognized in international law, and has been in existence much longer than most modern States (including the United States of America). In some historical periods – for example from 1870 to 1929 – the Holy See was accepted and recognized even when it was

deprived of a territorial base. The Vatican City State was established in 1929 by a treaty between Italy and the Holy See as a means of providing the Holy See with a minimal territorial base to ensure its independence. By the Lateran Treaty of 11 February 1929, Italy recognized the sovereignty of the Holy See in the international community as a property inherent in its nature, in conformity with its tradition and the requirements of its worldwide mission (Art. 2). In that same treaty, Italy also recognized the Holy See's full ownership and exclusive and absolute power and jurisdiction over the Vatican… (Art.3). In said territory, the Government of Italy may not in any way interfere, and no other authority exists apart from the Holy See (Art. 4).

To return to the international activity of the Holy See, I would like to make specific mention of its efforts to promote peace. At this moment of history, as we witness increased tension and conflicts in vast areas of the world, it seems fitting to recall the heartfelt appeal that Pope Pius XII made some eighty years ago to world leaders: "Nothing is lost with peace. Everything may be lost with war. May men once more begin to understand one another. May they once more talk to each other. If they deal with one another in good faith and with respect for reciprocal rights, they will realize that an honorable outcome is never prejudiced by frank and effective negotiations". We know well that this eleventh-hour appeal was ignored by those in power; they had already decided on the path of war, with the result that it was difficult to turn back. We also know the immense tragedy which ensued, partly because a deaf ear was turned to the Pope's appeal: a tragedy which resulted in the loss of sixty-eight million lives over six years, among whom were about half a million young people from the United States. All this took place only twenty-one years after the First World War, which had claimed about twenty million lives.

Sadly, we also know that those catastrophic losses were not a sufficiently compelling reason to cause humanity to reject war and the use of force as a political instrument. Today too, there are those who think that "war is merely the continuation of politics by other means".1 The Holy See, for its part, has made peace a clear and absolute priority. Pope Pius XII's words, just cited, echo ideas that are clearly present in the teaching of the Popes throughout the twentieth century and at the beginning of the twenty-first century, from Pope Leo XIII to Pope Francis, as well as in most of the Holy See's interventions in the United Nations and in the various multilateral offices and agencies.

An illustration of this can be found in No. 497 of the *Compendium of the Social Doctrine of the Church*, which states: "The Magisterium condemns 'the savagery of war' (quoting the Second Vatican Council) and asks that war be considered in a new way (id.). In fact, 'it is hardly possible to imagine that in an atomic era, war could be used as an instrument of justice' (quoting John XXIII). War is a 'scourge' (quoting Leo XIII) and is never an appropriate way to resolve problems that arise between nations; 'it has never been and it will never be' (quoting John Paul II), because it creates new and still more complicated conflicts (quoting Paul VI). When it erupts, war becomes an 'unnecessary massacre' (quoting Benedict XV), an 'adventure without return' (quoting John Paul II) that compromises humanity's present and threatens its future. 'Nothing is lost by peace; everything may be lost by war' (quoting Pius XII). The damage caused by an armed conflict is not only material but also moral (quoting the Second Vatican Council). In the end, war is 'the failure of all true humanism'; 'it is always a defeat for humanity' (quoting John Paul II): 'never again some peoples against others, never again! ... no more war, no more war!' (quoting Paul VI)".

Pope Francis, in continuity with his predecessors, has spared no words in his frequent condemnation of war. His entire teaching on war can be summed up in the words during his homily at Mass in the *Domus Sanctae Marthae* on 19 November 2015. Referring to the argument that military spending is necessary to strengthen the economy, he states: "There is a troubling word that the Lord uses: 'Cursed!', because 'he said: 'Blessed are the peacemakers!'" It follows that those "who engage in war, whose who make wars, are cursed, they are criminals".

We know that Pope Francis has occasionally remarked that we are engaged in a third world war being fought piecemeal. If we survey history after 1945, we can say that this third world war is not new, but began almost immediately following the end of the Second World War, when the defeat of the Nazi ideology gave way to a direct conflict between two reductionist and purely economic views of man: Marxism and the absolutization of the free market. When this ideological conflict ended, symbolically in the collapse of the Berlin Wall, the world did not experience a new era of peace, but, tragically, the return of old ambitions and efforts at national or pseudo-cultural hegemony. The temptation to use war as a political weapon continues to be present, even if

nowadays it is not based on a few sweeping ideological trends, but on any number of motivations, generally based on a claim to national supremacy and, sadly, as the Holy Father stated on 19 November 2015, also in veiled economic interests.

