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Diplomatic Activity In Service Of Papal Teaching: The Promotion Of Religious Freedom
In Relations With Selected Islamic States During The Pontificate Of John Paul II

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Diplomatic Activity In Service Of Papal Teaching: The Promotion Of Religious Freedom In Relations With Selected Islamic States During The Pontificate Of John Paul II

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The purpose of this dissertation is to assess the various diplomatic agreements between the Holy See and four Islamic states (Kazakhstan, Côte d'Ivoire, Morocco, and Egypt) concluded during the pontificate of John Paul II as instruments for giving legal form to the pontiff's magisterial teaching on religious freedom. It also determines how much of John Paul II's teaching on religious freedom has been implemented and if the juridic status of Catholics in these states has improved with the conclusion of these agreements.

This dissertation is divided into three chapters. The first chapter identifies four key elements of John Paul II's teaching on religious liberty which shaped the Holy See's diplomacy, shows how the pope developed from these four theological principles twelve specific benchmarks for success in promoting religious freedom, and identifies and examines the four core strategies that the Holy See has utilized to advance religious freedom, particularly in Islamic majority states. The second chapter examines the organization and functions of the diplomatic activity of the Holy See, including the activity of the Pontifical Council for Inter-religious Dialogue (*Pastor bonus* 159-162), and the instruments available for realizing the ecclesial vision of religious freedom in the Church's external public law. The third chapter discusses how the teachings of the

Church as articulated by John Paul II have been given form within his pontificate in the diplomatic agreements with all four Islamic states under consideration. It examines each of these agreements and the corresponding diplomatic initiatives to determine whether John Paul II met his own theologically-derived standards in promoting religious freedom through these diplomatic initiatives in these four Islamic-majority states.

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Preface: Use of United States Department of States Reports for Empirical Data

This study distills the theological underpinnings of the Holy See's religious freedom goals, explores the roles and functions of the Holy See's diplomatic activity to promote these goals, and ultimately evaluates the effectiveness of these efforts in four case studies. Detailed and credible annualized data on the progression of religious freedom in Kazakhstan, Côte d'Ivoire, Morocco, and Egypt is sparse, and the purpose of this preface is to make transparent to the reader the merits and limitations of the empirical evidence. The empirical sections draw heavily from the United States Department of State's Country Reports on Human Rights Practices and the Annual Reports on International Religious Freedom as well as all available contemporaneous media reporting from BBC Worldwide Monitoring, Foreign Broadcast Information Service (FBIS), and LexisNexis. Nevertheless, the media reporting on these four countries is limited, and the State Department reports provide the bulk of the empirical data this study utilizes to judge the effectiveness of the Holy See's diplomacy.

The State Department reports are imperfect documents. Especially in high-profile countries like China and Israel, critics have noted that the use of these documents as a tool of U.S. foreign policy has eclipsed their stated purpose of reporting on the state of human rights and religious freedom in each country. However, there are several reasons this study uses these reports for the specific purpose of determining the progression of religious freedom in these four Muslim-majority states. First, these reports are easily accessible and replicable. Independent researchers can utilize this data to corroborate or dispute my findings as well as build upon these findings for other research projects.

Replicability is a core element of social science research, because replication encourages knowledge accumulation instead of isolated academic studies and facilitates transparent debate of the data.¹ Beyond the logistical challenges and concerns about perceptions of past events changing over time, relying upon interviews are not easily replicable by another researcher to check the empirical validity of my findings.

Second, utilizing multiple, alternatives sources interchangeably provide substantial methodological challenges. While much of the Non-Governmental Organizations' (NGO) human rights reporting focuses on the most pressing human rights issues facing a given country with important policy implications, this has less use in a systematic time series study like this one. It is not uncommon for Human Rights Watch and Amnesty International's reports, for example, to not deal with the issue of religious freedom in a given year in these four countries because of more pressing human rights concerns in the country. By contrast, the State Department reports provide a consistent standard across time. By congressional mandate, every year the Country Reports on Human Rights Practices must include a section on religious freedom, and since 1999 the State Department has published annual reports exclusively on the issue of religious freedom. This is important because relying more exclusively on the NGO reporting risks omission bias. Even if one accepts that NGO reporting is more accurate, what it excludes in a given year makes it a poor source for studies like this one that track the course of a

¹Gary King, Robert Owen Keohane, and Sidney Verba, *Designing Social Inquiry: Scientific Interference in Qualitative Research* (Princeton, NJ: Princeton University Press, 1994); and Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2004).

specific human right over time.

Third, there is risk in utilizing multiple sources with different standards of evaluation. Relying on the State Department interpretations as well as NGO interpretations of events in different years provides a real methodological problem. This approach runs the risk of not allowing the researcher and the reader to discern if the status of religious freedom has changed in a country or if the reported change is simply a function of different reporting standards and methods from different organizations. Despite the shortcomings of State Department reporting, those shortcomings are consistent across time and allow the reader to tease out changes in the state of religious freedom in that country. While this study does draw from media sources, these simply augment individual data points; the paucity of religious freedom data in these sources does not have a large impact on the empirical data.

Fourth, the State Department has also had in country representation in each of these four countries for every year under evaluation. It is unclear if the NGOs and journalistic sources have had the same type of permanent representation and their more flexible mandate makes them useful policy documents but less well suited for this project.

Finally, an independent, outside audit conducted by the General Accounting Office (GAO) revealed that though the Country Reports remained imperfect, there has been significant improvements in methodological rigor and objectivity. The audit concluded that State Department embassy officers treat human rights reporting as a “high priority” and enjoy adequate resourcing, training, and expertise to create effective reports. The reports also integrate NGO reporting in a “balanced” manner and offer standardized

reports across countries.² Two studies conducted by the independent Congressional Research Service and the House Subcommittee on International Terrorism, Nonproliferation, and Human Rights drew similar conclusions.³

The purpose of this dissertation is not to defend the State Department or its reporting functions. Those critical of these reports will find that this study transparently documents data usage and he or she can assess how to evaluate this sourcing and whether general criticisms apply to the specific religious freedom data collected on these four specific countries. Indeed, in the spirit of knowledge accumulation and replicability, other researchers can conduct their own empirical investigation relying on their data source of choice to further the academic debate on the effectiveness of the Holy See's diplomacy. However, it is the conclusion of this researcher that while this data concern is relevant and merits very explicit recognition, the benefits of utilizing these sources for this particular project outweigh the costs.

²See U.S. General Accounting Office, *Human Rights: State Department's Commitment to Accurate Reporting Has Increased* (Washington, DC: General Printing Office, 1990).

³See also, Luisa Blanchfield, *The United Nations Human Rights Council: Issues for Congress* (Washington, DC: General Printing Office, 2008); and House of Representatives Subcommittee on International Terrorism, Nonproliferation, and Human Rights of the Committee on International Relations, "A Review of the State Department's 'Country Reports on Human Rights Practices,'" *Congressional Record* (Washington, DC: Government Printing Office, April 30, 2003) 11.

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Introduction

Less than fifty years ago the Catholic Church fully acknowledged religious freedom as a fundamental human right in the conciliar decree *Dignitatis humanae* (The Declaration on Religious Liberty). This document of the Second Vatican Council departed radically from the previously held “classic modern doctrine” in which the Church tolerated the public activities of non-Catholics in order to preserve public order, but refused to acknowledge that non-Catholics had a right to religious freedom.⁴ The Church now recognized that all people, regardless of religion, should be afforded the right to religious freedom and actively encouraged individuals from different religions, including Catholics, to share their faith experiences with one another.

Another important development of Vatican II was the replacement of the *societas perfecta*, institutional-hierarchic ecclesiology, with a “people of God” notion in which the Church is seen as pilgrim people on the way to the heavenly city.⁵ The pre-conciliar

⁴The classic modern doctrine held sway from the nineteenth-century through the teachings of Pius XII and was often articulated in terms of “thesis” and “hypothesis.” The thesis (what ought to be) was the Catholic confessional state in which the church enjoyed the favor and protection of the state to the point that it could invoke its coercive power to limit the public activities of non-Catholics religious bodies. In the hypothesis of a pluralistic society even a Catholic state might have to tolerate the public activities of non-Catholics in order to preserve public order.

⁵Veli-Matti Karkkainen, *An Introduction to Ecclesiology: Ecumenical, Historical & Global Perspectives* (Downers Grove, IL: InterVarsity Press, 2002), 28. The *societas perfecta* ecclesiology prevailed in the Church prior to, and in some circles after, Vatican II. In his book *Models of the Church*, Avery Dulles wrote: “Even today, many middle-aged Catholics are acutely uncomfortable with any other paradigm of the Church other than the *societas perfecta*. But actually this societal model has been displaced from the center of Catholic Theology since about 1940. In 1943 Pius XII gave

societas perfecta paradigm of the Church understood the Church to essentially be a “‘perfect society’ in the sense that it is subordinate to no other and lacks nothing required for its own institutional completeness.”⁶ Those who espoused this ecclesiology were not inclined to see the value of ecumenical and interreligious dialogue. Thus, the Second Vatican Council’s change in the prevailing paradigm of Church to a new paradigm of the Church as the “people of God” and its recognition that all individuals have the right to religious freedom, helped to open wide the doors to interfaith relations. The Church encouraged Catholics to dialogue with non-Catholics and used the diplomatic tools at the pope’s disposal to advance the cause of religious freedom around the globe.

The external public law of the Catholic Church governs the relationship between the Church and the states within whose territories the Church carries out its salvific mission. This external public law, embodied in pacts between the Holy See and states, is the fruit of the diplomatic activity of the Roman Pontiff personally and of the papal

quasicanonical status to the image of the Mystical Body. . . . The Mystical body analogy reached its highest peak of popularity in 1940 and 1950. In the late forties theologians became conscious of certain deficiencies in the model and attempted to meet these by appealing to other models, such as People of God and Sacrament of Christ. Vatican II in its Constitution on the Church made ample use of the models of the Body of Christ and the Sacrament, but its dominant model was rather the People of God. This paradigm focused attention on the Church as a network of interpersonal relationships, on the Church as community.” See Avery Dulles, *Models of the Church* (New York: Doubleday, 1987), 29-30. For more on *societas perfecta* ecclesiology see Felice M. Cappello, *Summa iuris publici ecclesiastici: ad normam Codicis iuris canonici et recentiorum S. Sedis documentorum concinnata* (Rome: Apud aedes Universitatis Gregorianae, 1928); Alphridus Ottaviani, *Compendium Iuris Publici Ecclesiastici* (Vatican City: Typis Polyglottis, 1954); and Kurt Wolf, “Die Katholische Kirche - eine ‘societas perfecta’?” *Theologische Quartalschrift* 157 (1977), 107-118.

⁶Dulles, 34.

diplomatic corps on his behalf. Throughout his pontificate, John Paul II identified religious freedom as an issue of primary concern not only for the Church's dialogue with other religions, but for its relations with states. Consequently, he made the promotion and juridic guarantee of religious freedom one of the main diplomatic goals of the Church.

From John Paul II's first encyclical *Redemptor hominis* which set forth the program of his pontificate, it became evident that he planned to be a champion of the right to religious freedom.⁷ John Paul II often restated and affirmed *Dignitatis humanae*, which declares that the right to religious freedom consists of

immunity from coercion by individuals, or by groups, or by any human power, that no one should be forced to act against his conscience in religious matters, nor prevented from acting according to his conscience, whether in private or in public, whether alone or in association with others, within due limits.⁸

During his almost twenty-seven year pontificate (1978-2005), John Paul II did much to expound and develop the Second Vatican Council's teaching on religious freedom. His contribution to the Church's teaching on religious freedom, in turn, influenced the

⁷John Paul II, encyclical *Redemptor hominis*, March 4, 1979: *AAS* 71 (1979), 280: "Quandoquidem vera hominis libertas non in omnibus illis rebus reperitur, quas diversa systemata atque etiam singuli homines iudicant et praedicant uti libertatem, idcirco vel magis Ecclesia, propter divinam suam missionem, fit custos huius libertatis, quae condicio est ac fundamentum verae dignitatis personae humanae."

⁸Vatican II, declaration *Dignitatis humanae* [DH] 2, December 7, 1965: *AAS* 58 (1966), 930: "Huiusmodi libertas in eo consistit, quod omnes homines debent immunes esse a coërcitione ex parte sive singulorum sive coetuum socialium et cuiusvis potestatis humanae, et ita quidem ut in re religiosa neque aliquis cogatur ad agendum contra suam conscientiam neque impediatur, quominus iuxta suam conscientiam agat privatim et publice, vel solus vel aliis consociatus, intra debitos limites." Translation from Vatican II, decree *Dignitatis humanae*, 2, in *Documents of Vatican II*, ed. Walter M. Abbott (New York, NY: American Press, 1966), 679.

conduct of the diplomacy of the Holy See. Principled belief in the dignity of the human person and respect for religious freedom shaped the Holy See's diplomatic interests. Put simply, John Paul II's teaching on religious freedom shaped the goals and conduct of the Holy See's diplomacy during his pontificate.

Throughout the pontificate of John Paul II, religious freedom was an issue of particular importance for the Catholic Church in its relationship with Islamic states (states in which a discernable majority of its citizens adhere to Islam, and Islam has an ascertainable influence on the state's constitution, laws, and policies) and their citizens. Issues in public ecclesiastical law such as marriage, education, freedom of worship, and freedom to change one's religion have been sources of tension and conflict between the Catholic Church and Islamic states and their citizens. John Paul II concluded diplomatic agreements with four Islamic states: Kazakhstan, Côte d'Ivoire, Morocco, and Egypt. Although it is still too early to determine the full impact of these agreements, it is possible to assess the extent to which John Paul II's teaching on religious liberty has been effectively integrated into these diplomatic agreements and, secondarily, to assess the degree to which they have improved the juridic status of the Catholic Church and its members in these selected Islamic states. It is also possible to examine if and how contentious issues in public ecclesiastical law are addressed in these diplomatic agreements.

The purpose of this dissertation is to assess the diplomatic agreements between the Holy See and these four Islamic states as instruments for giving legal form to the pontiff's magisterial teaching on religious freedom. It will also determine how much of

John Paul II's teaching on religious freedom has been implemented in these selected Islamic states and if the juridic status of the Catholics in these states has improved with the conclusion of these agreements.

This dissertation accomplishes this purpose in three chapters. The first chapter elaborates on John Paul II's magisterial teaching on religious freedom in general and his official concerns in particular about the religious freedom of Catholics living in Islamic states. This chapter provides the context for assessing the diplomatic agreements reached during John Paul II's pontificate and identifies four key elements of his teaching on religious liberty which shaped the Holy See's diplomacy. These interests shaped the Holy See's position and judgment concerning the promotion of religious freedom in states with Islamic majorities. Next, this chapter shows how John Paul II developed from these four theological principles specific benchmarks for success in promoting religious freedom. He identified twelve specific elements corresponding to the concept of "religious freedom" insofar as they are necessary for enabling both individuals and communities to exercise their religious freedom. This chapter shows how these twelve specific elements serve as concrete metrics to judge the Vatican's diplomatic success or failure. Finally, with an understanding of the Church's specific interests and a concrete understanding of its goals, Chapter One identifies and examines the four core strategies that the Holy See has utilized to advance religious freedom, particularly in Islamic majority states. Proclaimed by the Second Vatican Council, developed by John Paul II, and applied in diplomatic practice, the teaching of religious freedom has provided at least four pathways through which the four key theological elements shaped policy.

The second chapter examines the organization and functions of the diplomatic activity of the Holy See, including the activity of the Pontifical Council for Inter-religious Dialogue (*Pastor bonus* 159-162), and the instruments available for realizing the ecclesial vision of religious freedom in the Church's external public law. It examines the organization and function of the diplomacy of the Holy See, essentially answering the questions: What is the Holy See's diplomacy? Who are its actors and what are their functions? And what are the powers, methods, and tools employed by the Holy See in its bilateral and multilateral diplomatic relations?

The third chapter discusses how the teachings of the Church as articulated by John Paul II have been given form within his pontificate in the diplomatic agreements with all four Islamic states under consideration. It examines each of these agreements and all major diplomatic initiatives such as papal visits, policy speeches, and *ad limina* visits to determine their effect on religious freedom in those states. In order to determine the progress of religious freedom in those states, this chapter utilizes not only the texts of papal teaching and diplomatic agreements but also the data presented in the U.S. State Department's annual Human Rights/International Religious Freedom Reports (1978 - 2005). In effect, it tests empirically whether John Paul II met his own theologically-derived standards in promoting religious freedom through these diplomatic initiatives.

This dissertation shows how a particular pope shaped the Holy See's diplomatic interests and concrete goals based on the significant doctrinal changes of Vatican II, utilized the canonical tools at his disposal, and achieved some success in promoting the cause of religious freedom as he defined it. This study has several important

implications, including contributing to canonical studies by providing an understanding of how the Holy See uses diplomatic activity to promote religious freedom in concrete situations and by providing insight into future possibilities for the development of legal relations between the Holy See and Islamic majority states.

Chapter 1

I. Introduction

Saint Peter and his successors, the Roman Pontiffs, have had a religious duty to guide the flock of Christ. Peter himself ministered to a diverse, international audience and spread the faith. This worldwide mission has since crossed empires, ethnicities, tribes, and other communities. As papal functions expanded, popes actively involved the Holy See in diplomacy. Though Chapter Two will discuss the history and functions of papal diplomacy, the focus of this dissertation is the most recently completed pontificate, that of John Paul II's (1978-2005), who carried out his diplomacy within the context of promoting the Church's doctrine while integrating the developments stemming from the Second Vatican Council (1962-65).

One of the most striking doctrinal developments propounded by the Second Vatican Council was its Declaration on Religious Freedom, *Dignitatis humanae*. This declaration propelled Catholicism into the modern world of church-state relations by recognizing both the right of individuals and groups to religious freedom and the duties of the state to protect this right.⁹ Thus, *Dignitatis humanae* laid the foundation for a new approach to diplomacy by the Church in which promotion of religious freedom came to the fore. *Dignitatis humanae*'s recognition that the human person has the right to religious freedom made it possible for the Church to have relations with states without appearing to be seeking its own advantage and lent credibility to the Council's call for

⁹DH 2. Although the principle of religious freedom had long been recognized and defended by others outside the Church the Declaration on Religious Freedom, *Dignitatis humanae*, was a milestone in the history of the of the Catholic Church.

ecumenical and interreligious dialogue.¹⁰ John Paul II, a staunch supporter of religious freedom during the Council as Archbishop of Krakow, sought actively as pontiff to follow in the footsteps of his predecessor Pope Paul VI by integrating the teaching of *Dignitatis humanae* into the Church's diplomatic activity.¹¹ His theologically-driven diplomacy sought specific, concrete advances in respect for religious freedom and focused significantly on the Holy See's relationship with Islamic majority states.

¹⁰The chief drafter of the declaration, John Courtney Murray, S.J., explained the implications of the *Dignitatis humanae* in his 1966 commentary: "The Church does not deal with the secular order in terms of a double standard - freedom for the Church when Catholics are a minority, privilege for the Church and intolerance for others when Catholics are a majority. The declaration has opened the way toward new confidence in ecumenical relations and a new straightforwardness in relationships between the Church and the world." See John Courtney Murray, S.J., "Religious Freedom," in Abbott, 673. John Paul II noted that *Dignitatis humanae* "has the specific and important merit of having cleared the way for that remarkable and fruitful dialogue between the Church and the world . . . the way was opened for the Church's members and her institutions to play a practical and substantial part in promoting that global 'quest for freedom.'" John Paul II, "Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della '*Dignitatis humanae*,'" December 7, 1995, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1995), 18: 1327.

¹¹For more on John Paul II's active role in the formulation of *Dignitatis humanae* as Archbishop of Krakow see Herminio Rico, S.J., *John Paul II and the Legacy of Dignitatis Humanae* (Washington, DC: Georgetown University Press, 2002), 103-116; Rocco Buttiglione, *Karol Wojtyla: The Thought of the Man Who Became John Paul II* (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 1997), 177-231 and George Weigel, *Witness to Hope: The Biography of Pope John Paul II* (New York, NY: HarperCollins Publishers, Inc., 2001), 145-180. Pope Paul VI, who saw the Second Vatican Council to its conclusion, began to integrate *Dignitatis humanae* into Vatican foreign policy. See Luigi Misto, "Paul VI and *Dignitatis humanae*: Theory and Practice," in *Religious Liberty: Paul VI and Dignitatis humanae*, ed. John T. Ford, C.S.C. (Washington, DC: The Catholic University of America Press, 1995), 12-38. Pope John Paul I, the immediate predecessor of John Paul II, had little opportunity to make a substantial impact in the diplomatic realm as his pontificate lasted just thirty-three days.

The current chapter tackles the task of showing how the pope's theology molded the specific goals and the tasks with which he charged the Holy See's diplomats. To accomplish this, it first identifies and examines four core theological elements of John Paul II's teaching on religious freedom to show how the pope developed the Second Vatican Council's teaching on religious freedom into the prism through which he directed Vatican foreign policy.¹² Guided by doctrinal developments stemming from the Second Vatican Council, the pontiff opened a way by which the Church could work fruitfully to promote human dignity and religious freedom.

Since John Paul II also developed empirical metrics to determine the degree to which religious freedom is actualized in a particular state, the second task of this chapter is to identify these empirical metrics, so that they can be used in the final chapter to evaluate the extent to which John Paul II's diplomacy actually advanced his ecclesial vision of religious freedom in the four Islamic majority states with which the Holy See concluded diplomatic agreements (Kazakhstan, Côte d'Ivoire, Morocco, and Egypt) during his pontificate.¹³

¹²After a comprehensive review of John Paul II's written and oral statements, including his encyclicals, apostolic exhortations, apostolic constitutions, apostolic letters, *motu proprio*, letters, homilies, addresses to the diplomatic corps accredited to the Holy See (1978-2005), world day of peace messages (1978-2005), and other messages and speeches, the author grouped the pope's positions into four general areas under which his statements fell. The following section documents John Paul II's consistency in advocating these four key elements in specific concrete settings.

¹³The author distilled these empirical metrics (five personal and seven social) from John Paul II's letter addressed to the heads of state of the nations who signed the Helsinki Final Act (1975). The letter written early in John Paul II's pontificate (September 1, 1980) gave the late pope the opportunity to translate his theological understanding of religious freedom into specific concrete standards. See John Paul II,

The third principle task of this chapter is to identify the specific ways in which the Holy See pursued these diplomatic objectives in Islamic majority states during the pontificate of John Paul II. The pope's own teaching and actions reveal four core diplomatic pathways by which he and his legates sought to achieve the goal of expanded religious freedom: promotion of respect, promotion of dialogue, appeal for the recognition of religious freedom in law, and appeal for the protection of religious minorities.¹⁴ In short, the pope took a broad and comprehensive approach to realizing his vision through activities of his diplomats.

II. Key Theological Elements of John Paul II's Teaching on Religious Freedom

Dignitatis humanae, was one of the final documents approved by the Second Vatican Council and perhaps its most controversial text.¹⁵ The declaration recognized the

Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinkii factum subscripserunt missus: de libertate conscientiae et religionis, AAS 72 (1980), 1252-1260.

¹⁴After a comprehensive review of John Paul II's written and oral statements, including his encyclicals, apostolic exhortations, apostolic constitutions, apostolic letters, *motu proprio*, letters, homilies, addresses to the diplomatic corps accredited to the Holy See (1978-2005), world day of peace messages (1978-2005), and other messages and speeches, the author grouped the pope's positions into four general areas under which his statements fell. The following section documents John Paul II's consistency in employing these four diplomatic tactics in specific concrete settings.

¹⁵Much of the controversy surrounding the document stems from the fact that it was the only document of the Council that explicitly claims to "develop the doctrine of recent popes on the inviolable rights of the human person and on the constitutional order of society." See *DH 2: AAS 58* (1966), 930: "Insuper, de hac libertate religiosa agens, Sacra Synodus recentiorum Summorum Pontificum doctrinam de inviolabilibus humanae personae iuribus necnon de iuridica ordinatione societatis evolvere intendit." Trans., Abbott, 677. In his 1966 commentary John Courtney Murray, S.J. explained that resistance to the notion of development of doctrine was behind much of the opposition to the declaration. He wrote, "It was, of course, the most controversial document of the whole Council, largely because it raised with sharp emphasis the issue that lay continually

right to religious freedom as a fundamental human right enjoyed by each person.¹⁶ This freedom includes the right

to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that in matters religious no one is to be forced to act in a manner contrary to his own beliefs. Nor is anyone to be restrained from acting in accordance with his own beliefs, whether privately or publically, whether alone or in association with others, within due limits.¹⁷

The affirmation of the right to religious liberty marked a sharp departure from centuries of Church teaching that complete religious freedom belonged only to the Catholic Church

below the surface of all conciliar debates - the issue of development of doctrine. The notion of development, not the notion of religious freedom, was the real sticking-point for many of those who opposed the declaration even to the end.” See Abbott, 673.

Proponents of the declaration, such as theologians Roger Aubert, John Courtney Murray, S.J., as well as Bishop Émile De Smedt of Bruges, Archbishop Gabriel-Marie Garrone of Toulouse, and Archbishop Lawrence Shehan of Baltimore, argued that Church teachings can evolve in response to changing circumstances, a process called “development of doctrine.” While, opponents of the declaration, most notably Marcel Lefebvre and Joseph Fenton, argued that by accepting the principle of religious freedom the Church would be contradicting itself. For more on those who opposed the declaration as contrary to established Church teaching, see Marcel Lefebvre, *An Open Letter to Confused Catholics* (Leominster, Herefordshire: Leominster Print, 1986) and Michael Davies, *The Second Vatican Council and Religious Liberty* (Long Prairie, MN: The Neumann Press, 1992). John Paul II believed *Dignitatis humanae* to be “undoubtedly one of the Council’s most innovated texts.” See John Paul II, “Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della ‘*Dignitatis humanae*,’” 1327.

¹⁶*DH 2: AAS 58* (1966), 930: “Haec Vaticana Synodus declarat personam humanam ius habere ad libertatem religiosam.”

¹⁷*Ibid.*, *AAS 58* (1966), 930-931: “Huiusmodi libertas in eo consistit, quod omnes homines debent immunes esse a coercitione ex parte sive singulorum sive coetuum socialium et cuiusvis potestatis humanae, et ita quidem ut in re religiosa neque aliquis cogatur ad agendum contra suam conscientiam neque impediatur, quominus iuxta suam conscientiam agat privatim et publice, vel solus vel aliis consociatus, intra debitos limites.” Trans., Abbott, 279.

as an institution because it alone contained the fullness of divine truth.¹⁸ The Second Vatican Council also displaced the prevailing *societas perfecta* ecclesiology with the concept of Church as the “people of God.”¹⁹ Together these changes gave impetus for the Church to engage concretely other faiths in the form of dialogue. As a result, ecumenical and interreligious dialogue took on a new importance.

During the pontificate of John Paul II, this development in the Church’s social teaching was implemented by promoting actively the right to religious freedom for all people. A careful analysis of the late pope’s voluminous writings and many speeches uncovers four key theological elements of his teaching on religious freedom that drove the Holy See’s diplomatic initiatives under his leadership: religious freedom is a requirement of respect for human dignity; religious freedom is a universal and inalienable right; religious freedom is an individual right with both private and social dimensions; and religious freedom is the source and synthesis of all other rights. These four key theological elements which Vatican II spurred and John Paul II expounded helped define the Holy See’s interests vis-à-vis Islamic majority states and determined how the Holy See would pursue these interests diplomatically.

¹⁸See Pius IX, encyclical *Quanta cura*, December 8, 1864: *AAS* 3 (1867), 160-167 and I. Cardinal Antonelli, *Syllabus complectens praecipuos nostrae aetatis errores qui notantur in encyclicis aliisque apostolicis litteris sanctissimi domini nostri Pii Papae IX*, December 8, 1864: *ASS* 3 (1867), 167-176.

¹⁹Karkkainen, 28; and Dulles, 29-30.

A. Religious Freedom is a Requirement of Respect for Human Dignity

Dignitatis humanae proposed a natural foundation for the right to religious freedom by grounding it in human dignity.²⁰ As a teacher, John Paul II affirmed that religious freedom is an inalienable right founded in human dignity. Respect for human dignity was a fundamental concept in the pope's social and political thought.²¹ He understood the Church's mission, and by extension his own mission as pontiff, to be "directed towards developing and making evident the dignity of man."²² At the root of the pope's unwavering defense of human dignity was his belief that each human being is of inestimable value simply in virtue of his or her existence. The dignity of the human person stems not from what one produces or consumes but from the fact that one exists.²³

²⁰*DH 2: AAS 58 (1966), 930-931: "libertatem religiosam esse revera fundatum in ipsa dignitate personae humanae."*

²¹J. Bryan Hehir, "*Dignitatis humanae* in the Pontificate of John Paul II," in *Religious Liberty: Paul VI and Dignitatis humanae*, ed. John T. Ford, C.S.C. (Washington, DC: The Catholic University of America Press, 1995) 174.

²²John Paul II, *Sign of Contradiction* (New York, NY: Seabury Press, 1979) 144. See also John Paul II, allocution *Postea ad aedes se contulit Praesidis Civitatum Foederatarum Americae Septentrionalis, qui una cum supremis earundem Civitatum Auctoritatibus perquam comiter eum recepit. Summus autem Pontifex haec verba in vicem pronuntiavit*, October 6, 1979: *AAS 71 (1979), 1239*; and John Paul II, allocution *Ad Exc.mos Viros, qui apud Sanctam Legatorum munere funguntur, Summo Pontifici, novo anno inito, fausta et felicia ominantes; de iuribus hominum officiisque iisdem respondentibus*, January 14, 1980: *AAS 72 (1980), 81*: "Quel est donc le principe qui inspire le Siège Apostolique lorsqu'il s'adresse aux hommes politiques ou s'occupe des choses politiques? Une phrase du Concile Vatican II le résumerait bien: 'L'Eglise qui, en raison de sa charge et de sa compétence, ne se confond d'aucune manière avec la communauté politique et n'est liée à aucun système politique, est à la fois le signe et la sauvegarde du caractère transcendant de la personne humaine.'"

²³John Paul II taught that each person no matter their social, economic, or political status, whatever their race, creed, or location, has an inestimable value that does not

By virtue of their common humanity, all people are equal in dignity, and it is this dignity that is the immediate source and foundation of human rights.²⁴ Respect for this dignity gives birth to the effective protection of human rights, including religious freedom,²⁵ and the protection of religious freedom, in turn, shows respect for human dignity.

John Paul II maintained that human dignity is recognizable through both human reason and the revealed word of God.²⁶ In order to appeal to a wide variety of audiences, the pope often made the case for the recognition of human dignity on the basis of natural law. He argued that man's rational intelligence and his experience enable him to recognize the innate dignity in every human being as each human person is a unique and

depend on income or productivity, status or position, power or weakness. In *Evangelium vitae* John Paul II warns of the dangers posed to human dignity by political, cultural, and economic currents that deny solidarity and are excessively concerned with efficiency. See John Paul II, encyclical *Evangelium vitae*, March 25, 1995: *AAS* 87 (1995), 41: "etenim vita, quae magis poscit ut benevolentia, amore, cura suscipiatur, inutilis prorsus iudicatur aut censetur pondus intolerabile proindeque pluribus viis reicitur. Quicumque suam ob aegrotationem vel impeditionem aut, multo facilius, ob ipsam in terris praesentiam suam vocat in discrimen felicitatem vitaeve consuetudines eorum qui magis prosperantur, fere semper inimicus videtur arcendus aut omnino tollendus."

²⁴John Paul II, epistule *Ad Conradum Waldheim, Consilii Nationum Unitarum (O.N.U.) virum a Secretis, XXX anno expleto a Declaratione Iurium Hominis*, December 2, 1978: *AAS* 71 (1979), 123.

²⁵*Ibid.*, *AAS* 71 (1979), 123.

²⁶*DH* 2: *AAS* 58 (1966), 930-931: "Insuper declarat ius ad libertatem religiosam esse revera fundatum in ipsa dignitate personae humanae, qualis et verbo Dei revelato et ipsa ratione cognoscitur." Trans., Abbott, 679. In keeping with the teaching of *Dignitatis humanae*, John Paul II consistently affirmed that the inherent dignity of every human being, which can be recognized through both human reason and the revealed word of God, is the foundation of the right to religious freedom. See John Paul II, "World Day of Peace Message: From the Justice of Each Comes Peace for All," *Origins* 27 (January 1, 1998), 467; and John Paul II, "1982 World Day of Peace Message: Beyond Nuclear Terror: Dialogue," *Origins* 11 (January 7, 1982), 475.

unrepeatable individual.²⁷ The pope could communicate this natural law justification for human dignity framed in secular terms more effectively to certain audiences than his theological rationale.²⁸ The natural law argument presents human dignity, the foundation of religious freedom, in terms that can appeal to all people, even non-believers.

From a natural law perspective, coercion in matters of religion is incompatible with the dignity of a person who is endowed with an intellect and free will. The conscious and free person is both required and entitled to act on his own judgment and to assume personal responsibility for his actions or inactions.²⁹ Since man bears personal

²⁷John Paul II, *Redemptor hominis*, AAS 71 (1979), 283 and 299: “Haec cura in hominem intenditur, quatenus realis eius existentia, unica neque iterabilis, respicitur, in qua integra permanet imago et similitudo Dei ipsius. . . . Id fecit documento, cui titulus est Dignitatis humanae, et in quo ea quaestio non tantum ex theologica ratione, sed etiam ex iure naturali est pertractata, scilicet e consideratione ‘simpliciter humana,’ secundum illas praemissas, ex ipsa hominis experientia, ex eius intellectu et ex eius sensu dignitatis exortas.”; John Paul II, apostolic exhortation *Redemptionis donum*, March 25, 1984: AAS 76 (1984), 516; John Paul II, apostolic letter *Mulieris dignitatem*, August 15, 1988: AAS 80 (1988), 1674; John Paul II, nuntii scripto dati *Gratissimam sane*, February 2, 1994: AAS 86 (1994), 868; John Paul II, homily II giubileo della comunità con i disabili. l’omelia durante la santa messa celebrata nella basilica di san paolo fuori le mura, December 3, 2000, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 2000), 23: 1021; and John Paul II, Nella basilica vaticana la famiglia al centro del bene comune della società, January 3, 1979, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1979), 2: 14. Scholars such as John Crosby and Linda Zagzebski argue this same point that the rational intelligence of man enables him to recognize that each person has dignity and is a unique and unrepeatable individual. See John F. Crosby, *Personalist Papers* (Washington, DC: The Catholic University of America Press, 2004) 3-27; and Linda Zagzebski, “The Uniqueness of Persons,” *Journal of Religion and Ethics* 29 (2001), 401-423.

²⁸Ibid.; and John Paul II, “Ad un gruppo di studiosi partecipanti al V colloquio giuridico,” March 10, 1984, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1984), 7: 657.

²⁹Editor’s footnote 5 of Abbott, 678.

responsibility for his actions, to deny him the freedom to make his own decisions or to restrain him from putting his decisions into practice privately or publically, alone or in association with others, would diminish his dignity.³⁰ Thus, the dignity of man demands that no one compel him to embrace a religious belief and that human beings be free from all coercion in religious matters, except the coercive power of truth as it is perceived in the depths of their hearts.³¹ Coercion in matters of religious faith violates the dignity of the human person and his or her objective rights,³² so religious freedom is a requirement of respect for human dignity.³³

³⁰John Paul II, “Ad un gruppo di studiosi partecipanti al V colloquio giuridico,” 657. See also Editor’s footnote 5 of Abbott, 678-679: “A man’s religious decision, or his decisions against religion, are inescapably his own. No one else can make them for him, or compel him to make this decision or that, or restrain him from putting his decisions into practice, privately or publically, alone or in company with others. In all these cases, the dignity of man would be diminished because of the denial to him of that inalienable responsibility for his own decisions and actions which is the essential counterpart of his freedom.”

³¹Ibid., *AAS* 58 (1966), 931: “Secundum dignitatem suam homines cuncti, quia personae sunt, ratione scilicet et libera voluntate praediti ideoque personali responsabilitate aucti, sua ipsorum natura impelluntur necnon morali tenentur obligatione ad veritatem quaerendam, illam imprimis quae religionem spectat. Tenentur quoque veritati cognitae adhaerere atque totam vitam suam iuxta exigentias veritatis ordinare.”

³²John Paul II, *Redemptor hominis*, *AAS* 71 (1979), 299-300: “Sine ulla dubitatione imminutionem libertatis religiosae sive hominum sive communitatum non tantum veluti acerbissimum quiddam illae experiuntur, sed praecipue quasi ictum ipsi hominis dignitati illatum habent, etsi quae sit religio, quidque de mundo sentiant, non consideretur. Libertatis religiosae coercitio et violatio dignitati atque obiectivis iuribus hominis adversantur.”

³³John Paul II explicitly states on at least two occasions that religious freedom is “an essential requirement of the dignity of every person.” See John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” *Origins* 17 (December 24, 1987), 493 and John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” *Origins* 20 (December 27, 1990), 474.

Despite the advantages of the natural law justification for human dignity, John Paul II was not content to rely on it exclusively.³⁴ This argument can stand on its own, but reason unaided by faith cannot grasp the full scope of human dignity.³⁵ The natural law approach to human dignity needs to be supplemented and complemented by a theological approach. From a theological perspective, the revelation of the loving gift of God in creation and redemption further demonstrates why man enjoys dignity. For believers, one must respect fundamentally another human being's dignity, because God created all people in His image and likeness.³⁶ The human person has a unique value,

³⁴John Paul II, allocution *Ad cognitores iudiciorum quae, secundum normas Europae conventionis, de hominum iuribus tuendis sunt habenda*, October 8, 1988: *AAS* 81 (1989), 685: "[T]he human rights of which we are speaking draw their vigor and their effectiveness from a framework of values, the roots of which lie deep within the Christian heritage which has contributed so much to European culture. These founding values precede the positive law which gives them expression and of which they are the basis. They also proceed the philosophical rationale that the various schools of thought are able to give to them."

³⁵It is possible to argue that human rights exist without grounding them in God. The Universal Declaration of Human Rights does not make reference to God, and several atheist states signed on. John F. Crosby argues that personal dignity is immanent in, or intrinsic to human beings and so is understandable without reference to God. See Crosby, 3-27.

³⁶Genesis 1: 26-27. In a series of general papal audiences from 1979 to 1980 Pope John Paul II discussed the meaning of the Genesis creation accounts. These talks were published in book form. See John Paul II, *Original Unity of Man and Woman: Catechesis on the Book of Genesis* (Boston: St. Paul Editions, 1981). For a summary of these talks, see Weigel, 336-338; and John J. Coughlin, "Pope John Paul II and the Dignity of the Human Being," *Harvard Journal of Law and Public Policy* 27 (2003), 71-72. For other instances where John Paul II noted that the dignity of man stems from being created in God's image and likeness see John Paul II, "World Day of Peace Message: Peace with all Creation," *Origins* 19 (December 14, 1989), 474; John Paul II, *Centesimus Annus*, *AAS* 83 (1991), 807; John Paul II, apostolic exhortation *Ecclesia in Europa*, June 28, 2003: *AAS* 95 (2003), 676; John Paul II, "1987 World Day of Peace Message: Development and Solidarity: Two Keys to Peace," *Origins* 16 (December 25, 1986), 507;

inasmuch as “man is the only creature on earth which God willed for itself.”³⁷ This tenet of faith means that every human life has value and must be treated with respect.³⁸

As John Paul II pointed out in his first encyclical, *Redemptor hominis*, Christ’s Incarnation and Redemption are a further testament to human dignity.³⁹ In the Incarnation, the Son of God’s taking on of human flesh and thereby uniting himself with each human being more fully, revealed the greatness, dignity, and value of the human being.⁴⁰ Likewise, the “great price” of human Redemption is further proof of the value and dignity God Himself attributes to man.⁴¹ God, who is faithful to His creatures, does

and John Paul II, “1982 World Day of Peace Message: Beyond Nuclear Terror: Dialogue,” 475.