We can say that the international presence and activity of the Holy See has always promoted what Pope Francis has called “the courage of peace”. By this, he means “the strength to persevere undaunted in dialogue, the patience to weave, day by day, an ever more robust fabric of respectful and peaceful coexistence, for the glory of God and the good of all. Peacemaking calls for courage, much more so than warfare. It calls for the courage to say yes to encounter and no to conflict: yes to dialogue and no to violence; yes to negotiations and no to hostilities; yes to respect for agreements and no to acts of provocation; yes to sincerity and no to duplicity. All of this takes courage, it takes strength and tenacity” (*Invocation for Peace*, Vatican Gardens, 8 June 2014, in the presence of Presidents Shimon Peres and Abu Mazen).

For a better understanding of how this “courage of peace” can take root, we can look to the four principles of prudent action proposed by Pope Francis in his Apostolic Exhortation *Evangelii Gaudium*. They are helpful not only for us personally, but also for the building of a fraternal, just and peaceful society on both the national and international levels. The four principles are: *time is greater than space; unity prevails over conflict; realities are more important than ideas;* and *the whole is greater than the parts*. The Holy Father appealed to these principles in his Letter addressed to Chancellor Merkel for the most recent G20 meeting, held in Hamburg, Germany, in July. “These lines of action”, he wrote, “are evidently part of the age-old wisdom of all humanity; I believe that they can also serve as an aid to [international political] reflection”. I myself would presume to say that these principles have always been present in the international activity of the Holy See.

Let us listen to Pope Francis’ own explanation of these principles, as found in the aforementioned Letter:

“*Time is greater than space*. The gravity, complexity and interconnection of world problems is such that there can be no immediate and completely satisfying solutions. Sadly, the migration crisis, which is inseparable from the issue of poverty and exacerbated by armed conflicts, is proof of this. It is possible, though, to set in motion processes that can offer solutions that are progressive and not traumatic, and which can lead in relatively short order to free circulation and to a settlement of persons that would be to the advantage of all. Nonetheless, this tension between space and time, between limit and fullness, requires an exactly contrary movement in the minds of government leaders and the powerful. An effective solution, necessarily spread over time, will be possible only if the final objective of the process is clearly present in its planning.” Put differently, and with specific reference to the question of peace, if the primary goal is true peace for the good of all, every international action should be an action of peace.

“*Unity prevails over conflict*. The goal of the G20 and of other similar annual meetings is to resolve economic differences peacefully and to agree on common financial and trade rules to allow for the integral development of all, in order to implement the 2030 Agenda and the Sustainable Development Goals (cf. Communiqué of the G20 Hangzhou Summit). Yet that will not be possible unless all parties commit themselves to reducing substantially levels of conflict, halting the present arms race and renouncing direct or indirect involvement in conflicts, as well as agreeing to discuss sincerely and transparently all their differences.” The Holy Father then pointed to “a tragic contradiction and inconsistency in the apparent unity expressed in common forums on economic or social issues, and the acceptance, active or passive, of armed conflicts.”

“*Realities are more important than ideas*. The fateful ideologies of the first half of the twentieth century have been replaced by new ideologies of absolute market autonomy and financial speculation [cf. *Evangelii Gaudium*, 56]. In their tragic wake, these bring exclusion, waste and even death. The significant political and economic achievements of the past century, on the other hand, were always marked by a sound and prudent pragmatism, guided by the primacy of the human being and the attempt to integrate and coordinate diverse and at times opposed realities, on the basis of respect for each and every citizen.”

“*The whole is greater than the part*. Problems need to be resolved concretely and with due attention to their specificity, but such solutions, to be lasting, cannot neglect a broader vision. They must likewise consider

eventual repercussions on all countries and their citizens, while respecting the views and opinions of the latter."