³⁷John Paul II, *Redemptor hominis*, AAS 71 (1979), 283: “hominem . . . in terris solam creaturam esse quam Deus propter seipsam voluerit.” and John Paul II, encyclical *Centesimus Annus*, May 1, 1991: AAS 83 (1991), 807 See also Vatican II, pastoral constitution *Gaudium et spes* [GS] 24, December 7, 1965: AAS 58 (1966), 1045.

³⁸John Paul II, “World Day of Peace Message: Respect for Human Rights: The Secret of Peace,” *Origins* 28 (December 24, 1998), 489: “The dignity of the human person is a transcendent value, always recognized as such by those who sincerely search for the truth. Indeed, the whole of human history should be interpreted in the light of this certainty. Every person, created in the image and likeness of God and therefore radically oriented towards the Creator, is constantly in relationship with those possessed of the same dignity.”

³⁹John Paul II, *Redemptor hominis*, AAS 71 (1979), 257-324; and John Paul II, encyclical *Veritatis splendor*, August 6, 1993: AAS 85 (1993), 1140.

⁴⁰*Ibid.*, AAS 71 (1979), 272 and 274: “Ipse enim, Filius Dei, incarnatione sua cum omni homine quodammodo Se univit. . . . In ea vicissim homo magnitudinem suae humanitatis et dignitatem et pretium proprium denuo detegit.”

⁴¹*Ibid.*, AAS 71 (1979), 310: “Praeterea illud ‘pretium magnum’ Redemptionis nostrae item comprobatur momentum, quod ipse Deus adiudicat homini, confirmatque nostram in Christo dignitatem.”

not abandon human beings when they go astray but acts to redeem them. Christ suffered and died for the sins of humanity so that all who believe in Him might not perish but have eternal life.⁴² God's faithfulness and mercy show that He is committed to human beings as individuals who possess dignity and have value. Each person is willed into existence by Him, called by Him, and redeemed by Him.

John Paul II also took a theological approach to the demands of human dignity. Through creation and redemption, God enabled his creatures to know Him and to seek Him, who is the truth, as free and responsible persons. God respects that individuals must use their own judgment to freely seek Him. *Dignitatis humanae* asserted that "one of the major tenets of Catholic doctrine is that man's response to God must be free."⁴³ John Paul II explained that all individuals must be able to express themselves in an act of conscious choice, for "without freedom human acts are empty and valueless."⁴⁴ From a theological perspective, coercion in matters of religion is incompatible with the dignity of

⁴²John 3:16.

⁴³*DH* 10: *AAS* 58 (1966), 936: "Caput est ex praecipuis doctrinae catholicae, in verbo Dei contentum et a Patribus constanter praedicatum . . . Etenim actus fidei ipsa sua natura voluntarius est."

⁴⁴John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 494. Because God desires His creatures to seek Him freely and of their own accord, John Paul II stressed the importance of personal appropriation of Christian doctrine and moral law so that these cease to be simply external impositions. See John Paul II, *Veritatis splendor*, *AAS* 85 (1993), 1160-1161; John Paul II, "World Day of Peace Message: Respect for Human Rights: The Secret of Peace," 490; John Paul II, encyclical *Ut unum sint*, May 25, 1995: *AAS* 87 (1995), 923, and 940-941; and John Paul II, "1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace," 472.

the human person who God created, redeemed, and endowed with the intelligence and freedom to seek God on his own accord.⁴⁵

The freedom with which the Creator endowed human beings is the capacity to seek what is true by using their intelligence and to embrace the good to which they naturally aspire, without being subjected to undue pressures, constraints or violence of any kind.⁴⁶ The dignity of the person demands that one be able to respond to the moral imperatives of one's own conscience in the search for truth.⁴⁷ To deny a person religious freedom diminishes an individual's dignity, because God wills that his creatures seek Him freely.

With the benefit of the revealed word of God, man is able to recognize that God gives dignity to all human beings. Therefore, people of faith can see that human rights, including the right to religious freedom, that this dignity demands are God-given rights.

⁴⁵John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 494.

⁴⁶Ibid.

⁴⁷Sirach 15:14. In *Veritatis splendor* John Paul II explains that "God willed to leave man in the power of his own counsel, so that he would seek his Creator of his own accord and would freely arrive at full and blessed perfection by cleaving to God." See *Veritatis splendor*, AAS 85 (1993), 1164: "Voluit enim Deus hominem 'relinquere in manu consilii sui', ita ut Creatorem suum sponte quaerat et libere ad plenam et beatam perfectionem ei inhaerendo perveniat." Trans., *Origins* 23 (October 14, 1993), 309. See also GS 17: AAS 58 (1966), 1037: "Vera autem libertas eximium est divinae imaginis in homine signum. Voluit enim Deus hominem relinquere in manu consilii sui, ita ut Creatorem suum sponte quaerat et libere ad plenam et beatam perfectionem ei inhaerendo perveniat." and John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 494: "It belongs to the dignity of the person to be able to respond to the moral imperatives of one's own conscience in the search for truth. . . . Truth . . . is to be sought after in a manner proper to the dignity of the human person and his social nature." See also *DH* 3.

It is necessary to ground human dignity in God, the pope argued, if human rights and religious freedom in particular are “to be kept safe from all attempts at manipulation on the part of human power.”⁴⁸ If society or the state conferred human rights, then the same human power could claim to revoke these rights and subject the individual to tyranny. But, if God anchored human dignity and the human rights which spring forth from this dignity in Himself, then no individual, group, nation, or state may violate or revoke a person’s inalienable and God-given rights.

As a witness to human dignity, John Paul II elevated the promotion of respect for human rights, including religious freedom, to the top of the Holy See’s foreign policy agenda. This insistence on every person’s innate human dignity and the inalienable rights

⁴⁸John Paul II, allocution “Serving the Cause of Human Rights,” *Origins* 18 (January 26, 1989), 543. See also John Paul II, *Centesimus Annus*, AAS 83 (1991), 848-849: “Illud addatur: totalitarismum ex veritate obiective negata oriri: si enim transcendens non datur veritas cui obtemperans homo suam plenam capessit proprietatem, tum vero nullum datur principium stabile quod iustas necessitudines inter homines praestet. . . . Hodierni igitur totalitarismi radix in negatione reperitur dignitatis transcendentis humanae personae, quae est visibilis imago Dei invisibilis, quapropter per se ipsa iurium subiectum, quam nemini licet violare: neque scilicet individuo, neque numero cuidam neque ordini neque Civitati Nationive. Ne maiori quidem socialis corporis parti istud permittitur contra minorem partem ut se ponat et eam secludat, opprimat, abutatur eandemque delere studeat.”; John Paul II, allocution *Ad Exc.mos Legatos et Oratores apud Sedem Apostolicam permanentes missos*, January 9, 1988: AAS 80 (1988), 1141; John Paul II, *Veritatis splendor*, AAS 85 (1993), 1210-1211; John Paul II, “World Day of Peace Message: To Serve Peace, Respect Freedom,” *Origins* 10 (January 8, 1981), 468; John Paul II, *Ad Conradum Waldheim, Consilii Nationum Unitarum (O.N.U.) virum a Secretis, XXX anno expleto a Declaratione Iurium Hominis*, AAS 71 (1979), 123; and John Paul II, allocution *Ad Exc.mos Viros qui apud Sanctam Sedem Legatorum munere funguntur, Summo Pontifici, novo anno inito, fausta et felicia ominantes habita*, January 16, 1982: AAS 74 (1982), 418.

that spring from this dignity constituted the starting point for John Paul II's Post-Vatican II foreign policy and dialogue with the world.⁴⁹

B. Religious Freedom is a Universal and Indefeasible Right

The second key theological element of John Paul II's teaching is that religious freedom is a universal and indefeasible right. Since it is universal, all persons enjoy the right to religious freedom simply because they are human beings endowed with dignity. The right to religious freedom does not stem from the moral actions, right conscience, or subjective disposition of persons, but from the persons themselves, their very nature which is substantially identical in every person.⁵⁰ Human dignity is inherent in human identity itself; it is not earned or manufactured. Because all persons, in virtue of their humanity, are equal in dignity, they have the same rights and duties and deserve the same respect.⁵¹

⁴⁹John Paul II asserted that it is the inherent dignity of the human person which serves as the "meeting point for a profitable, rather necessary, dialogue between the church and the world in our time." See John Paul II, "Ad un gruppo di studiosi partecipanti al V colloquio giuridico," 655: "È proprio nella dignità della persona, quale oggi è sempre più universalmente sentita e proclamata, che dev'essere individuato il punto di incontro di un dialogo proficuo, anzi necessario, fra la Chiesa e il mondo nell'epoca nostra." See also John Paul II, "World Day of Peace Message: Women Teachers of Peace," *Origins* 24 (December 22, 1994), 465, 467; and John Paul II, *Ad Conradum Waldheim, Consilii Nationum Unitarum (O.N.U.) virum a Secretis, XXX anno expleto a Declaratione Iurium Hominis*, AAS 71 (1979), 123-125.

⁵⁰John Paul II, "Ad un gruppo di studiosi partecipanti al V colloquio giuridico," 657: "perché non deriva dall'onesto operare delle persone o dalla loro coscienza retta, ma dalle persone stesse, ossia dal loro essere esistenziale, il quale, nelle sue componenti cositutive, è sostanzialmente identico in tutte le persone."

⁵¹John Paul II, "World Day of Peace Message: From the Justice of Each Comes Peace for All," 469; John Paul II, "Ad un gruppo di studiosi partecipanti al V colloquio giuridico," 657; and John Paul II, "Il Discorso Per l'Inaugurazione Della VI Assemblea

Religious freedom is also an inalienable right, which cannot be taken away or made void.⁵² The right to religious freedom is inherent and inviolable, and it is not dependent on whether and how it is exercised.⁵³ Human dignity is not dependent on an individual's behavior. All people enjoy equal dignity whether they are good or bad, virtuous or evil. As a result, even those who hold erroneous beliefs in matters of religion

Generale Della 'Conferenza Mondiale Delle Religioni Per La Pace,'" November 3, 1994, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1994), 17: 599.

⁵²John Paul II often spoke of human dignity and human rights, especially religious freedom, as inherent, inalienable, and inviolable. See John Paul II, "1989 World Day of Peace Message: To Build Peace Respect Minorities," *Origins* 18 (December 29, 1988), 467; John Paul II, "1986 World Day of Peace Message: Peace is a Value with No Frontiers," *Origins* 15 (December 26, 1985), 462; John Paul II, encyclical *Redemptoris missio*, December 7, 1990: *AAS* 83 (1991), 287; John Paul II, allocution *Ad nationum legatos, novo anno ineunte*, January 11, 1986: *AAS* 78 (1986), 650-651; John Paul II, allocution *Ad oratores nationum coram admissos*, January 10, 1998: *AAS* 90 (1998), 767; John Paul II, allocution *Ad oratores Nationum habita*, January 12, 2004: *AAS* 96 (2004), 339; John Paul II, allocution *VII exeunte saeculo a Studio Urbis condito*, May 17, 2003: *AAS* 95 (2003), 769; and John Paul II, *Ad Conradum Waldheim, Consilii Nationum Unitarum (O.N.U.) virum a Secretis, XXX anno expleto a Declaratione Iurium Hominis*, *AAS* 71 (1979), 123.

⁵³John Paul II, *Ad Conradum Waldheim, Consilii Nationum Unitarum (O.N.U.) virum a Secretis, XXX anno expleto a Declaratione Iurium Hominis*, *AAS* 71 (1979), 123; John Paul II, "Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della 'Dignitatis humanae,'" December 7, 1995, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1995), 18: 1327; John Paul II, apostolic letter issued *motu proprio*, *E sancti Thomae Mori. - Sanctus Thomas Morus Gubernatorum, politicorum Virorum ac Mulierum proclamatur Patronus*, October 31, 2000: *AAS* 93 (2001), 80; John Paul II, "World Day of Peace Message: Respect for Human Rights: The Secret of Peace," 489; and John Paul II, "Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della 'Dignitatis humanae,'" 1327.

and exercise their right to religious freedom contrary to the objective order of truth retain their inherent dignity and thus their right to religious freedom.⁵⁴

Dignitatis humanae's teaching on the indefeasibility of religious freedom, which John Paul II affirmed, marked a stark departure from the pre-conciliar Catholic position, also known as the thesis/hypothesis theory, that those in error had no right to religious freedom. The premise of the thesis/hypothesis theory argues that Catholicism is the one true religion and as such the state had an obligation to recognize Catholicism as the established religion when the majority of its citizens were Catholic (thesis). The state should curtail non-Catholic public displays of religion, witnessing to "error," as persons in error had no right to public worship. Although the state could not compel individuals to believe in Catholic teaching, it could restrain the public practice of erroneous belief. In states where Catholics were in the minority, this theory held that the state should tolerate

⁵⁴John Paul II, *Ad Conradum Waldheim, Consilii Nationum Unitarum (O.N.U.) virum a Secretis, XXX anno expleto a Declaratione Iurium Hominis*, AAS 71 (1979), 123: "The human person, even when he or she errs, always maintains inherent dignity and never forfeits his or her personal dignity."; and John Paul II, "Ad un gruppo di studiosi partecipanti al V colloquio giuridico," 657: "esiste sempre, anche nell'ipotesi che non venga esercitato o sia violato dagli stessi soggetti a cui inerisce. Infatti la violazione di un diritto non comporta la sua distruzione, ma fa emergere l'esigenza che venga ripristinato." See also John Paul II, nuntii scripto dati *Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinkii factum subscripserunt missus: de libertate conscientiae et religionis*, September 1, 1980: AAS 72 (1980), 1254: "Cette liberté concrète se fonde sur la nature même de l'homme dont le propre est d'être libre, et elle demeure - selon les termes de la Déclaration du Concile Vatican II - "même chez ceux qui ne satisfont pas à l'obligation de chercher la vérité et d'y adhérer; son exercice ne peut être entravé." In this letter John Paul II was quoting *Dignitatis Humanae* see DH 2: AAS 58 (1966), 931: "Quamobrem ius ad hanc immunitatem perseverat etiam in iis qui obligationi quaerendi veritatem eique adhaerendi non satisfaciunt." John Paul II asserted that not even a murderer loses his personal dignity. See John Paul II, *Evangelium vitae*, AAS 87 (1995), 411: "Sua tamen ne homicida quidem dignitate destituitur cuius rei Deus ipse dat sese vadimonium."

religious pluralism (hypothesis).⁵⁵ This pre-conciliar position along with the *societas perfecta* ecclesiology, in which the Church was considered to be a “‘perfect society’ in the sense that it is subordinate to no other and lacks nothing required for its own institutional completeness,”⁵⁶ effectively argued the Church held the truth and people should follow the truth, thereby denying genuine value to an individuals’ right to religious freedom.

Dignitatis humanae and John Paul II, by contrast, taught the foundation of the right to religious freedom is the dignity of the human person, not the truth of his beliefs. Thus, all people have the right to religious freedom. Even individuals who refuse to take seriously their “moral obligation to seek the truth, especially religious truth” and “to order their whole lives in accord with the demands of truth” still maintain their right to religious freedom.⁵⁷

⁵⁵Alaphridus Ottaviani, *Institutiones Iuris Publici Ecclesiastici* (Vatican City: Typis Polyglottis Vaticanis, Pontificium Institutum Utriusque Iuris, 1947); Pius IX, *Quanta cura*, *AAS* 3 (1867), 160-167; and Antonelli, *AAS* 3 (1867), 167-176. During the conciliar sessions in November 1963 Bishop Emile Joseph de Smedt of Belgium explained why ecumenists suspected Catholics of “a kind of machiavellism.” He remarked, “[m]any non-Catholics harbor an aversion against the Church or at least suspect her of a kind of Machiavellism because we seem to them to demand the free exercise of religion when Catholics are in a minority in any nation and at the same time deny the same religious liberty when Catholics are in the majority.” See Emile Joseph de Smedt, “Religious Liberty,” in *Council Speeches of Vatican II*, ed. Hans Küng, Yves Congar, and David O’Hanlon (Glen Rock, NJ: Paulist Press, 1964) 237-238.

⁵⁶Dulles, 34.

⁵⁷*DH 2: AAS* 58 (1966), 931: “morali tenentur obligatione ad veritatem quaerendam, illam imprimis quae religionem spectat. Tenentur quoque veritati cognitae adhaerere atque totam vitam suam iuxta exigentias veritatis ordinare.” Trans., Abbott, 679.

Nonetheless, the indefeasibility of the right to religious freedom does not mean that subjective conscience is “an absolute placed above truth and error.”⁵⁸ For *Dignitatis humanae* and John Paul II, religious freedom comes with a moral obligation to seek the truth and adhere to it once it is known.⁵⁹ *Dignitatis humanae* does not base the right to religious freedom in the “freedom of conscience.”⁶⁰ Rather it grounds religious freedom in the objective truth. In other words, the declaration does not assert that individuals have the right to do what their conscience tells them simply because their conscience tells them to do something.⁶¹ It is objective truth, not the subjective conscience which determines what is right or wrong, true or false.⁶² Neither *Dignitatis humanae* nor John Paul II asserts that man has the right to believe what is false or to do what is wrong. Error itself does not have rights; only people have rights. Coercion in matters of religious faith violates the dignity of the human person.

⁵⁸John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 472.

⁵⁹*DH* 2. Throughout his pontificate John Paul II underscored the unbreakable bond between truth and freedom. See John Paul II, *Veritatis splendor*, AAS 85 (1993), 1161, 1184 and 1203; John Paul II, encyclical *Fides et ratio*, September 14, 1998: AAS 91(1999), 25-26; John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 472 and 474; John Paul II, *Evangelium vitae*, AAS 87 (1995), 510; John Paul II, homily “Homily at Ecumenical Prayer Service,” *Origins* 17 (September 24, 1987), 249; John Paul II, *Centesimus annus*, AAS 83 (1991), 829 and John Paul II, apostolic exhortation *Ecclesia in America*, January 22, 1999: AAS 91 (1999), 755.

⁶⁰Editor’s footnote 5 of Abbott, 679.

⁶¹*Ibid.*

⁶²*Ibid.*

While the right to religious freedom is always indefeasible, never to be denied, the exercise of the right may be subject to restriction in certain instances. John Paul II repeatedly echoed the teaching of *Dignitatis humanae* that, while no human power can either command or prohibit the internal exercise of religion (i.e. freedom of conscience, thought, or conviction), governments can restrict the social exercise of religious freedom in order to preserve the just requirements of public order.⁶³ Governments have a special duty to protect society from abuses committed under the pretext of religious freedom.⁶⁴ *Dignitatis humanae* held that, when governments restrict the exercise of religious freedom in order to preserve the just requirements of public order, they are not to act in an arbitrary fashion or in an unfair spirit of partisanship, but are to proceed in accord with juridic norms which are in conformity with the object moral order.⁶⁵

The public order of society is part of the universal moral order whose requirements are rooted in moral law.⁶⁶ According to *Dignitatis humanae*, public order exhibits a threefold content: 1) *Judicial*: the need to safeguard the rights of all citizens

⁶³*DH 2*; quoted in John Paul II, *Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinkii factum subscripserunt missus: de libertate conscientiae et religionis*, AAS 72 (1980), 1254.

⁶⁴*Ibid.*, *DH 7*: AAS 58 (1966), 934-935: “Praeterea cum societas civilis ius habet sese protegendi contra abusus qui haberi possint sub praetextu libertatis religiosae, praecipue ad potestatem civilem pertinet huiusmodi protectionem praestare.” Trans., Abbot, 686.