I myself would add a fifth principle for the attainment of stable and long lasting peace through dialogue and negotiation, and I am most certain it is in perfect harmony with the four principles articulated above by Pope Francis. It is the principle that *the human person is greater than the nation*. Catholicism (Christianity) is a "personalist" religion, which acknowledges the social and relational nature of the human person, while at the same time affirming that life flourishes only through right relationships built on justice, solidarity and, most importantly, love. Consequently, in speaking of organic associations of persons, the Church prefers to use the term *community*, which evokes a personal life lived in communion with others.

The Compendium of the Social Doctrine of the Church, published during the pontificate of Saint John Paul II, makes constant reference to this interplay of individual and community. Allow me to call your attention to paragraphs 132 and 133 of this document. Drawing from the Pastoral Constitution *Gaudium et Spes* of the Second Vatican Council, they provide a good summary of the Church's teaching. "A just society can become a reality only when it is based on the respect of the transcendent dignity of the human person. The person represents the ultimate end of society, by which it is ordered to the person: 'Hence, the social order and its development must invariably work to the benefit of the human person, since the order of things is to be subordinate to the order of persons, and not the other way around' (*Gaudium et Spes*, 26). "Respect for human dignity can in no way be separated from obedience to this principle. It is necessary to 'consider every neighbour without exception as another self, taking into account first of all his life and the means necessary for living it with dignity'" (*Compendium of the Social Doctrine of the Church*, 132, *Gaudium et Spes*, 27). "In no case, therefore, is the human person to be manipulated for ends that are foreign to his own development, which can find complete fulfillment only in God and his plan of salvation: in fact, man in his interiority transcends the universe and is the only creature willed by God for itself… All this, once more, is based on the vision of man as a person, that is to say, as an active and responsible subject of his own growth process, together with the community to which he belongs" (*Compendium of the Social Doctrine of the Church*, 133).

The Enlightenment, the Romantic period and nineteenth-century Liberalism made the state and other collective bodies the essential element of society, while individuals were considered incidental. For those currents of thought, the state, and at times other agencies and interest groups, would be the substantial and enduring element of society, whereas individuals come and go. For the Holy See, on the other hand, primacy is to be given before all else to the individual person, and, in a derivative way, to the community of persons. As a result, there is an absolute consistency and seamless unity between the protection of human life from conception to natural death, the rejection of economic injustices, and the condemnation of war as a political instrument. In every situation, respect for human life and the dignity of every man and woman, created in the image of God, must be the starting point for political, juridical and economic discussions, whether individual or collective. Consequently, the Church says no to abortion and to euthanasia, but also to war, inasmuch as the three cannot be separated from one another.

Pope Paul VI, in the Encyclical Letter, *Populorum Progressio*, of 26 March 1967, identified nationalism as one of the possible obstacles to peace and the development of peoples (cf. No. 62). In his first Message for the World Day of Peace, which he inaugurated in 1968, Pope Paul once more condemned nationalistic ambitions and rivalries as major obstacles to peace. Significantly, the persistence of the doctrine of national security over all else, of a world order based on the dominance of a single state, or of the legitimacy of preventative war continue to be causes of our present "world disorder".

Even earlier, Pope Pius XII, in his Christmas Message of 24 December 1948, had stated that, "a committed Christian cannot withdraw into a convenient or selfish 'isolationism' when he sees the needs and extreme poverty of his brothers and sisters. Or when he hears the cry for help of the economically disadvantaged, or the aspirations of the working classes to enjoy more just and dignified living conditions. Or when he becomes aware of the abuses of an economic policy that values money over responsibility to society, or the misdeeds of an intransigent nationalism that denies or shows contempt for solidarity between individual peoples, the solidarity that imposes a variety of obligations towards the great family of the nations".

Love of one's own country and culture is obviously a virtue. It is an expression of the virtue of charity, which bids us love real men and women, in all the rich variety of their distinctive cultures and traditions. Love of neighbor and love of country, when these are correctly understood, inspire a preferential option for the poor. The *Catechism of the Catholic Church* teaches that love of country is also included in the fourth commandment (No. 2199). Yet such love is a Christian virtue only if it embraces love for all men and women, effective concern for the welfare and prosperity of all mankind, and the promotion of dialogue as a preferred political instrument. A nationalism which is not "ennobled by a love for the whole family of men" is a deficiency of Christian love. Love for one's country is limited by the requirements of justice towards our neighbor. These are necessary conditions for the exercise of charity and find expression, on the global level, in international law.