⁶⁵*Ibid.*, *DH 7*: AAS 58 (1966), 935: “quod tamen fieri debet non modo arbitrario aut uni parti inique favendo, sed secundum normas iuridicas, ordini morali obiectivo conformes.” Trans., Abbott, 686.

⁶⁶Editor’s footnote 20 of Abbott, 686.

and the peaceful settlement of conflict of rights;⁶⁷ 2) *Political*: the need for an adequate care of genuine public peace, which comes about when men live together in good order and in true justice;⁶⁸ and 3) *Moral*: the need for a proper guardianship of public morality.⁶⁹ The free exercise of religion, therefore, may not be restricted unless it clearly violates the rights of others, the public peace, or public morality.⁷⁰ Otherwise, the freedom of religion must be respected “as far as possible and curtailed only when and in so far as necessary.”⁷¹

John Paul II defended religious freedom as a universal and indefeasible right which all people possess in virtue of their humanity and which cannot be revoked or made void. But it is also a right which states can restrict legitimately to preserve the just requirements of public order and which must be ordered to the truth. This is how John Paul II understood the right to religious freedom for which he sought recognition and respect.

⁶⁷Ibid., *DH 7: AAS 58* (1966), 935: “quae postulantur ab efficaci iurium tutela pro omnibus civibus eorumque pacifica compositione.” Trans., Abbott, 686-687.

⁶⁸Ibid., *DH 7: AAS 58* (1966), 935: “et a sufficienti cura istius honestae pacis publicae quae est ordinata conviventia in vera iustitia.” Trans., Abbott, 687.

⁶⁹Ibid., *DH 7: AAS 58* (1966), 935: “et a debita custodia publicae moralitatis.” Trans., Abbott, 687.

⁷⁰Ibid., *DH 7*; and Editor’s footnote 20 of Abbott, 686.

⁷¹Ibid., *DH 7: AAS 58* (1966), 935: “nec restringenda est nisi quando et prout est necessarium.” Trans., Abbott, 687.

C. Religious Freedom is an Individual Right with Private and Social Dimensions

The religious freedom of individuals has two connected and complementary dimensions: 1) a private dimension in virtue of which the individual has the right to freedom of conscience, thought, and conviction, and 2) a social dimension in virtue of which the individual has the right to organize and become part of a community of believers. John Paul II emphasized respect for both dimensions of this right.⁷² The exercise of religion has, by its very nature, a private dimension, consisting primarily of internal, voluntary, and free acts whereby individuals direct their lives toward God as they understand Him.⁷³ But human beings are by their very nature social beings, so the exercise of religion also has a social dimension.⁷⁴

⁷²John Paul II, *Redemptoris missio*, AAS 83 (1991), 287; and John Paul II, allocution *Ad Corpus Legatorum apud Apostolicam Sedem*, January 10, 2005: AAS 97 (2005), 156: “Elle est cependant avant tout un droit de l’individu. Comme le dit fort justement la Déclaration universelle des Droits de l’Homme dans son article 1, ‘tous les êtres humains naissent libres et égaux en dignité et en droits.’ Et l’article 3 déclare: ‘tout individu a droit à la vie, à la liberté et à la sûreté de sa personne.’ Certes, la liberté des États est aussi sacrée car ils doivent être libres, et c’est avant tout afin de pouvoir s’acquitter de manière appropriée de leur devoir primordial de protéger, outre la vie, la liberté de leurs citoyens, dans toutes ses justes manifestations.”

⁷³DH 3: AAS 58 (1966), 932: “internis voluntariis et liberis, quibus homo sese ad Deum directe ordinat.” Trans., Abbott, 681; quoted in John Paul II, *Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinkii factum subscripserunt missus: de libertate conscientiae et religionis*, AAS 72 (1980), 1253.

⁷⁴GS 12: AAS 58 (1966) 1034: “Homo etenim ex intima sua natura ens sociale est, atque sine relationibus cum aliis nec vivere nec suas dotes expandere potest.” See also John Paul II, *Ad Exc.mos Viros qui apud Sanctam Sedem Legatorum munere funguntur, Summo Pontifici, novo anno inito, fausta et felicia ominantes habita*, AAS 74 (1982) 413-414; and John Paul II, “Serving the Cause of Human Rights,” 542.

Catholic tradition teaches that the human person is social by nature.⁷⁵ According to this tradition, God did not create us as isolated individual beings but as beings with a communitarian nature.⁷⁶ Human beings cannot live or develop their potential unless they relate themselves to others.⁷⁷ By stressing solidarity John Paul II developed the understanding of the social nature of the human person. The pope explained that solidarity is based on the interdependence of all human beings with the consequence that we are all responsible for the other.⁷⁸ While solidarity is based on strong human and natural bonds, the common fatherhood of God and the brotherhood of all in Christ makes human beings especially aware of the unity of the human race.⁷⁹ Because human beings

⁷⁵See for example Paul VI, encyclical *Populorum progressio*, March 26, 1967: *AAS* 59 (1967) 265 and 275: “Sed quilibet homo membrum societatis est, atque adeo ad universam hominum consortionem pertinet. . . . Verumtamen homo non est plane suus, nisi in societate, ad quam pertinet.” and *GS* 12: *AAS* 58 (1966) 1034: “Homo etenim ex intima sua natura ens sociale est.”

⁷⁶Karol Wojtyla, *The Problem of the Theory of Morality in Person and Community: Selected Essays* (New York, NY: P. Lang, 1993) 146: “The human being is not a person on the one hand, and a member of society on the other. The human being as a person is simultaneously a member of society.” For a discussion on the relational character of the person see William Norris Clarke, S.J., *Person and Being The Aquinas Lecture, 1993* (Milwaukee, MN: Marquette University Press, 1993).

⁷⁷*GS* 12: *AAS* 58 (1966) 1034: “atque sine relationibus cum aliis nec vivere nec suas dotes expandere potest.”

⁷⁸John Paul II, encyclical *Sollicitudo rei socialis*, December 30, 1987: *AAS* 80 (1988), 565-566.

⁷⁹*Ibid.*, 569 and John Paul II, “Visit in Kazakhstan: Arrival in Astana,” *L’Osservatore Romano* English edition (Vatican City), September 26, 2001): “When in a society citizens accept one another in their respective religious beliefs, it is easier to foster among them the effective recognition of other human rights and an understanding of the values on which a peaceful and productive coexistence is based. In fact, they feel a common bond in the awareness that they are brothers and sisters, because they are

are social by nature, people do not express their religious freedom only by internal and exclusively individual acts. John Paul II explained that

since human beings think, act, and communicate in relationship with others, ‘professing’ and ‘practicing’ a religious faith is expressed through a series of visible acts, whether individual or collective, private or public, producing communion with persons of the same faith.⁸⁰

Because people naturally are social and mutually interdependent, the individual’s search for truth is necessarily a social enterprise which must proceed in a public and communitarian manner.⁸¹ It is their social nature that leads people to give external expression to their internal acts of religion.⁸² Although the exercise of religion consists primarily of “interior acts of the spirit,” it “involves the entire experience of human life,

children of the one God, who created the universe.”

⁸⁰John Paul II, *Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinkii factum subscripserunt missus: de libertate conscientiae et religionis*, AAS 72 (1980), 1254: “puisque l’être humain pense, agit et communique en relation avec les autres; la ‘profession’ et la ‘pratique’ de la foi religieuse s’expriment par une série d’actes visibles, qu’ils soient personnels ou collectifs, privés ou publics, qui donnent naissance à une communion avec des personnes de même foi.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

⁸¹GS 25: AAS 58 (1966), 1045-1046; Richard J. Regan, *Conflict and Consensus: Religious Freedom and the Second Vatican Council* (New York, NY: The MacMillan Company, 1967), 88: “the search for truth is necessarily a social enterprise involving communication and exchange.”; and John Courtney Murray, *Religious Liberty: Catholic Struggles with Pluralism*, ed. J. Leon Hooper, S.J. (Louisville, KY: Westminster/John Knox Press, 1993) 237.

⁸²DH 3: AAS 58 (1966), 932: “Ipsa autem socialis hominis natura exigit, ut homo internos religionis actus externe exprimat.”

and thus all its manifestations.”⁸³ Thus, religious freedom would be truncated unless individuals can freely exercise their religion not only in private but also in public by participation with others to profess their religion in community.⁸⁴

Because of the social nature of human beings and their religious expression, religious freedom is not fully respected unless freedom is accorded not only to individuals but to their religious institutions. In order to respect the social dimension of an individual’s right to religious freedom John Paul II called frequently for the rights of religious groups and institutions, including the Catholic Church, to enjoy religious freedom.⁸⁵ However, he made clear that his defense of religious freedom for religious groups and institutions was not intended to lay claim to an institutional prerogative or a privileged juridical status in society for the Catholic Church.⁸⁶ Rather, the pope

⁸³John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 495.

⁸⁴Ibid., *AAS* 58 (1966), 932: “cum aliis in re religiosa communicet, suam religionem modo communitario profiteatur.” Trans., Abbott, 681; quoted in John Paul II, *Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinki factum subscripserunt missus: de libertate conscientiae et religionis*, *AAS* 72 (1980), 1253.

⁸⁵John Paul II spoke of respect for religious freedom in a threefold dimension: individual, collective, and institutional. See John Paul II, “Messaggio ai partecipanti al convegno europeo di studio sul tema ‘verso una costituzione europea,’” June 20, 2002, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 2002), 25: 1032. See also John Paul II, *Ad Exc.mos Viros, qui apud Sanctam Legatorum munere funguntur, Summo Pontifici, novo anno inito, fausta et felicia ominantes; de iuribus hominum officiisque iisdem respondentibus*, *AAS* 72 (1980), 82; and *DH* 4.

⁸⁶John Paul II, “Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della ‘*Dignitatis humanae*,’” 1328 and 1330; and John Paul II, allocution *Ad Legatos nationum apud Sedem Apostolicam*, October 20, 1978, *AAS* 70 (1978), 938.

explained, when it is defending the religious freedom of religious institutions, the Church is only defending the truth about the human person and is asking governments to safeguard the social dimension of the right religious freedom enjoyed by all persons regardless of their religious affiliation or lack thereof.⁸⁷ The pope asked that the religious freedom of religious groups and institutions, such as the Church, be respected so that individuals would be truly free to exercise their religion in community.

John Paul II and papal diplomats steadfastly promoted the religious freedom of the individual as both a private and social right.⁸⁸ The pope insisted that when religious freedom is respected fully, benefits accrue to individuals and society. When governments respect both the private and the social dimensions of an individual's exercise of religious freedom, they bring not only serenity to individuals but peace to social communities as well.⁸⁹ Moreover, this respect helps strengthen a nation's moral cohesion, improves the

⁸⁷John Paul II, *Redemptor hominis*, AAS 71 (1979), 300: "Sed pro officio Nostro, nomine omnium hominum toto orbe terrarum in Deum credentium, ab iis, quorum est quoquo modo vitam socialem et publicam ordinare, efflagitamus vehementer, ut iura religionis et actionis Ecclesiae observent. Non privilegium aliquod peritur, sed solum primarii iuris respectus."; John Paul II, *Ut unum sint*, AAS 87 (1995), 922-923; and John Paul II, "Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della '*Dignitatis humanae*,'" 1328.

⁸⁸John Paul II, "Serving the Cause of Human Rights," 542-543; John Paul II, allocution *Ad oratores nationum*, January 13, 2001: AAS 93 (2001), 318-319; and John Paul II, *Ad Exc.mos Viros qui apud Sanctam Sedem Legatorum munere funguntur, Summo Pontifici, novo anno inito, fausta et felicia ominantes habita*, AAS 74 (1982), 413-414 and 423- 424.

⁸⁹John Paul II, *Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinki factum subscripserunt missus: de libertate conscientiae et religionis*, AAS 72 (1980), 1259.

common welfare, and enriches cooperation among nations.⁹⁰ Consequently, the pontiff argued, governments should not fear the organization of believers.⁹¹ When citizens are sure that the government respects their rights, those citizens are better prepared to work for the common welfare.⁹² Thus, as part of the Holy See's foreign policy agenda John Paul II pushed for the recognition of both dimensions of the individual's right to religious freedom as a necessary condition for securing peaceful relations and for achievement of the common good. The Holy See's diplomats, in turn, focused on safeguarding the right to religious freedom of individuals rather than simply securing institutional privileges for the sake of the Church itself.

D. Religious Freedom is the Source and Synthesis of All Other Rights

Although neither prior secular declarations of rights nor *Dignitatis humanae* gave religious freedom precedence over other human rights,⁹³ John Paul II highlighted

⁹⁰Ibid.

⁹¹John Paul II, "Serving the Cause of Human Rights," 543: "On the present occasion, I appeal once more to the consciences of the leaders of nations: there is no peace without freedom! There is no peace unless one finds in God the harmony of man with himself and with his fellow man! Do not fear believers in any way!"

⁹²John Paul II, *Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinkii factum subscripserunt missus: de libertate conscientiae et religionis*, AAS 72 (1980), 1259: "La liberté religieuse bien comprise servira par ailleurs à assurer l'ordre et le bien commun de chaque pays, de chaque société, puisque les hommes, lorsqu'ils se sentent protégés dans leurs droits fondamentaux, sont mieux disposés à se consacrer au travail pour le bien commun."

⁹³Both Pope Paul VI and John Courtney Murray, S.J. indicated a primary role for religious freedom before Pope John Paul II did. See Paul VI, apostolic exhortation *Evangelii nuntiandi*, December 8, 1975: AAS 68 (1976), 30: "Ab hac autem legitima liberatione cum evangelizatione copulata, quae eo contendit ut structurae efficiantur, quae libertates humanas defendant, separari nullo modo potest tutela primariorum hominis

religious freedom's special status among human rights. He referred to religious freedom as the first among human rights and the most fundamental⁹⁴ as well as the "cornerstone of the structure of human rights"⁹⁵ and "the *raison d'être* of other freedoms."⁹⁶ The pope

iurium, in quibus religiosa libertas primum locum obtinet."; and John Courtney Murray. "The Declaration on Religious Freedom," in *Bridging the Sacred and the Secular: Selected Writings of John Courtney Murray, S.J.*, ed. J. Leon Hooper (Washington, DC: Georgetown University Press, 1994) 199: "Religious freedom itself is the first of all freedoms in a well-organized society, without which no other human and civil freedoms can be safe." First Published in *War, Poverty, Freedom: The Christian Response* (New York, NY: Paulist Press, 1966) 3-16. See also Pietro Pavan, *La dichiarazione conciliare Dignitatis humanae 20 anni dalla pubblicazione* (Casale Monferrato: Piemme, 1986) 48-51.

⁹⁴John Paul II, *Ad Conradum Waldheim, Consilii Nationum Unitarum (O.N.U.) virum a Secretis, XXX anno expleto a Declaratione Iurium Hominis*, AAS 71 (1979), 123: "[religious freedom] undoubtedly occupies a central position."; John Paul II, allocution *Ad quosdam iuris peritos ex omnibus nationibus coram admissos*, May 9, 1992: AAS 85 (1993), 499: "a primary place must always be accorded to freedom of religion."; John Paul II, "1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace," 274: "the right to religious freedom is not merely one human right among many others; 'rather, (it) is the most fundamental.'"; and John Paul II, "Ad un gruppo di studiosi partecipanti al V colloquio giuridico," 656. For other instances where John Paul II spoke of religious freedom as having a primary status see John Paul II, allocution *Ad nationum Legatos apud Sedem Apostolicam, ineunte anno 1979*, January 12, 1979: AAS 71 (1979), 357; John Paul II, "Ai partecipanti al colloquio 'I credenti in URSS oggi,'" March 26, 1999, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1998), 11: 1557; and John Paul II, "Speech to the Members of the 'Paasikivi Society' in Helsinki," June 5, 1999, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1999), 12: 1557.

⁹⁵John Paul II, "1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace," 474; and John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 493. Similarly, John Paul II asserted that religious freedom "constitutes the very heart of human rights." See John Paul II, "World Day of Peace Message: Respect for Human Rights: The Secret of Peace," 490. This quotation is also repeated in John Paul II, *Ad Corpus Legatorum apud Apostolicam Sedem*, AAS 97 (2005), 156.

⁹⁶John Paul II, "World Day of Peace Message: To Serve Peace, Respect Freedom," 468; John Paul II, "World Day of Peace Message: Religious Freedom:

gave religious freedom this precedence, because he considered it to be the “source and synthesis” of human rights.⁹⁷

The pope argued that religious freedom is the source of human rights because religious liberty represents the fundamental reason why human beings have freedom, and this basic individual freedom gives rise to what we call “human rights.”⁹⁸ Human beings

Condition of Peace,” 495; and John Paul II, *Ad Exc.mos Legatos et Oratores apud Sedem Apostolicam permanenter missos*, AAS 80 (1988), 1142: “Le droit à la liberté . . . la raison d’être des autres libertés fondamentales de l’homme.”

⁹⁷John Paul II, *Centesimus annus*, AAS 83 (1991), 851: “Fons exinde et talium iurium comprehensio est quodammodo religiosa libertas.” John Paul II also asserted that religious freedom is the “basis of all other freedoms and is inseparably tied to them all.” See John Paul II, *Ad Conradum Waldheim, Consilii Nationum Unitarum (O.N.U.) virum a Secretis, XXX anno expleto a Declaratione Iurium Hominis*, AAS 71 (1979), 123 and John Paul II, *Veritatis splendor*, AAS 85 (1993), 1159: “Peculiariter autem libertatis religiosae ius aequae ac conscientiae observantia, quae procedit ad veritatem, magis magisque tanquam fundamentum ponitur personae iurium, simul iunctimque reputatorum.” See also John Paul II, “World Day of Peace Message: To Serve Peace, Respect Freedom,” 468; and John Paul II, apostolic exhortation *Ecclesia in Oceania*, November 22, 2001: AAS 94 (2002), 394.

⁹⁸John Paul II explained that religious freedom is a “translation, in institutional form, of that order within which God has ordained that his creatures should be able to know and accept his eternal offer of a covenant, and be able to correspond to it as free and responsible persons.” See John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 494. See also John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 472: “It is in this relation to objective truth that freedom of conscience finds its justification, inasmuch as it is a necessary condition for seeking the truth worthy of man, and for adhering to that truth once it is sufficiently known.”; John Paul II, *Veritatis splendor*, AAS 85 (1993), 1160-1161: “Vera libertas est signum in homine clarissimum divinae imaginis”. Voluit enim Deus hominem ‘relinquere in manu consilii sui,’ ita ut Creatorem suum sponte quaerat et libere ad plenam et beatam perfectionem ei inhaerendo perveniat.”; John Paul II, “World Day of Peace Message: Respect for Human Rights: The Secret of Peace,” 490; John Paul II, *Ut unum sint*, AAS 87 (1995), 923 and 940-941; and David S. Crawford, “The Inner Architecture of Freedom: John Paul II and John Courtney Murray on Religious Freedom,” in *Catholicism and Religious Freedom: Contemporary Reflections on Vatican II’s Declaration on Religious Liberty*, ed. Kenneth L. Grasso and Robert P. Hunt (Lanham,

have freedom, because they have the responsibility and obligation to seek the truth.⁹⁹ As creatures gifted by the Creator with intelligence and free will, human beings have an innate desire to know the truth and at the same time they have a moral obligation to seek that truth on their own accord as free and responsible persons.¹⁰⁰ Thus, to respect religious freedom is to respect both the innate human desire and duty to seek the truth without coercion.¹⁰¹

MD: Rowman & Littlefield Publishers, Inc., 2006) 205.

⁹⁹Crawford, 205-206.

¹⁰⁰*Dignitatis humanae* teaches that all men should be at once impelled by their nature and bound by moral obligation to seek the truth. See *DH 2: AAS* 58 (1966), 931: “sua ipsorum natura impelluntur necnon morali tenentur obligatione ad veritatem quaerendam, illam imprimis quae religionem spectat.” See also John Paul II, “Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della ‘*Dignitatis humanae*,’” 1328: “In the depths of our being, we yearn for God and strive to find Him. In the changing circumstances of life, every human person hears the whispered invitation: ‘Seek my face.’ And we, often without knowing the full implication of our answer, respond from the depths of our heart: ‘Your face, O Lord, do I seek. Hide not your face.’”