Addressing the General Assembly of the United Nations Organization on 25 September 2015, Pope Francis reaffirmed the notion of the rule of law grounded in the recognition of the dignity of the human person. The Pope stated that: "The work of the United Nations, according to the principles set forth in the Preamble and the first Articles of its founding Charter, can be seen as the development and promotion of the rule of law, based on the realization that justice is an essential condition for achieving the ideal of universal fraternity. In this context, it is helpful to recall that the limitation of power is an idea implicit in the concept of law itself. To give to each his own, to cite the classic definition of justice, means that no human individual or group can consider itself absolute, permitted to bypass the dignity and the rights of other individuals or their social groupings. The effective distribution of power (political, economic, defense-related, technological, etc.) among a plurality of subjects, and the creation of a juridical system for regulating claims and interests, are one concrete way of limiting power."

On the international level, the rule of law is based on respect for international custom, the general principles of law and the binding nature of solemn agreements: *pacta sunt servanda*. Nonetheless, that principle has a deeper and more substantial basis in the dignity of the human person, of each individual person. Respect for the human person is always the criterion and goal of law and political action, and the measure of their ethical correctness.

A comprehensive rule of law would also seem to demand a greater consolidation of some sort of global authority. Fifty-four years ago, Pope John XXIII, in his Encyclical *Pacem in Terris*, pointed to the necessary link between a just world order and respect for the fundamental dignity of all men and women. Yet for such a world order to be as just as possible, the possibility of a global authority must also be considered. To say so might prove, now as then, somewhat disconcerting. Still, it is important to reflect on what Pope John had to say: "This general authority equipped with world-wide power … cannot be imposed by force. It must be set up with the consent of all nations. If its work is to be effective, it must operate with fairness, absolute impartiality, and with dedication to the common good of all peoples. The forcible imposition by the more powerful nations of a such a universal authority would inevitably arouse fears of its being used as an instrument to serve the interests of the few or to take the side of a single nation…" (*loc. cit.*, AAS 55 [1963], p. 293).

The idea of a global authority may be as old as the human race, and every empire has claimed to see itself as such, imposing itself by force. Saint John XXIII, on the other hand, called for a universally agreed authority, grounded in respect for the dignity of the human person (*ibid.,* p. 294) and operating in accordance with the principle of subsidiarity. Clearly, Pope John was not calling for a kind of world super-state, but a genuine authority charged with regulating and resolving problems on a global scale.

Nor was this idea, as expressed in *Pacem in Terris*, something completely new, since it can be found more or less implicitly in the Letter of Pope Benedict XV to the Leaders of the Warring Nations (1 August 1917), and explicitly in paragraph 15 of the Encyclical Letter *Pacem Dei Munus Pulcherrimum* (23 May 1920). In a more developed form, it is also contained in the 24 December 1948 Christmas Message of Pope Pius XII, cited above.

The same idea was taken up again in the Pastoral Constitution *Gaudium et Spes* of the Second Vatican Council (Nos. 83-90), and in the Encyclical *Populorum Progressio* (Nos. 78-80). Saint John Paul II alluded to it in his Encyclicals *Sollecitudo Rei Socialis* (No. 43) and *Centesimus Annus* (No. 58), as did Benedict XVI in his Encyclical *Caritas in Veritate* (Nos. 57 and 67). More recently, Pope Francis mentioned it in his Encyclical *Laudato Si'* (No. 157).

This proposal of the Church's social doctrine has not yet been fully acted upon. In the past fifty-four years, the international community has made great strides forward in developing common rules and guidelines. Yet the creation of agreed systems for enforcing them has, with certain notable exceptions, proved less successful. One institution, significantly older than the United Nations itself, and listed by the United Nations Economic and Social Council (ECOSOC) as part of the UN system, is the International Labor Organization (ILO). Thanks to its tripartite membership – which brings together representatives of governments, unions and employers – and the vigilance it exercises over the freedom of unions and working conditions in its member countries, the ILO has succeeded in creating a partial system of universal governance. The economic changes of the last years of the twentieth century, however, greatly weakened the strength of unions on both the local and international level. The International Atomic Energy Agency (1957) and the 1970 Nuclear Non-Proliferation Treaty have succeeded, with some few exceptions, in controlling the proliferation of nuclear weapons through protocols of trust and transparency between states and through the system of UN inspections. The mechanisms for mutual trust and transparency of the Organization for Security and Cooperation in Europe can also be considered a successful structure of governance. Mention may also be made of the mechanisms for implementing the agreements of the World Trade Organization as an attempt at global governance in that sector, regardless of how one might evaluate the merit of the WTO regulations in themselves. But also, in the area of international trade systems, implementation of regulations has frequently come into conflict with national interests. The implementation of a global governance based on legality and mutual trust has proven to be a long and difficult road to pursue.