¹⁰¹To respect religious freedom is to respect the primordial relationship of the human being with God who is the truth. See John Paul II, “Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della ‘*Dignitatis humanae*,’” 1328: “It is the integrity and the legitimacy of that dialogue between the human heart and mind and the creator that we defend when we defend the inalienable right to religious freedom.”; John Paul II, “World Day of Peace Message: To Serve Peace, Respect Freedom,” 468; John Paul II, *Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinki factum subscripserunt missus: de libertate conscientiae et religionis*, *AAS* 72 (1980), 1258; John Paul II, *Ad Corpus Legatorum apud Apostolicam Sedem*, *AAS* 97 (2005), 156: “Au plus intime de la liberté humaine se trouve le droit à la liberté religieuse, parce qu’elle touche à la relation la plus essentielle de l’homme: la relation avec Dieu.”; John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 474; John Paul II, *VII exeunte saeculo a Studio Urbis condito*, *AAS* 95 (2003), 770-771; and John Paul II, allocution *Ad oratores nationum habita*, January 13, 1997: *AAS* 89 (1997), 769: “qui est pour l’être humain sa raison de vivre.” John Paul II also explained that it is in the human being’s relationship with God

This human freedom that stems from God's desire for His creatures to seek Him freely is the source of all other human rights. To support this fundamental purpose of the human person man needs certain supporting freedoms. If one is to proclaim God's Word, he needs to be free to speak his conscience. If one is to search for Truth, he must be able to exercise freely his rationality. As such, certain auxiliary rights are inherent to man. He has the human right to free expression, for example, and not simply free expression in support of God's Word. Though God created these rights to support man's quest to find Him, these freedoms spill over into other arenas as well. Man is not denied these rights simply because he puts these innate capacities to use in ways that do not seek God or in ways that are "in error." Thus, these freedoms stem from religious freedom but remain rights distinct from it. As a result, the right to religious freedom is the source of human rights.

John Paul II also argued that religious freedom is distinct in that it is the synthesis of human rights; it is not merely one among many human rights but the one with which all others are connected.¹⁰² The pontiff maintained that the violation of religious freedom

that persons are able to express themselves most deeply. See John Paul II, *Ad nationum Legatos apud Sedem Apostolicam, ineunte anno 1979*, AAS 71 (1979), 357; John Paul II, "World Day of Peace Message: Respect for Human Rights: The Secret of Peace," 490; John Paul II, "World Day of Peace Message: To Serve Peace, Respect Freedom," 468; and John Paul II, *Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinki factum subscripserunt missus: de libertate conscientiae et religionis*, AAS 72 (1980), 1258.

¹⁰²John Paul II, *VII exeunte saeculo a Studio Urbis condito*, AAS 95 (2003), 770: "Ritengo infatti che il diritto alla libertà religiosa non sia semplicemente uno fra gli altri diritti umani, ma sia quello al quale tutti gli altri si connettono."; and John Paul II, "Serving the Cause of Human Rights," 543.

inevitably leads to the violation of other rights. For example, when a state denies individuals religious freedom, the state must also restrict freedom of speech, since believers would be unable to communicate their beliefs with one another or evangelize others on their most intimate and core beliefs; denying religious freedom would require states to restrict the freedom of assembly, since believers could not gather in community to worship and share their beliefs; and there would be not be a complete freedom of the press, since believers would not be able to print their beliefs to share with others. As the synthesis of human rights, the pope used respect for the right to religious freedom as the litmus test for a society's respect for all other human rights.¹⁰³ The violation of religious freedom will not only lead to the violation of other human rights, he contended, but it will pose a threat to peace.¹⁰⁴

¹⁰³John Paul II, "Serving the Cause of Human Rights," 544; John Paul II, allocution *Ad Exc.mos Viros nationum Legatos apud Sedem Apostolicam, initio anni 1981 omina et vota Summo Pontifici promentes*, January 12, 1981: AAS 73 (1981), 193; and John Paul II, *Redemptor hominis*, AAS 71 (1979), 300: "Huius iuris exercitatio maxime probat hominem vere in omni regimine, in omni societate, in omni institutionis forma, in omni systemate vel ambitu profecisse." See also John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 494: "religious freedom inasmuch as it touches the intimate sphere of the spirit is a point of reference of other fundamental rights and in some way becomes a measure of them." and John Paul II, *Ad Exc.mos Viros nationum Legatos apud Sedem Apostolicam, initio anni 1981 omina et vota Summo Pontifici promentes*, AAS 73 (1981), 193: "En violant la liberté religieuse, en l'opprimant, en la limitant, en l'étouffant, on fait à l'homme le plus grand des affronts, car la dimension spirituelle et religieuse est celle à partir de laquelle se mesure toute autre grandeur humaine. Effectivement, un lien fondamental unit la religion en général, et particulièrement le christianisme, aux formes les plus hautes de la culture."

¹⁰⁴John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 493-494: "the freedom of individuals and of communities to profess and practice their religion is an essential element for peaceful human coexistence. Peace, which is built up and consolidated at all levels of human association, puts down its roots in the freedom and openness of consciences to truth. Moreover, every violation of religious

John Paul II not only cast this argument for religious freedom as the synthesis of human rights in the negative by simply arguing that denial of religious freedom will lead to the violation of other rights and threaten peace. He also emphasized how the protection of religious freedom helps to develop citizens who contribute to the building of society. Respect for religious freedom benefits governments and the common good.¹⁰⁵ Respect for religious freedom is, the pope believed, “the most effective means for guaranteeing security and stability within the family of peoples and nations,”¹⁰⁶ because religious freedom “contributes decisively to producing citizens who are genuinely

freedom, whether open or hidden, does fundamental damage to the cause of peace, like violations of the other fundamental rights of the human person. . . . Everybody is aware that the religious dimension, rooted in the human conscience, has a specific impact on the subject of peace, and that every attempt to impede or to coerce its free expression inevitably has grave negative effects upon the possibility of a peaceful society.”

¹⁰⁵*DH 6: AAS 58 (1966), 934: “quae proveniunt ex fidelitate hominum erga Deum Eiusque sanctam voluntatem.”; quoted in John Paul II, Ad Conradum Waldheim, Consilii Nationum Unitarum (O.N.U.) virum a Secretis, XXX anno expleto a Declaratione Iurium Hominis, AAS 71 (1979), 124.*

¹⁰⁶John Paul II, allocution *Ad quosdam sodales Organismi ad securitatem et concordem actionem in Europa fovendas*, October 10, 2003: *AAS 96 (2004), 112*. See also John Paul II, “Believers United in Building Peace,” *Origins* 21 (December 19, 1991), 450; See John Paul II, allocution *Ad Nationum Legatos, novo anno ineunte*, January 10, 1987: *AAS 79 (1987), 1181*: “Sans le respect absolu de l’homme fondé sur une vision spirituelle de l’être humain, il n’y a pas de paix.”; and John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 493 and 495: “It follows that the freedom of individuals and of communities to profess and practice their religion is an essential element for peaceful human coexistence. Peace, which is built up and consolidated at all levels of human association, puts down its roots in the freedom and openness of consciences to truth. . . . Everybody is aware that the religious dimension, rooted in the human conscience, has a specific impact on the subject of peace, and that every attempt to impede or to coerce its free expression inevitably has grave negative effects upon the possibility of a peaceful society.”

free.”¹⁰⁷ Religious freedom leads people to a new understanding of their human condition. In the free search for truth, individuals can gain a full understanding of their own dignity and the dignity of others. Once individuals gain an understanding of the dignity of their human condition, religious faith makes them more responsible and generous in their commitment to the common good.¹⁰⁸ The free search for truth aids individuals to accept their duties and responsibilities and strengthens their moral

¹⁰⁷John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 495.

¹⁰⁸John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 495: “Religious faith brings people together and unites them, makes them see others as their brothers and sisters; it makes them more attentive, more responsible, more generous in their commitment to the common good. It is not just a matter of feeling better disposed to collaborating with others by reason of the fact that one's own rights are ensured and protected; it is rather a matter of drawing from the deepest resources of a right conscience higher incentives for the task of building a more just and more human society.” See also John Paul II, “Serving the Cause of Human Rights,” 543-544; John Paul II, *Redemptoris missio*, AAS 83 (1991), 286; John Paul II, *Centesimus annus*, AAS 83 (1991), 828 and 845; and John Paul II, “Ai partecipanti alla 69th conferenza dell’unione interparlamentare,” September 18, 1982, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1982), 5: 486. John Paul II considered religious freedom to be the “source and foundation of peaceful co-existence,” because “every violation of religious freedom, whether open or hidden, does fundamental damage to the cause of peace.” See John Paul II, “Believers United in Building Peace,” 450; John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 493-495.; John Paul II, apostolic exhortation *Pastores gregis*, October 16, 2003: AAS 96 (2004), 916: “Novae viae ad pacem insuper pandi possent per religiosae libertatis confirmationem.”; John Paul II, “World Day of Peace Message: To Serve Peace, Respect Freedom,” 467: “Without a deep and universal respect for freedom, peace will elude man.”; and John Paul II, “1984 World Day of Peace Message: Forming the Spirit of Peace,” *Origins* 16 (January 5, 1984), 500: “Moreover, the spirit of war rises and grows strong where the inalienable rights of man are violated.” See also John Paul II, encyclical *Dominum et vivificantem*, May 18, 1986: AAS 78 (1986), 884-886.

integrity.¹⁰⁹ When individuals can freely exercise their right to religious freedom, they accept “grave responsibilities” not only for themselves but for the communities to which they belong.¹¹⁰ Believers become better citizens, because their deeply held convictions keep them from succumbing readily to dominating ideologies or trends and encourage them to act in accordance with their aspirations to all that is true and right, an essential condition for securing human rights and peace.¹¹¹ The primary status attributed to the right to religious freedom as the source and synthesis of all human rights pushed the promotion and protection of the right to religious freedom to the forefront of the Holy See’s diplomatic mission.

¹⁰⁹John Paul II, *Dominum et vivificantem*, AAS 78 (1986), 884-886. See also *DH* 8: AAS 58 (1966), 935: “homines nempe, qui proprio consilio res in luce veritatis diiudicent, activitates suas cum sensu responsabilitatis disponant, et quaecumque sunt vera atque iusta prosecui nitantur, operam suam libenter cum ceteris consociando. Religiosa igitur libertas etiam ad hoc inservire et ordinari debet, ut homines in suis ipsorum officiis adimplendis in vita sociali maiore cum responsabilitate agant.”

¹¹⁰John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 495; John Paul II, “World Day of Peace Message: Respect for Human Rights: The Secret of Peace,” 489: “Every person, created in the image and likeness of God and therefore radically oriented towards the Creator, is constantly in relationship with those possessed of the same dignity. To promote the good of the individual is thus to serve the common good, which is that point where rights and duties converge and reinforce one another.”

¹¹¹*Ibid.* See also *DH* 7. As a corollary John Paul II maintained that if a state does not respect religious freedom there will be inevitable harmful consequences: “Religious faith is so important for individuals and peoples that in many cases a person is ready to make any sacrifice in order to preserve it. In the end, every attempt to ban or crush what a person holds most dear risks fueling open or latent rebellion.” See John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 474.

III. John Paul II's Empirical Metrics for Determining if Religious Freedom is Present in States

On the eve of the 1980 Madrid Conference on European Security and Cooperation, John Paul II sent a pastoral letter to the heads of state of the signatory countries of the Helsinki Final Act (1975) in which he reflected on freedom of conscience and religion with a special reference of its role in the implementation of the Final Act.¹¹² The letter provided John Paul II with an opportunity to translate his theological understanding of religious freedom into specific concrete standards. He divided these empirical metrics for assessing the state of religious freedom in a society into two complementary and closely related categories: standards assessing a society's respect for an individual's personal right to religious freedom and standards assessing a society's respect for the individual's social/community right to religious freedom.¹¹³ If individuals and religious communities enjoy these specific freedoms, then it can be said that the state respects its citizens religious freedom. These metrics will be used in the third chapter of this dissertation to assess how successful his diplomatic efforts to advance religious freedom in several Islamic majority states actually were.

¹¹²John Paul II, *Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinki factum subscripserunt missus: de libertate conscientiae et religionis*, AAS 72 (1980), 1252-1260.

¹¹³Ibid., AAS 72 (1980), 1256: "A la lumière des prémisses et des principes indiqués ci-dessus, le Siège Apostolique estime que c'est son droit et son devoir d'envisager une analyse des éléments spécifiques qui correspondent au concept de 'liberté religieuse' et qui en sont l'application, dans la mesure où ils découlent d'exigences des personnes et des communautés ou dans celle où ils sont requis par leurs activités concrètes."

A. Personal Empirical Metrics

John Paul II laid out five empirical metrics to evaluate the extent an individual enjoys private/personal religious freedom:

1. Freedom to Select One's Religion

Individuals must be free “to hold or not to hold a particular faith and to join the corresponding confessional community.”¹¹⁴ Religious freedom requires that individuals have the freedom to believe or not believe as they choose, including the freedom to convert to another faith. Forced conversions, however, are intolerable. In particular, individuals should not be forced to convert to another religion as a result of an interreligious marriage. In addition, individuals should not face violence or feel physically threatened because of their religious beliefs.

2. Freedom to Worship

Individuals should be free “to perform acts of prayer and worship, individually and collectively, in private or in public, and to have churches or places of worship according to the needs of believers.”¹¹⁵ If individuals are to have the freedom to worship privately and publically according to their own rites, they must be able to build and

¹¹⁴Ibid., *AAS* 72 (1980), 1256: “d’adhérer ou non à une foi déterminée et à la communauté confessionnelle correspondante.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document/s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹¹⁵Ibid., *AAS* 72 (1980), 1256: “d’accomplir, individuellement et collectivement, en privé et en public, des actes de prière et de culte, et d’avoir des églises ou des lieux de culte autant que le requièrent les besoins des croyants.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document/s/hf_jp-ii_mes_19800901_helsinki-act_en.htm (accessed March 25, 2010).

maintain structures suitable for worship and their other religious needs without undue burdens placed upon them by the state.

3. Freedom of Education

Parents should have the freedom “to educate their children in the religious convictions that inspire their own lives, and to have them attend catechetical and religious instruction as provided by their faith community.”¹¹⁶ For the freedom of education to be realized fully, states must allow “for families to choose the schools or other means which provide this sort of education for children, without having to sustain directly or indirectly extra charges which would in fact deny them this freedom.”¹¹⁷

4. Freedom of Religious Access

Individuals should be able “to receive religious assistance wherever they are, especially in public health institutions (clinics and hospitals), in military establishments, during compulsory public service, and in places of detention.”¹¹⁸

¹¹⁶Ibid., *AAS* 72 (1980), 1256: “des parents d’éduquer leurs enfants dans les convictions religieuses qui inspirent leur propre vie, ainsi que la possibilité de faire fréquenter l’enseignement catéchétique et religieux donné par la communauté.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document/s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹¹⁷Ibid., *AAS* 72 (1980), 1256: “des familles de choisir des écoles ou d’autres moyens qui assurent à leurs enfants cette éducation sans devoir subir, directement ou indirectement, des charges supplémentaires telles qu’elles empêchent en fait l’exercice de cette liberté.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document/s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹¹⁸Ibid., *AAS* 72 (1980), 1256: “pour les personnes de bénéficier de l’assistance religieuse partout où elles se trouvent, notamment dans les lieux publics de soins (cliniques, hôpitaux), dans les casernes militaires et dans les services obligatoires de l’État, comme dans les lieux de détention.” Trans.,

5. Freedom from Discrimination and Coercion

Individuals are “not to be subjected, on religious grounds, to forms of restriction and discrimination, vis-à-vis one’s fellow citizens, in all aspects of life (in all matters concerning one’s career, including study, employment or profession; one’s participation in civic and social responsibilities, etc.).”¹¹⁹ Individuals should not be denied government-issued identification cards, visas or passports, entrance into public schools and universities, employment, and the possibility of career advancement on the basis of their religion. Individuals should be free “at personal, civic, or social levels, from any form of coercion to perform acts contrary to their faith, or to receive an education, or to join groups or associations with principles opposed to their religious convictions.”¹²⁰ Individuals should not face harassment by government officials, nor should they feel socially compelled, nor bound by civic duty to perform acts contrary to their faith, or

http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document_s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹¹⁹Ibid., *AAS* 72 (1980), 1257: “de ne pas subir, pour des raisons de foi religieuse, des limitations et des discriminations, par rapport à d’autres citoyens, dans les diverses manifestations de la vie (pour tout ce qui concerne la carrière, qu’il s’agisse d’études, de travail, de profession; participation aux responsabilités civiques et sociales, etc.).”

Trans.,

http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document_s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹²⁰Ibid., *AAS* 72 (1980), 1257: “de ne pas être contraint, au plan personnel, civique ou social, d’accomplir des actes contraires à sa propre foi, ni de recevoir un type d’éducation, ou d’adhérer à des groupes ou associations, qui ont des principes en opposition avec ses propres convictions religieuses.” Trans.,

http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document_s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

receive an education, or join groups or associations with principles that are contrary to their faith.

B. Social Empirical Metrics

In addition to the five empirical metrics of personal religious freedom, John Paul II also laid out seven empirical metrics to evaluate the extent individuals enjoy social/community religious freedom. These seven metrics are derived from the right of individuals to act together in social bodies organized according to their own doctrinal principles and for their own institutional purposes. The pontiff emphasized that the Catholic Church and confessional communities in general must be allowed these seven specific liberties so individuals can conduct their lives and pursue their purposes.

1. Freedom to Organize

Religious communities should be free “to have their own internal hierarchy or equivalent ministers freely chosen by the communities according to their constitutional norms.”¹²¹ Religious communities should have the freedom to select their own ministers and other representatives as they so chose; the state should not intervene in this process.

2. Freedom to Appoint Leaders and Operate Transnationally

“[R]eligious authorities (notably, in the Catholic Church, . . . bishops and other ecclesiastical superiors)” should be able “to exercise their ministry freely, ordain priests or ministers, appoint to ecclesiastical offices, communicate and have contacts with those

¹²¹Ibid., *AAS* 72 (1980), 1257: “d’avoir sa propre hiérarchie interne ou ses ministres correspondants librement choisis par elles, d’après leurs normes constitutionnelles.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

belonging to their religious denomination.”¹²² Ministers may not be stripped of their religious authority by the state, nor may the state ordain or bless ministers. Religious authorities should be able to communicate freely and interact with their coreligionists abroad. The state should not stand in the way of the freedom to maintain mutual relations of communication between supreme authority of a religious group and its local pastors.¹²³ Religious communities should be free disseminate the documents and texts of the Magisterium (encyclicals, instructions, etc.),¹²⁴ a right especially important for “religious communities which, like the Catholic Church, have a supreme authority responsible at world level (in line with the directives of their faith) for the unity of communion that binds together all pastors and believers in the same confession (a responsibility exercised through Magisterium and jurisdiction).”¹²⁵

¹²²Ibid., *AAS* 72 (1980), 1257: “pour les responsables de communautés religieuses - notamment, dans l’Église catholique, pour les évêques et les autres supérieurs ecclésiastiques - d’exercer librement leur propre ministère, de conférer les ordinations sacrées aux prêtres ou ministres, de nommer aux charges ecclésiastiques, de communiquer et d’avoir des contacts avec ceux qui adhèrent à leur confession religieuse.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document/s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹²³Ibid., *AAS* 72 (1980), 1258: “d’avoir des rapports réciproques de communication entre cette Autorité et les Pasteurs et les communautés religieuses locales.”

¹²⁴Ibid., *AAS* 72 (1980), 1258: “la liberté de diffuser les actes et les textes du magistère (encycliques, instructions...).”

¹²⁵Ibid., *AAS* 72 (1980), 1258: “les communautés religieuses qui, comme l’Église catholique, ont une Autorité suprême, possédant au plan universel, comme le prescrit leur foi, la responsabilité d’assurer, par le magistère et la juridiction, l’unité de la communion qui lie tous les Pasteurs et les croyants dans la même confession.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document/s/hf_jp-ii_mes_19800901_helsinki-act_en.html

3. Freedom to Train Their Own Ministers

Religious communities should be free “to have their own institutions for religious training and theological studies, where candidates for priesthood and religious consecration can be freely admitted.”¹²⁶ The state should not regulate who can gain entrance into seminaries and other institutions for religious training. Religious groups must be able to build and maintain structures suitable for religious training without undue burdens placed upon them by the state.

4. Freedom of Speech and of the Press

Religious communities should be free “to receive and publish religious books related to faith and worship, and to have free use of them.”¹²⁷ The state should not unduly censor religious materials, restrict the language in which the religious materials may be printed, or prevent a community from selling and importing religious materials. The state should not restrict the freedom “to use the media of social communication (press, radio, television) for the same purpose.”¹²⁸ Religious groups should have the right to operate

[s/hf_jp-ii_mes_19800901_helsinki-act_en.html](http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document_s/hf_jp-ii_mes_19800901_helsinki-act_en.html) (accessed March 25, 2010).

¹²⁶Ibid., *AAS* 72 (1980), 1257: “d’avoir ses propres instituts de formation religieuse et d’études théologiques, dans lesquels puissent être librement accueillis les candidats au sacerdoce et à la consécration religieuse.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document_s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹²⁷Ibid., *AAS* 72 (1980), 1257: “de recevoir et de publier des livres religieux touchant la foi et le culte, et d’en faire librement usage.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document_s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹²⁸Ibid., *AAS* 72 (1980), 1258: “d’utiliser dans le même but des moyens de communication sociale (presse, radio, télévision).” Trans.,

and maintain their own radio and television stations for the purpose of proclaiming and communicating religious teaching and evangelizing. They should also have the right to publish their own literature and disseminate this literature for the same purpose.

5. Freedom to Proclaim and Communicate Religious Teaching

Religious communities should be free “to proclaim and communicate the teaching of the faith, whether by the spoken or the written word, inside as well as outside places of worship.”¹²⁹ Religious communities should also be free to “make known their moral teaching on human activities and on the organization of society,”¹³⁰ and “to facilitate the spreading of information, of culture, of exchange of knowledge and experiences in the field of education,” which in the Catholic Church corresponds to the mission of evangelization.¹³¹ The state should not restrict unduly the freedom to proclaim and

http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document_s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹²⁹Ibid., *AAS* 72 (1980), 1257: “d’annoncer et de communiquer l’enseignement de la foi, par la parole et par l’écrit, même en dehors des lieux de culte.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document_s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹³⁰Ibid., *AAS* 72 (1980), 1257: “de faire connaître la doctrine morale concernant les activités humaines et l’organisation sociale.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document_s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹³¹Ibid., *AAS* 72 (1980), 1257-1258: “de faciliter la diffusion de l’information, de la culture et des échanges de connaissances et d’expériences dans le domaine de l’éducation, et qui correspond en outre, dans le domaine religieux, à la mission évangélisatrice de l’Église.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/document_s/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

communicate religious teaching or evangelize, nor should it place undue restrictions on religious missionaries.

6. Freedom to Act Charitably

Religious communities should have the freedom “to carry out educational, charitable and social activities so as to put into practice the religious precept of love for neighbor, particularly for those most in need.”¹³² Religious groups should be able to educate, pursue social activities, and act charitably towards those in need without fear of violence, reprisal, or endangerment to their security.

7. Freedom of Dialogue

Religious communities should have the freedom [at the international level] of “free exchange in the field of communication, cooperation, religious solidarity, and more particularly the possibility of holding multi-national or international meetings.”¹³³ This includes the freedom to engage in dialogues and participate in international conferences and meetings, and the freedom [at the international level] for “religious communities to

¹³²Ibid., *AAS* 72 (1980), 1258: “d’accomplir des activités d’éducation, de bienfaisance, d’assistance qui permettent de mettre en pratique le précepte religieux de l’amour envers ses frères, spécialement envers ceux qui sont le plus dans le besoin.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

¹³³Ibid., *AAS* 72 (1980), 1258: “d’échanges de communication, de coopération, de solidarité de caractère religieux, avec notamment la possibilité de rencontres et de réunions de caractère multinational ou universel.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

exchange information and other contributions of a theological or religious nature.”¹³⁴

Furthermore, religious communities should be free to engage in interreligious and ecumenical dialogue and participate in activities and/or actions that promote tolerance, and understanding.

These twelve elements, five personal and seven social, that John Paul II identified will serve as empirical metrics or benchmarks to determine the degree to which religious freedom is present in the four Islamic majority states studied: Kazakhstan, Côte d’Ivoire, Morocco, and Egypt. They will guide the discussion in chapter three to determine if John Paul II’s diplomatic agreements and the direct diplomacy of his papal visit to the state positively affected religious freedom in these states.

IV. Diplomatic Strategies Stemming from John Paul II’s Teaching on Religious Freedom

A careful analysis of John Paul II’s almost twenty-seven year pontificate reveals four main courses of diplomatic action he and his diplomats used to realize his ecclesial vision of religious freedom for all: 1) the promotion of respect, 2) the promotion of dialogue, 3) efforts to secure religious freedom in law, and 4) efforts to ensure the survival of religious minorities. Through diplomatic action John Paul II sought to promote vigorously the right to religious freedom as a requirement of respect for the dignity of every human being. The policy of open engagement and respectful relations

¹³⁴Ibid., *AAS* 72 (1980), 1258: “d’échanger, entre les communautés religieuses, des informations et des contributions de caractère théologique ou religieux.” Trans., http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act_en.html (accessed March 25, 2010).

opened the door for increased dialogue with religions and states and the conclusion of agreements, which helped solidify respect for the right to religious freedom. While the pope sought to ensure the survival of all religious minorities throughout the world, they focused particularly on ensuring the survival of Christian minorities in Islamic majority countries. The Holy See promoted religious freedom in these regions by demonstrating solidarity, challenging fundamentalism, and demanding reciprocity.

A. The Promotion of Respect

Under John Paul II's direction, the Holy See pursued a diplomatic course of establishing honest relations built on respect with other nations and religious groups as part of its foreign policy agenda to promote religious freedom for all.¹³⁵ The most prominent way the Church pursued this goal was through the personal diplomacy of the pope himself. Leading by example, John Paul II took the initiative to engage and meet with world leaders, religious leaders, and followers of various religious traditions.¹³⁶

John Paul II not only met these leaders at the Vatican, but he traveled to their countries to meet with them in their own land and, at times, in their own places of

¹³⁵In his first address to the diplomatic corps in 1978, John Paul II asserted that as a Christian and a religious and political leader, he intended to be a witness of love and also pledged to establish honest relations built on respect with all the countries of the world. See John Paul II, *Ad Legatos nationum apud Sedem Apostolicam*, AAS 70 (1978), 939. See also John Paul II, allocution *Ad Exc.-mos Legatos apud Sedem Apostolicam, novo anno inito coram admissos*, January 14, 1985: AAS 77 (1985), 648- 651.

¹³⁶For example, in 1980 the pope addressed members of the Muslim and Jewish communities as well as representatives of Christian confessions in Paris, France. He also met with young Muslims in Casablanca, Morocco in 1985 and he addressed the representatives of different religious and cultural traditions in 1986 in Delhi, India. In addition, he also spoke at an ecumenical meeting in Cairo, Egypt in 2000.

worship. During his pontificate he traveled to 129 nations, including more than twenty with Islamic majorities, had over a thousand meetings with heads of state and heads of government, and met with religious leaders and believers from a variety of faith traditions.¹³⁷ Moreover, John Paul II was the first pope to enter a mosque and the first in modern times to visit a Jewish synagogue.¹³⁸ He was also the first pope to visit an Orthodox land since Christianity was split into Western and Eastern camps in the great schism of 1054.¹³⁹ In addition to these meetings, John Paul II also took the time at the beginning of each year to address the members of the diplomatic corps accredited to the Holy See and personally received and addressed the new ambassadors of the diplomatic corps accredited to the Holy See on the occasion of their arrival to the Vatican.

Through this practice of direct engagement, the pope used three main avenues to create a climate of respect, mutual trust, and collaboration among nations and religions. First, during his many meetings and highly public addresses, he made certain that he

¹³⁷The Holy See Press Office, “Statistics on the Pontificate of John Paul II,” http://www.vatican.va/news_services/press/documentazione/documents/pontificato_gpII/pontificato_dati-statistici_en.html#Viaggi%20Apostolici (accessed June 10, 2010); and The Holy See Press Office, “Apostolic Voyages of the Holy Father His Holiness John Paul II,” http://www.vatican.va/news_services/press/documentazione/documents/viaggi/viaggi_santo_padre_statistiche_aa_index_en.html (accessed June 10, 2010).

¹³⁸John Paul II removed his shoes and entered the Omayyad Mosque in Damascus, Syria in 2001. In addition, he expressed moral support for the first mosque (that is a free standing structure) build in Rome, calling it “an eloquent sign of religious liberty recognized here for every believer.” See Andrew Bridges. “Mosque Inaugurated in Rome; Pope Urges Religious Freedom,” *The Associated Press*, June 21, 1995. John Paul II also entered Rome’s main synagogue located along the Tiber River in 1986.

¹³⁹John Paul II visited Bucharest, Romania on May 7-9, 1999.

greeted everyone with an expression of respect and esteem.¹⁴⁰ He often complimented other cultures and religious traditions and drew attention to what Catholics have in common with these religions.¹⁴¹ He frequently highlighted local scholars, writers, theologians, and philosophers as further demonstration of his respect for the cultures, peoples, and religions where he was visiting.¹⁴²

¹⁴⁰See for example John Paul II, *Ad nationum Legatos apud Sedem Apostolicam, ineunte anno 1979*, AAS 71 (1979), 354-355; John Paul II, allocution *Madrasiae, ad Religionum non-Christianarum moderatores quosdam*, February 5, 1986: AAS 78 (1986), 767; John Paul II, apostolic exhortation *Ecclesia in Asia*, November 6, 1999: AAS 92 (2000), 479; John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 475; John Paul II, allocution *Ad oratores nationum*, January 10, 2002: AAS 94 (2002), 331: “fidèles de l’Islam authentique, religion de paix et d’amour du prochain.”; and John Paul II, allocution *Ad Nationum legatos*, January 13, 1990: AAS 82 (1990), 869: “Je suis persuadé que les grandes traditions de l’Islam, telles que l’accueil de l’étranger, la fidélité en amitié, la patience en face de l’adversité, l’importance accordée à la foi en Dieu, sont autant de principes qui devraient permettre de dépasser des attitudes sectaires inadmissibles.”

¹⁴¹When addressing Young Muslims in Casablanca, for example, John Paul II noted that Christians and Muslims have many things in common as both believers and human beings. See John Paul II, allocution *Albae domi, in Marochio, ad iuvenes muslimos habita*, August 19, 1985: AAS 78 (1986), 95-104. See also John Paul II, *Sollicitudo rei socialis*, AAS 80 (1988), 582: “Hoc rogatu eos etiam compellamus, . . . in Deum iustum et misericordem credunt, id est ad Iudaeos et Musulmanos.”

¹⁴²For example, during his visit to India, John Paul II stressed the value of Mahatma Gandhi’s teaching on “‘the supremacy of the spirit and Satyagraha, the ‘truth-force,’ which conquers without violence by the dynamism intrinsic to just action.’” See John Paul II, allocution *Delhi, prope monumentum Gandhi vulgo ‘Raj Ghat’ cognominatum habita*, February 1, 1986: AAS 78 (1986), 738. This was again repeated in John Paul II, *Ad Nationum Legatos, novo anno ineunte*, AAS 79 (1987), 1181. During his visit to Morocco in 1985 John Paul II recognized the long tradition of the Arabs of the Mashriq and the Maghrib, and Muslims in general, have of study and of erudition: literary, scientific, philosophic. See John Paul II, *Albae domi, in Marochio, ad iuvenes muslimos habita*, AAS 78 (1986), 102.

Second, he encouraged mutual understanding among religions and cultures. He noted that Catholicism and Catholics have a lot to learn from different cultures, religious traditions, and followers of non-Christian religions.¹⁴³ He repeatedly encouraged Catholics to take the time and effort to learn about different religious traditions.¹⁴⁴ But the pope was also keen to encourage others to learn about Christianity in general and Catholicism in particular, and to note proudly yet at the same time humbly that Christians have something to offer other religions and cultures as well.¹⁴⁵

Third, John Paul II encouraged mutual respect by seeking forgiveness and reconciliation. He was convinced that generous forgiveness, fraternal reconciliation, and collaboration will lead to mutual understanding, respect, trust, and peace.¹⁴⁶ The Church

¹⁴³John Paul II, *Ecclesia in America*, AAS 91 (1999), 787 and John Paul II, *Redemptor hominis*, AAS 71 (1979), 267: “Nonne interdum firma persuasio non christianas religiones profitentium - quae et ipsa procedit a Spiritu veritatis, extra fines aspectabiles Corporis mystici operante - forsitan confundat Christianos, ad dubitandum de veritatibus a Deo revelatis et ab Ecclesia nuntiatis saepe tam proclives ac tam pronos ad infirmanda principia doctrinae moralis et ad aperiendam viam licentiae cuncta in re ethica permittendi?”

¹⁴⁴For example, John Paul II called on Catholics, including all those who work for the Church to learn about Islam and asked Catholics to learn about traditional religions and indigenous populations. See John Paul II, *Ecclesia in Europa*, AAS 95 (2003), 684; John Paul II, apostolic exhortation *Ecclesia in Africa*, September 14, 1995: AAS 88 (1996), 42; John Paul II, *Ecclesia in Oceania*, AAS 94 (2002), 397. John Paul II also called on the Church to take the initiative to cooperate with all religions. See John Paul II, *Ecclesia in Asia*, AAS 92 (2000), 503.

¹⁴⁵John Paul II, *Ad oratores nationum*, AAS 94 (2002), 331.

¹⁴⁶John Paul II, “World Day of Peace Message: No Peace Without Justice No Justice Without Forgiveness,” *Origins* 31 (December 20, 2001), 465; John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 473-474; John Paul II, “Believers United in Building Peace,” 449; John Paul II, *Ad oratores nationum*, AAS 94 (2002), 331; and John Paul II, “2004 World Day of Peace Message: An

herself had admitted past wrongs. The Second Vatican Council's Declaration on Religious Freedom, *Dignitatis humanae*, had acknowledged "in the life of the People of God as it has made its pilgrim way through the vicissitudes of human history, there have at times appeared ways of acting which were less in accord with the spirit of the gospel and even opposed to it."¹⁴⁷ In addition, the Council's Declaration on the Relation of the Church to Non-Christian Religions, *Nostra Aetate*, specifically recognized the long history of conflicts between Christians and Muslims, and urged "all to forget the past and to strive sincerely for mutual understanding" and, "[o]n behalf of all mankind," to "make common cause of safeguarding and fostering social justice, moral values, peace, and freedom."¹⁴⁸ Inspired by the Second Vatican Council's spirit of reconciliation, John Paul II took further steps to overcome past grievances and invite people to resolve differences peacefully.¹⁴⁹ He recognized the necessity of repentance for errors of the past.¹⁵⁰

Ever Timely Commitment Teaching Peace," *Origins* 33 (January 1, 2004), 494: "There is no peace without forgiveness!"

¹⁴⁷*DH* 12: *AAS* 58 (1966), 938: "Etsi in vita Populi Dei, per vicissitudines historiae humanae peregrinantis, interdum exstitit modus agendi spiritui evangelico minus conformis, immo contrarius, semper tamen mansit Ecclesiae doctrina neminem esse ad fidem cogendum." Trans., Abbott, 692.

¹⁴⁸Vatican II, decree *Nostra aetate* [NA] 3, October 28, 1965: *AAS* 58 (1966), 742: "Sacrosancta Synodus omnes exhortatur, ut, praeterita obliviscentes, se ad comprehensionem mutuam sincere exercaeant et pro omnibus hominibus iustitiam sociale, bona moralia necnon pacem et libertatem communiter tueantur et promoveant." Translation from Vatican II, decree *Nostra aetate*, 3, in *Documents of Vatican II*, ed. Walter M. Abbott (New York, NY: America Press, 1966) 663.

¹⁴⁹In his 1991 address on the World Day of Peace John Paul II referred to *Nostra Aetate* stating: "As for religious intolerance, it cannot be denied that, despite the firm teaching of the Catholic Church according to which no one ought to be compelled to believe, throughout the centuries not a few misunderstandings and even conflicts have

As a Christian, the pope believed that forgiveness, not blame is one the most sublime manifestations of human dignity.¹⁵¹ Just as Christ died on the cross so that our sins might be forgiven and raised us to a dignity beyond compare, so too we transform ourselves when we forgive someone for an injury. The pope understood that a culture of blame defiles not only the dignity of the human being who needs forgiveness but also that of the one who has the capacity to forgive the other.¹⁵²

In addition to speaking eloquent words, John Paul II made two highly visible and symbolic gestures during his pontificate to promote a culture of respect through reconciliation and mutual collaboration. The first occurred in 1986 when the pope demonstrated the Church's deep respect for all religious traditions by inviting the leaders of world religions to gather in Assisi to pray for peace. Orchestrating this event was no

occurred between Christians and members of other religions." See John Paul II, "1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace," 473. Note that *Nostra Aetate* specifically refers to conflicts that have occurred between Christians and Muslims. John Paul II broadens the statement to include all religions. Cf. *NA* 4: *AAS* 58 (1966), 743. See also John Paul II, allocution *Ad. Exc.mos Viros, qui apud Sedem Apostolicam munere Legatorum funguntur, novo anno inito coram admissos*, January 14, 1984: *AAS* 76 (1984), 583-592.

¹⁵⁰See for example John Paul II, apostolic letter *Tertio millennio adveniente*, November 10, 1994: *AAS* 87 (1995), 27; and John Paul II, "Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della '*Dignitatis humanae*,'" 1330: "As we prepare to celebrate the 2,000th anniversary of the birth of Christ, the Church acknowledges in a spirit of profound repentance, those times in history when 'acquiesces (was) given . . . to intolerance and even the use of violence in the service of truth.'"

¹⁵¹Coughlin, 78.

¹⁵²*Ibid.* John Paul II's willingness to forgive his attempted assassin was an extremely personal and public testament to this belief. See Weigel, 474-475.

small feat. It took a massive amount of collaboration by the Secretariate of State, the Pontifical Council for Promoting Christian Unity, and the Pontifical Council for Interreligious Dialogue to ensure that an event of this magnitude was carried out in a way that respected differences, was not construed as syncretistic, and enabled a maximum number of people not only to attend but to participate actively in the prayer for peace. John Paul II was insistent that this type of gathering was not only possible but necessary, because all “[t]he different religious traditions possess the resources needed to overcome divisions and to build reciprocal friendship and respect.”¹⁵³ It was the pontiff’s hope that the day of prayer for peace in the world would be a powerful way to promote mutual trust and respect among world religions. The event captured worldwide media attention and seemed to accomplish its intended purpose. In his assessment of the event, the pope noted that this meeting had successfully demonstrated “that religious men and women, without abandoning their own traditions, can still commit themselves to praying and working for peace and the good of humanity.”¹⁵⁴

In response to the terrorist attacks in the United States on September 11, 2001, John Paul II did not hesitate once again to invite world religious leaders to return to Assisi for another day of prayer for peace. Many were eager to attend. In fact, the

¹⁵³ John Paul II, *Pastores gregis*, AAS 96 (2004), 916: “Religionum enim traditionibus necessaria ad dissipationes superandas ac mutuam populorum amicitiam observantiamque iuvandam suppetunt subsidia.” Translation from *Origins* 33 (November 6, 2003), 386-387.