In this challenging historical context, the Holy See has played an important role in building and maintaining peace, in promoting the rights and interests of poorer countries and peoples, and in supporting and promoting human dignity, particularly the defense of life and religious freedom, to say nothing of the effort to build a genuine and authoritative international community. Indeed, the universality of the Catholic Church and the ever-present appreciation – to a greater or lesser degree – of her fundamentally spiritual and moral role, ensure that her presence and activity on behalf of peace and the promotion of peoples is always recognized and esteemed.

The Holy See is a party to the three fundamental treaties for the codification of international law: the Vienna Convention on Diplomatic Relations (18 April 1961), the Vienna Convention on the Law of Treaties (23 May 1969), and the Vienna Convention on Consular Relations (24 April 1963). In the area of human rights, the Holy See is party to the International Convention for the Elimination of All Forms of Racial Discrimination (21 December 1965), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984), and the Convention on the Rights of the Child (20 November 1989), along with some of its additional protocols. The Holy See is also party to the Convention Relating to the Status of Refugees (28 July 1951), and from its foundation, of the Executive Committee of the United Nations High Commission for Refugees (1951). It is likewise party to the four Geneva Conventions on International Humanitarian Law and a founding member of the International Atomic Energy Agency (Vienna, 1957). The most important disarmament treaties also include the Holy See as a party, beginning with the Nuclear Non-Proliferation Treaty (1 July 1968). Again, the Holy See is a party to the United Nations Conference on Trade and Development (UNCTAD/CNUCED) and the World Intellectual Property Organization (WIPO/OMPI) and, on the regional level, of the Organization for Security and Co-operation in Europe (OSCE). The Holy See is also present with Observer status in many organizations headquartered in Geneva, including the International Labor Organization (ILO/OIT), the World Health Organization (WHO/OMS), and the World Trade Organization (WTO/OMC), to mention only the more significant ones. In Vienna, the Holy See follows, in addition to the IAEA (International Atomic Energy Agency), the activities of the United Nations agencies located there. You yourselves are well aware of the Holy See's presence at the United Nations as an Observer in the General Assembly, in accordance with the status recognized and formalized by Resolution A/RES/58/314 of 1 July 2004, and its presence at the open sessions of the Security Council.

To summarize everything I have said so far, the Holy See (not the Vatican) is a true and sovereign subject of international law, recognized as enjoying a specific role and authority, especially in the areas of international peace and integral human development. The teaching of the Popes against war has been constant, from the end of the nineteenth century up to the present. The end of the ideological conflict that marked the second half of the twentieth century did not always lead to a greater degree of understanding between states, but at times to a recrudescence of nineteenth-century forms of nationalism. Pope Francis has offered national leaders principles for prudent action, which are in some way indicative of the Holy See's approach and activity within the

international community. The courage of peace and the application of these principles can give rise to a true global authority, founded on the rule of law and the dignity of the human person. Certainly the international community has embarked on this path, albeit slowly and not without difficulty. In doing so, it has always been met with papal encouragement and support from the Holy See.

In these remarks, I have tried to offer a broad overview of the Holy See's presence and activity on the international level. I hope they can contribute to a better understanding of the Holy Father's teachings and, more generally, of what it means to be Christian or, more generally, a man or woman of faith. I also hope they can prove useful and stimulating for your own scholarly work, and help you to realize the importance of the help you give to the Holy See's Mission to the United Nations in New York. I thank you for your attention and for all that you do in the service of your local Churches and the Holy See.

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1 Cf. Karl Von Clausewitz, "On War" ("Vom Kriege"), 1832.

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