¹⁵⁴ John Paul II, *Ecclesia in Asia*, AAS 96 (2004), 502-503. See also John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 495-496; and John Paul II, *Ad Nationum Legatos, novo anno ineunte*, AAS 79 (1987), 1178-1180.

January 24, 2002, day of prayer for peace featured an especially strong representation of Muslims and Orthodox.¹⁵⁵

The second, highly visible and symbolic gesture by which John Paul II sought forgiveness and reconciliation occurred during his long planned and highly anticipated jubilee pilgrimage to the Holy Land in 2000.¹⁵⁶ Throughout this entire jubilee pilgrimage, the pope called for peace and reconciliation among Christians, Muslims, and Jews.¹⁵⁷ During this trip the pontiff publically sought forgiveness for all past anti-Semitic behavior by Christians.¹⁵⁸ While in Israel, he visited the Western Wall, where, in a sincere and

¹⁵⁵Muslims had the largest representation among non-Christian religions with thirty representatives from eighteen countries. Ali el-Samman, vice President of al-Azhar University's Permanent Committee for Dialogue between the Monotheistic Religions, represented the Cairo, Egypt institution, a leading dialogue partner with the Vatican. Ali el-Samman also read a message from the university's Grand Sheik Mohammed Tantawi, who is seen as Sunni Islam's highest religious authority.

¹⁵⁶From the outset of his pontificate John Paul II was already looking forward to the year 2000 and noted that it will be a year of great Jubilee. See John Paul II, *Redemptor hominis*, AAS 71 (1979), 257.

¹⁵⁷John Paul II, "John Paul II in Jordan: The Visit to the Holy Land Begins," *Origins* 29 (March 30, 2000), 661, 663; and John Paul II, "John Paul II in Israel: How Urgent is the Need for Peace and Justice," *Origins* 29 (March 30, 2000), 665-666.

¹⁵⁸Early in his pontificate (1979) John Paul II visited Auschwitz and described the Holocaust as "the Golgotha of our century," referring to the biblical name for the place of Jesus' crucifixion. See John Paul II, *Post meridiem, ad coactae custodiae campum profectus est, cui est cognominatio « Oświęcim », cellam visit iii qua Beatus Maximilianus Kolbe necatus est, atque ante « murum mortis » qui dicitur diu constitit et oravit. Deinde campum « Brzezinka » appellatum adiit, in quo, saeviente postremo bello, innumeri caesi sunt, sacrisque litavit. Inter autem Missarum sollemnia, ad universalem fovendam reconciliationem celebrata, hanc homiliam habuit*, June 7, 1979: AAS 71 (1979), 846: "Przychodzę więc i klekam na tej Gologicie naszych czasów na tych mogiłach w ogromnej mierze bezimiennych, jak gigantyczny grób nieznanego żołnierza." Not only did John Paul II express the church's desire to reconcile with the Jews, but he also established formal diplomatic relations with the state of Israel in 1993. See

highly symbolic gesture, the pope placed his prayer of contrition inside a crack in the wall.¹⁵⁹ In this one simple act, John Paul II acknowledged that Christians need God's forgiveness for the two millennia of harm they have caused the Jews. He also paid a visit to Yad Vashem, a memorial to the victims of the Holocaust, during this trip.¹⁶⁰

Friendly relationships between believers of different religions and cultures are born of respect for the human dignity of one another and mutual love and presumes the exercise of the fundamental freedom to practice one's own faith completely and to

"Fundamental Agreement between the Holy See and the State of Israel," December 30, 1993, in *The Vatican-Israel Accords: Political, Legal, and Theological Contexts*, ed., Marshall J. Breger (Notre Dame, IN: University of Notre Dame, 2004) 359-364.

¹⁵⁹For the text of the Pope's prayer contrition see John Paul II, "Prayer of the Holy Father at the Western Wall," March 26, 2000, The Holy See, http://www.vatican.va/holy_father/john_paul_ii/travels/documents/hf_jp-ii_spe_20000326_jerusalem-prayer_en.html (accessed March 25, 2010). Note that John Paul II specifically directed his prayer to "God of our fathers." When asked why he did not direct the prayer petition to Christ, John Paul II reportedly retorted that when he prays he always prays to Jesus but if he would have written the prayer so as to explicitly invoke Jesus' name he maintained that the Jews would not have completely understood his expression of the Church's need for God's forgiveness. See Dennis McManus, "Christian Personalism of John Paul II," Lecture delivered at the National Workshop on Christian Unity (Phoenix, Arizona 2009).

¹⁶⁰In his remarks at Yad Vashem John Paul II said: "As bishop of Rome and successor of the Apostle Peter, I assure the Jewish people that the Catholic Church, motivated by the Gospel of law and truth and love and by no political considerations, is deeply saddened by the hatred, acts of persecution and displays of anti-Semitism directed against the Jews by Christians at any time and in any place. The church rejects racism in any form as a denial of the image of the Creator inherent in every human being. . . . Let us build a new future [on] the mutual respect required of those who adore the one Creator and Lord and look to Abraham as our common father in faith." See John Paul II, "Text of Speech at Yad Vachem," *The New York Times* (New York), March 23, 2000.

compare it with that of others.¹⁶¹ By creating a climate of respect, mutual trust, and collaboration and by establishing honest relations built on this respect, the pope believed, world leaders and religious leaders would recognize the need for respecting the right to religious freedom of all people.¹⁶² John Paul II viewed the vast increase in formal diplomatic relations with the Holy See during his pontificate as a testament to the Holy See's respectfulness and trustworthiness in its diplomatic relations.¹⁶³

¹⁶¹ John Paul II, *Redemptor hominis*, AAS 71 (1979), 278-279; and John Paul II, allocution *Ad eos qui plenario coetui Secretariatus pro non Christianis interfuerunt coram admissos*, March 3, 1984: AAS 76 (1984), 709-712.

¹⁶² For example, in his 1988 address for the World Day of Peace, John Paul II asked followers of various world religions both individually and collectively to "express their convictions and organize their worship and all other specific activities with respect for the rights of those who do not belong to that religion or do not profess any creed." See John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 496. Furthermore, John Paul II made specific appeals for specific religions to be treated with respect. In *Ecclesia in Africa*, for example, he asserted that the adherents of African traditional religion should be treated with great respect and esteem. See John Paul II, *Ecclesia in Africa*, AAS 88 (1996), 42: "Valde reverenter igitur observanterque eos tractari oportet qui religioni translativae adhaereant omnemque vitari sermonem ineptum et iniuriosum." See also John Paul II, nuntii scripto dati *Muslimis missus*, April 3, 1991: AAS 84 (1992), 156-158; John Paul II, *Ad nationum legatos, novo anno ineunte*, AAS 78 (1986), 641-655; John Paul II, *Ecclesia in Asia*, AAS 92 (2000), 502; John Paul II, *Redemptor hominis*, AAS 71 (1979), 278-279; and John Paul II, *Ad eos qui plenario coetui Secretariatus pro non Christianis interfuerunt coram admissos*, AAS 76 (1984), 709-712.

¹⁶³ John Paul II, allocution *Ad Exc.mos Viros nationum Legatos apud Sedem Apostolicam, initio anni 1983 omina et vota Summo Pontifici promentes*, January 15, 1983: AAS 75 (1983), 374: "Le fait que de si nombreux pays aient tenu à nouer des rapports diplomatiques avec le Saint-Siège témoigne de cette confiance réciproque."; and John Paul II, *Ad. Exc.mos Viros, qui apud Sedem Apostolicam munere Legatorum funguntur, novo anno inito coram admissos*, AAS 76 (1984), 584. When Karol Wojtyła was elected pontiff on October 16, 1978, the Holy See had active diplomatic exchanges with slightly more than 80 states. At the end of his papacy in April 2005, he had more than doubled the number of diplomatic exchanges, reaching a total of 174.

B. The Promotion of Dialogue

John Paul II recognized that dialogue was especially important for fostering respect for religious freedom for all and for establishing a sure basis for peace.¹⁶⁴ When people of different religions search for truth together in a manner that respects their consciences and the precepts of their own religions, they can effectively confront social injustices and wars.¹⁶⁵ In a climate of increased cultural and religious pluralism where non-Christians are migrating in large numbers to traditionally Christian countries, the pope recognized that Christians must dialogue with non-Christians¹⁶⁶ and that such dialogue must have an important place in the daily life of the Church.¹⁶⁷

¹⁶⁴John Paul II, *Pastores gregis*, AAS 96 (2004), 916-917; John Paul II, apostolic letter *Dilecti Amici*, March 31, 1985, *Origins* 14 (April 11, 1985), 712; John Paul II, “World Day of Peace Message: Dialogue: The Peacemaker’s Task,” *Origins* 12 (December 30, 1982), 470; John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 474-475; John Paul II, “1989 World Day of Peace Message: To Build Peace Respect Minorities,” 468-469; John Paul II, “Believers United in Building Peace,” 449-500; and John Paul II, apostolic letter *Novo Millennio Ineunte*, January 6, 2001, *Origins* 30 (January 18, 2001), 506.

¹⁶⁵John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 474-475.

¹⁶⁶John Paul II, *Redemptoris missio*, AAS 83 (1991), 284 and 301; and John Paul II, *Pastores gregis*, AAS 96 (2004), 916-917. In *Ecclesia in Africa* John Paul II emphasized the importance of dialogue with Islam in particular. See John Paul II, *Ecclesia in Africa*, AAS 88 (1996), 31 and 79.

¹⁶⁷John Paul II, “Il Discorso Per l’Inaugurazione Della VI Assemblea Generale Della ‘Conferenza Mondiale Delle Religioni Per La Pace,’” 598; and John Paul II, allocution *Ad nationum apud Sedem Apostolicam Legatos ineunte anno MCMXCII coram admissos*, January 11, 1992: AAS 85 (1993), 67: “Le dialogue entre Juifs, Chrétiens et Musulmans me semble une priorité.”

Since Vatican II, the Catholic Church has actively engaged other religious groups in dialogue. Throughout his pontificate, John Paul II called attention to the Church's official teaching which promotes interreligious dialogue. In particular, he highlighted for Christians and non-Christians alike the Second Vatican Council's Declaration on the Relationship of the Church to Non-Christian Religions, *Nostra aetate*, which he hailed as the "Magna Carta of interreligious dialogue for our times."¹⁶⁸

Nostra aetate spells out the principles for dialogue and cooperation between Catholics and followers of other religions. The declaration asserts, "The Catholic Church rejects nothing which is true and holy" in Hinduism and Buddhism.¹⁶⁹ The Church respects ways of life and rules and teachings proper to these religions, which "often reflect a ray of that Truth which enlightens all men,"¹⁷⁰ even though these differ from those of the Catholic Church. The declaration exhorts Catholics to "acknowledge, preserve, and promote the spiritual and moral goods found among these men, as well as the values in their society and culture."¹⁷¹

¹⁶⁸ John Paul II, *Ecclesia in Asia*, AAS 92 (2000), 501. See also John Paul II, *Tertio millennio adveniente*, AAS 87 (1995), 16-17; and John Paul II, *Pastores gregis*, AAS 96 (2004), 916-917.

¹⁶⁹ NA 2: AAS 58(1966), 741: "Ecclesia catholica nihil eorum, quae in his religionibus vera et sancta sunt, reicit." Trans., Abbott, 662.

¹⁷⁰ Ibid., NA 2: AAS 58(1966), 741 "Sincera cum observantia considerat illos modos agendi et vivendi, illa praecepta et doctrinas, quae, quamvis ab iis quae ipsa tenet et proponit in multis discrepent, haud raro referunt tamen radium illius Veritatis, quae illuminat omnes homines." Trans., Abbott, 662.

¹⁷¹ Ibid., NA 2: AAS 58(1966), 741: "illa bona spiritualia et moralia necnon illos valores socio-culturales, quae apud eos inveniuntur, agnoscant, servent et promoveant." Trans., Abbott, 663.

Nostra aetate also recognizes the Church's esteem for Muslims and acknowledges some things Islam and Christianity have in common: worship of one God, respect for Abraham, respect for the Virgin Mary, and respect for Jesus as prophet (though Muslims do not acknowledge Him as God). In addition, both prize the moral life and worship God through prayer, almsgiving, and fasting.¹⁷² The declaration urges Catholics and Muslims to "forget the past and to strive sincerely for mutual understanding,"¹⁷³ and implores them to work together to foster and safeguard social justice, moral values, peace and freedom.¹⁷⁴

Finally, the declaration acknowledges the spiritual patrimony common to both Christians and Jews and recommends that both groups work to better understand and respect the other.¹⁷⁵ The declaration unequivocally rejects the argument that periodically emerged over the centuries which blamed Jews for Jesus' execution. Even though some Jewish authorities and those who followed them called for Jesus' death, the declaration explains, the blame for this can be placed indiscriminately neither upon Jews then living nor upon the Jews of today.¹⁷⁶ The declaration decries all displays of anti-Semitism.¹⁷⁷

¹⁷²Ibid., *NA 3: AAS 58*(1966), 741-742.

¹⁷³Ibid., *NA 3: AAS 58*(1966), 742: "Sacrosancta Synodus omnes exhortatur, ut, praeterita obliviscentes, se ad comprehensionem mutuam sincere exerceant."

¹⁷⁴Ibid., *NA 3: AAS 58*(1966), 742.

¹⁷⁵Ibid., *NA 4: AAS 58*(1966), 743.

¹⁷⁶Ibid.

¹⁷⁷Ibid.

Using *Nostra aetate* as a guideline, John Paul II encouraged and promoted dialogue at the local, national, and international level and employed the dicasteries¹⁷⁸ of the Holy See, especially the Pontifical Council for Interreligious Dialogue and the Pontifical Council for Promoting Christian Unity to assist him.¹⁷⁹ True dialogue, John Paul II believed, is a recognition of the inalienable dignity of human beings.¹⁸⁰ Through

¹⁷⁸Dicasteries are the departments of the Roman Curia “which help the Roman Pontiff in the exercise of his supreme pastoral office for the good and service of the whole Church and of the particular Churches.” See John Paul II, apostolic constitution *Pastor Bonus* [PB] arts. 1, June 28, 1988: AAS 80 (1988), 859: “quae Romano Pontifici adiutricem operam navant in exercitio eius supremi pastoralis muneris ad Ecclesiae Universae Ecclesiarumque particularium bonum ac servitium.” English translation from *Code of Canon Law, Latin-English Edition* (Washington, DC: CLSA, 1983), art. 1. All subsequent English translations from this constitution will be taken from this source unless otherwise indicated. The dicasteries of the Holy See consist of nine congregations, eleven pontifical councils, three tribunals, the Secretariat of State, and several other administrative offices.

¹⁷⁹John Paul II, *Centesimus annus*, AAS 83 (1991), 866; John Paul II, *Ecclesia in Asia*, AAS 92 (2000), 503; John Paul II, “World Day of Peace Message: Respect for Human Rights: The Secret of Peace,” 474-475; and John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 475. The Pontifical Council for Interreligious Dialogue is charged with fostering and supervising relations between the Catholic Church and members and groups of non-Christian religions as well as those who are anyway endowed with religious feeling. It does this by fostering dialogue, promoting timely studies and conferences, and encouraging relations with non-Christian religions. It also sees to the formation of Catholics who engage in this dialogue. The Pontifical Council for Promoting Christian Unity is tasked with engaging in ecumenical work through timely initiatives and activities. The Council is to see that the decrees of the Second Vatican Council pertaining to ecumenism are put into practice. It is also charged with fostering, bringing together, coordinating, and supervising national and international Catholic organizations promoting Christian unity. See PB arts. 135-138, and 159-162.

¹⁸⁰John Paul II, “World Day of Peace Message: Dialogue: The Peacemaker’s Task,” 471; and John Paul II, *Redemptoris missio*, AAS 83 (1991), 304-305.

dialogue, one gains a deeper respect for the other person, his values, and his culture.¹⁸¹

When one truly and humbly understands the other party, prejudice and intolerance can be eliminated.¹⁸² Dialogue encourages looking beyond oneself to understand and support the good of others. It enables people to find new ways of working together, fosters social solidarity, and makes it possible to end violence perpetrated in the name of religion.¹⁸³

Respectful contacts with other religions are the best remedies for sectarian rifts, fanaticism, and religious terrorism.¹⁸⁴

For the pope interreligious dialogue is a process which results in mutual enrichment.¹⁸⁵ On the one hand, other religions challenge the Catholic Church not only to

¹⁸¹John Paul II, “Il Discorso Per l’Inaugurazione Della VI Assemblea Generale Della ‘Conferenza Mondiale Delle Religioni Per La Pace,’” 598.

¹⁸²John Paul II, *Redemptoris missio*, AAS 83 (1991), 304; John Paul II, *Ecclesia in Asia*, AAS 92 (2000), 501-503; John Paul II, apostolic exhortation *Christifideles Laici*, December 30, 1988: AAS 81 (1989), 459; and John Paul II, “Lettera al cardinale Edmund Casimir Szoka, in occasione della solenne cerimonia di inaugurazione del ‘Pope John Paul II cultural center’ a washington,” February 8, 2001, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 2001), 24: 313-314.

¹⁸³John Paul II, “1986 World Day of Peace Message: Peace is a Value with No Frontiers,” 463; John Paul II, *Christifideles Laici*, AAS 81 (1989), 457-459; John Paul II, “Believers United in Building Peace,” 449; John Paul II, allocution *Ad oratores Nationum*, January 10, 2000: AAS 92 (2000), 346; and John Paul II, *Sollicitudo rei socialis*, AAS 80 (1988), 556-557.

¹⁸⁴John Paul II, allocution *Ad oratores Nationum coram admissos*, January 13, 2003: AAS 95 (2003), 326; and John Paul II, *Ecclesia in Asia*, AAS 92 (2000), 502

¹⁸⁵John Paul II, *Redemptoris missio*, AAS 83 (1991), 265; John Paul II, *Ut unum sint*, AAS 87 (1995), 939: “Dialogus non solum opinionum commercium est; is quodammodo semper ‘commercium donorum’ est.”; and Vatican II, dogmatic constitution *Lumen gentium* [LG] 13, November 21, 1964: AAS 57 (1965), 17-18. Walter Kasper, President of the Pontifical Council for Promoting Christian Unity confirmed the position that Catholics have something to learn from followers of other religious

discover in them signs of Christ's presence and the working of the Holy Spirit but to examine her own identity more deeply so that she can bear witness to the fullness of Revelation.¹⁸⁶ On the other hand, interreligious dialogue provides an occasion for the Catholic Church to challenge other religions to examine their own identities more deeply. The pope acknowledged that Catholics are not only givers of the Good News but have something to learn by entering into interreligious dialogue.¹⁸⁷

John Paul II firmly believed that engaging in dialogue with other religions was not in opposition to the Church's mission *ad gentes*. Rather, he maintained, that dialogue has special links with that mission and is one of its expressions.¹⁸⁸ Indeed, dialogue is a part

traditions when entering into dialogue. He stated, "The encounter with other religions can be a way to open up to us more deeply a given aspect of the one mystery of Christ. Therefore, for us, interreligious dialogue is not a one-way street; it is a true encounter that can be an enrichment for us Christians. In it we are not only the givers, but also the learners and the receivers because through it we are allowed to grasp the entire fullness of the mystery that has been given us in Jesus Christ in its length and breadth, height and depth (cf. Eph. 3:18)." See Walter Kasper, "Relating Christ's Universality to Interreligious Dialogue," *Origins* 30 (November 2, 2000), 327.

¹⁸⁶Ibid., *AAS* 83 (1991), 304-305. See also John Paul II, *Redemptor hominis*, *AAS* 71 (1979), 276-277.

¹⁸⁷John Paul II, "The Infallibility of the Catholic Church: Letter of John Paul II to the German Episcopal Conference," May 15, 1980, *The Pope Speaks* 25 (1980), 240: "It is, therefore, not contrary to the nature of this dialogue that the Church should take part in it not only as one who seeks and receives but also as one who gives because of certitudes which the dialogue extends and deepens but can never destroy."

¹⁸⁸John Paul II, *Redemptoris missio*, *AAS* 83 (1991), 302: "Si ille quidem accipitur tamquam via instrumentumque ad mutuam cognitionem et locupletationem, non adversatur ipsi missioni ad gentes, quin immo praecipuis cum ea vinculis ligatur eiusque quidam est modus." Repeated in John Paul II, *Ecclesia in Europa*, *AAS* 95 (2003), 683. John Paul II described his mission as universal pastor to involve carrying out a "double dialogue": one in which he proclaimed the Gospel and another in which he offered those responsible for political and social life disinterested cooperation in working towards

of the Church's evangelizing mission.¹⁸⁹ It is not a substitute for the proclamation of the faith; but goes hand-in-hand with it. The proclamation of the Gospel requires the establishment of interreligious dialogue.¹⁹⁰ In his apostolic exhortation *Ecclesia in Oceania*, the pope explained that proclamation and dialogue are two constitutive elements of the evangelizing mission of the Church and both are directed toward the communication of salvific truth.¹⁹¹ The Church's mission of evangelization is based on the truth of Christian revelation and the truth of Jesus Christ being Savior of the World. In announcing the Gospel, the Church appeals to conscience while respecting the freedom of others to respond to her offer of the Good News of salvation. The Church's mission of evangelization is based on truth, similarly interreligious dialogue should be based on finding the truth.¹⁹² John Paul II believed dialogue to be a way to arrive at the truth.

common goals of peace, justice, and the rights of the person. See John Paul II, *Ad Exc.mos Viros nationum Legatos apud Sedem Apostolicam, initio anni 1981 omina et vota Summo Pontifici promentes*, AAS 73 (1981), 187.

¹⁸⁹John Paul II, *Ecclesia in Asia*, AAS 92 (2000), 501-503; and John Paul II, *Redemptoris missio*, AAS 83 (1991), 306-307.

¹⁹⁰John Paul II, *Ecclesia in Europa*, AAS 95 (2003), 683.

¹⁹¹John Paul II, *Ecclesia in Oceania*, AAS 94 (2002), 397.

¹⁹²John Paul II, *Ut unum sint*, AAS 87 (1995), 941: "dialogus oecumenicus naturam habet communis inquisitionis veritatis." and John Paul II, *Centesimus annus*, AAS 83 (1991), 855-856: "Is quidem est homo qui ante omnia veritatem perquirat quique similiter vivendo eandem compiere contendat eandemque altius percipere dialogo nempe cum praeteritis usque instituto ac venturis saeculis."

While he insisted that the Church has the truth and teaches the truth, he recognized that the Church is also a learner of the truth.¹⁹³ John Paul II reiterated the position of the Second Vatican Council that “the Church of Christ ‘subsists in the Catholic Church . . .’ and at the same time acknowledges that ‘many elements of sanctification and of truth can be found outside her visible structure.’”¹⁹⁴ The Holy Spirit exists and works outside Christ and the Church, but the work of the Spirit is linked to both Christ and the Church.¹⁹⁵ The Holy Spirit develops gifts in all peoples.¹⁹⁶ It also works to guide the Church “to discover these gifts, to foster them, and to receive them through dialogue.”¹⁹⁷ The Spirit, grace, and religious truths exist outside the Catholic Church, but they are all related to Christ and the Catholic Church, who has the God-given responsibility to discern the truth.¹⁹⁸ The Catholic Church in recognizing the Spirit,

¹⁹³John Paul II, *Ut unum sint*, AAS 87 (1995), 973: “utpote Ecclesiam catholicam, nos multum excepsisse ex testificatione, inquisitione, immo etiam ex ratione ipsa qua aestimata sunt et adhibita ab aliis Ecclesiis ecclesialibusque Communitatibus quaedam bona christiana communia. Inter confectos proximis triginta superioribus annis progressus, conspicuus tribuendus est locus fraternae mutuaeque huic actioni.”

¹⁹⁴Ibid., AAS 87 (1995), 973: “Ecclesiam Christi subsistere “in Ecclesia catholica, . . .’ simul autem agnoscit “extra eius compaginem elementa plura sanctificationis et veritatis inveniri.” Trans., *Origins* 25 (June 8, 1995), 53 See also LG 8.

¹⁹⁵John Paul II, *Redemptoris missio*, AAS 83 (1991), 275.

¹⁹⁶Ibid.

¹⁹⁷Ibid., AAS 83 (1991), 275: “Ecclesiam dirigendo ad illa reperienda, provehenda et accipienda per dialogum.” Trans., *Origins* 20 (January 31, 1991), 550.

¹⁹⁸Ibid., AAS 83 (1991), 275: “Quaelibet Spiritus praesentia cum aestimatione excipienda est et grato animo, sed eam discernere pertinet ad Ecclesiam, cui Christus suum dedit Spiritum, ut illam deduceret in omnem veritatem (Cfr. Io. 16, 13).”

grace, and religious truth outside the Church does not take away from the Church's mission to teach the Gospel.

If engaging in dialogue does not preclude the Church's proclamation of the Good News, neither does evangelization violate religious freedom. One can profess Christ is the Savior of the world and still be open to respectful dialogue with other religions.¹⁹⁹ Proclaiming Christ and bearing witness to the Gospel, when done in a way that respects consciences (i.e. without coercion), does not violate freedom.²⁰⁰ Evangelization is not incompatible with the fundamental right to religious liberty and it should not be equated with coercion; forced conversions are diametrically opposed to freedom of conscience and religion. John Paul II held firmly to the basic tenet of *Dignitatis humanae*: "Truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power."²⁰¹ Religious leaders, therefore, are obliged to present their teaching in ways that respect the freedom of their listeners.

No one should force faith upon others. While all peoples and nations have a right to their own full development, which includes economic, social, cultural and religious

¹⁹⁹ John Paul II, allocution *Ad Patres cardinales et praelatos curiae et familiae domni Papae*, December 21, 2000: *AAS* 93 (2001), 232-233; and John Paul II, *Pastor gregis*, *AAS* 96 (2004), 916-917.

²⁰⁰ *Redemptoris missio*, *AAS* 83 (1991), 256: "Christi nuntius et testimonium, cum fiunt modo conscientiarum observanti, libertatem non violant."; John Paul II, *Ecclesia in Asia*, *AAS* 92 (2000), 479; and Editor's footnote 3 of Abbott, 677: "Neither the spirit of ecumenism nor the principle of religious freedom requires that the Church refrain from stating publically what she believes herself to be. The demands of truth are no more opposed to the demands of freedom than they are opposed to the demands of love."

²⁰¹ *DH* 1: *AAS* 58 (1966), 930 "nec aliter veritatem sese imponere nisi vi ipsius veritatis, quae suaviter simul ac fortiter mentibus illabatur."

aspects, development and humanitarian assistance must always be done in a way which respects human rights.²⁰² In the pope's estimation, offering a person an allurements or inducement like food, shelter, education, medical care, or money to convert to one's religion is exploitation and is unacceptable.²⁰³ In order for dialogue to be fruitful and productive, the participants must be open to objective truth.²⁰⁴ Neither party to dialogue should be expected to abandon their religious beliefs in the interest of a false irenicism.²⁰⁵ In fact, the pontiff asserted that only those with a mature and convinced faith are "qualified" to engage in genuine dialogue.²⁰⁶

Believing that dialogue leads to a greater respect for the right to religious freedom for all, John Paul II did much to accelerate the progress of dialogue. Through his own personal diplomacy, he encouraged dialogue between Catholics and people of other religious traditions and called on Catholics to investigate with both wisdom and intelligence the spiritual treasures of these other traditions. Leading by example, the

²⁰²John Paul II, *Sollicitudo rei socialis*, AAS 80 (1988), 556-557.

²⁰³DH 1: AAS 58 (1966), 930: "aliter veritatem sese imponere nisi vi ipsius veritatis, quae suaviter simul ac fortiter mentibus illabatur." This quotation was repeated many times by John Paul II. For examples see John Paul II, "Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della '*Dignitatis humanae*,'" 1330; John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 494; and John Paul II, *Tertio millennio adveniente*, AAS 87 (1995), 27.

²⁰⁴John Paul II, "Messaggio ai partecipanti al congresso promosso nel XXX Anniversario della promulgazione della '*Dignitatis humanae*,'" 1129-1130.

²⁰⁵John Paul II, *Redemptoris missio*, AAS 83 (1991), 304-305.

²⁰⁶John Paul II, *Ecclesia in Asia*, AAS 92 (2000), 501-502.

pontiff personally met with adherents of other religions, engaged them in dialogue, and, at times, prayed with them. Not only did he twice invite representatives of the Catholic Church and other world religions to come together to pray for peace in Assisi, but he personally engaged in dialogue during his many travels. During his pastoral visits, he often met with and addressed religious leaders and followers of other faith traditions. For example, he addressed Muslim youth in Casablanca at the invitation of King Hassan II,²⁰⁷ and he met with bishops and dignitaries of the churches and ecclesial communities of Egypt during his jubilee pilgrimage to Mount Sinai in 2000.²⁰⁸ These meetings were part of the John Paul II's effort to foster a relationship of openness and dialogue with the followers of other religious traditions.²⁰⁹

Beyond the pope's many, but limited, personal engagements, he left the continuation and the details of the dialogues largely to the local ecumenical and interreligious leaders with the assistance of the Pontifical Council for Interreligious Dialogue, the Pontifical Council for Promoting Christian Unity, and papal diplomats on the ground. While the pontiff undoubtedly brought international attention to the need for and value of dialogue, dialogue must be continued by local leaders and supported by

²⁰⁷ John Paul II, *Albae domi, in Marochio, ad iuvenes muslimos habita*, AAS 78 (1986), 95-104.

²⁰⁸ John Paul II, "Dimensions of a Necessary Ecumenism," *Origins* 29 (March 9, 2000), 612-614.

²⁰⁹ John Paul II, *Novo Millennio Ineunte*, 506; and John Paul II, *Tertio millennio adveniente*, AAS 87 (1995), 37.

ecclesiastical structures at all levels (local, national, and international) if it is to have any lasting effect.

The role that the Pontifical Council for Interreligious Dialogue and the Pontifical Council for Christian Unity play depends on specific situations of different countries. For example, in countries like Egypt where religious freedom is rather restricted and where the influence of local Catholic authorities is weak, papal diplomats and the Pontifical Council for Interreligious Dialogue play a leading active role. In such situations, the Holy See's diplomacy and dialogue endeavors are rather top-down.²¹⁰ In Egypt the Pontifical Council for Interreligious dialogue is so involved in organizing dialogues, that local ecumenists

²¹⁰Papal Legate, interview by author, March 2008, Vatican City State; Papal Legate, interview by author, April 2005, Bratislava, Slovakia, interview by author; and Dominican Priest, Dominican Institute for Oriental Studies, Cairo, Egypt, e-mail messages to author, January 27-28, 2006. The author is not suggesting that locals and the Association of Catholic Hierarchy of Egypt (AHCE) are inactive, but that their work is more restricted than those in other countries and as a result is mostly done quietly and behind the scenes. For example, the former Patriarch of the Coptic Catholic Church (1986-2006), Cardinal Stephanos II Ghattas, is credited with maintaining a good relationship with the government of President Hosni Mubarak and cordial formal relations with the Coptic Orthodox Church. The Patriarch's most conspicuous pastoral achievement was his quiet work with the Muslim academic community in Cairo to make sure John Paul II received a warm interfaith welcome during his pastoral visit in 2000, which culminated in a papal meeting with Muslim clerics at al-Azhar University. See Carol Glatz, "Former Head of Coptic Catholic Church in Egypt Dies at Age 89," *Catholic News Service*, January 21, 2009. Furthermore, it was the Pontifical Council for Interreligious Dialogue, not the AHCE who set up a permanent committee for dialogue with Permanent Committee of al-Azhar for Dialogue with Monotheistic Religions based in Cairo, Egypt. It is also significant to note that delegations from the United States Bishops Conference (USCCB) have on several occasions gone to Egypt pleading for the recognition of human rights on behalf of Egyptian Christians. If local influence were strong you would be less likely to see this. See Bishop Thomas Wenski, "Religious Freedom in the World's Conflict Regions," *Origins* 35 (March 30, 2006), 676-685.

and interreligious leaders feel left out of the process.²¹¹ By contrast, in countries like the United States where the right to religious freedom is generally well respected, dialogues are organized largely at the national level through the national episcopal conference, and at the local level by individual dioceses and even parishes.

During John Paul II's pontificate, pursuing dialogue was not always easy for the Holy See. Dialogue with Islam in particular has been a challenge for two main reasons. First, religious extremists pervert Islam into a religion of intolerance, hatred, and violence and create a dynamic that actively discourages interreligious dialogue. Second, certain Muslims groups interpret or understand the concept of "human rights" differently than the Western conception and stress Islamic principles with a long tradition of at best tolerating non-Muslims but not valuing religious liberty.²¹² While Muslim religious extremists

²¹¹Dominican Priest, Dominican Institute for Oriental Studies, Cairo, Egypt, e-mail messages to author, January 27-28, 2006.

²¹²For example, representatives of the Islamic Republic of Iran made known in 1981 at the thirty-sixth UN General Assembly session their objections to the universal character and indivisibility of human rights, as interpreted in the Universal Declaration of Human Rights, which according to them is a Western secular concept of Judeo-Christian origin, incompatible with the sacred Islamic *shari'a*. See David G. Littman, "Universal Human Rights and 'Human Rights in Islam,'" in *The Myth of Islamic Tolerance: How Islamic Law Treats Non-Muslims*, ed., Robert Spencer (Amherst, NY: Prometheus Books 2005), 322-324. For further information on the plurality of Muslim positions in the area of human rights as well as a comparative view of Western and Islamic conceptions of human rights see Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics* (Boulder, CO: Westview Press, 2007); Ann Elizabeth Mayer, "The Respective Roles of Human Rights and Islam: an Unresolved Conundrum for Middle Eastern Constitutions," in *Constitutional Politics in the Middle East*, ed., Saïd Amir Arjomand (Oxford: Hart Publishing, 2008) 77-97; Heiner Bielefeldt, "Muslim Voices in the Human Rights Debate," *Human Rights Quarterly* 17 (1995), 587-615; Heiner Bielefeldt, "'Western' Versus 'Islamic' Human Rights Conceptions?: A Critique of Cultural Essentialism in the Discussion of Human Rights," *Political Theory* 28 (2000), 90-121; Bassam Tibi, "Islamic Law/Shari'a, Human Rights, Universal Morality and International Relations," *Human*

actively discourage interreligious dialogue, this more widespread value system removes the impetus to advance human rights particularly religious freedom. This incentive structure has made interreligious dialogue with Muslims particularly difficult. Despite these stumbling blocks, there is much reason for hope. There is a convergence of opinion between Catholics and Muslims regarding abortion and family life. In fact, the Holy See and the representatives of several Islamic majority states were able to work together effectively during the 1994 United Nations conference on population and development in Cairo, Egypt.²¹³ In many Islamic majority countries, formal institutional dialogue between the Holy See and Muslim groups does exist, and the establishment of formal diplomatic relations with most Islamic majority states (Saudi Arabia is the one notable exception) and

Rights Quarterly 16 (1994), 277-299; Maqbul Ilahi Mulik, "The Concept of Human Rights in Islamic Jurisprudence," *Human Rights Quarterly* 3 (1981), 56-67; and Harvard Law School Human Rights Program and the Center for the Study of Developing Countries at Cairo University, *International Aspects of the Arab Human Rights Movement: An Interdisciplinary Discussion Held in Cairo in March 1998* (Cambridge, MA: Harvard Law School Human Rights Program, 2000). For a detailed history of Jewish and Christians living under Islamic governments see Bat Ye'or, *The Dhimmi: Jews and Christians under Islam*. (London and Toronto: Associated University Press, 1985); Bat Ye'or, *Islam and Dhimmitude: Where Civilizations Collide* (Lancaster, UK: Gazelle Book Services Ltd., 2002); Bat Ye'or, *The Decline of Eastern Christianity: From Jihad to Dhimmitude* (Cranbury, NJ: Associated University Presses, 1996); and Malka Hillel Shulewitz, ed., *The Forgotten Millions: The Modern Jewish Exodus from Arab Lands* (London: Continuum International Publishing Group, 2000).

²¹³For more on the Holy See's role in the United Nations conference on population and development see Weigel, 715-726; and Jonathan Kwitny, *Man of the Century: The Life and Times of Pope John Paul II* (New York, NY: Henry Holt Company, Inc., 1997) 664-666.

the PLO by the Holy See under John Paul II has created further opportunities for dialogue.²¹⁴

C. Efforts to Secure Religious Freedom in Law

Human dignity not only demands religious freedom but requires that religious freedom be given recognition in a society's legal system.²¹⁵ Since the purpose of civil law is to ensure "an ordered social coexistence in true justice so that all may 'lead a quiet and peaceable life, godly and respectful in every way,'"²¹⁶ John Paul II and the Holy See's

²¹⁴During John Paul II's pontificate the Holy See established five standing dialogues with Muslim groups: 1. The Muslim- Catholic Liaison Committee which brings together representative from the Vatican and various Muslim organizations such as the World Muslim Congress, the World Muslim League, the International Islamic Committee for *Da 'wah* and Humanitarian Relief, the International Forum for Dialogue, and the Islamic Economic and Social and Cultural Organization of the Organization of the Islamic Conference; 2. The Pontifical Council for Interreligious Dialogue and the Permanent Committee of al-Azhar for Dialogue with the Monotheistic Religions established a Joint Committee for Dialogue in 1998; 3. The Coordinating Committee with the World Islamic Call Society, based in Libya includes six Muslims and six Catholics who meet annually; 4. A biannual colloquium with the Islamic Culture and Relations Organization of the Ministry of Culture and Islamic Guidance in Iran; 5. A standing dialogue with the Ministry of Religious Affairs in Turkey. See John L. Allen, *The Future Church: How Ten Trends are Revolutionizing the Catholic Church* (New York, NY: Doubleday, 2009) 118.

²¹⁵John Paul II, *Centesimus annus*, AAS 83 (1991), 829: "plane iura agnosci humanae conscientiae."; John Paul II, "1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace," 474: "[t]he state is obliged not only to recognize the basic freedom of conscience, but also to foster it, always with a view to the natural moral law and the requirements of the common good, and with respect for the dignity of every human being."; and John Paul II, "World Day of Peace Message: Respect for Human Rights: The Secret of Peace," 472: "Today the many peoples who make up the one human family are increasingly concerned that freedom of conscience, which is essential for the freedom of every human being, be recognized in practice and safeguarded by law."

²¹⁶John Paul II, *Evangelium vitae*, AAS 87 (1995), 483: "Legis namque civilis munus in sociali convictu ex ordine praestando consistit in vera iustitia, ut universi 'quietam et tranquillam vitam agamus in omni pietate et castitate.' Trans., *Origins* 24

diplomats sought to achieve their goal of religious freedom for all by urging states to take concrete steps to ensure their legal systems fully respect freedom of conscience.²¹⁷ The pope stated in unequivocal terms that the right to religious freedom must be recognized and confirmed by civil law as a personal and inalienable right.²¹⁸ The right to religious freedom must find a practical expression, support, and guarantee in the juridical instruments of society, including declarations, constitutions, and treaties at both the national and international level.²¹⁹

The state does not confer the right to religious freedom; it is a God-given, natural right. The state's responsibility, therefore, is merely to recognize the right to religious freedom and guarantee its enjoyment within the juridical structure of society.²²⁰ The

(April 6, 1995), 714. See also John Paul II, allocution *Ad Oratores nationum*, January 13, 1997: *AAS* 89 (1997), 474-475; and John Paul II, "Serving the Cause of Human Rights," 543.

²¹⁷John Paul II, "World Day of Peace Message: Respect for Human Rights: The Secret of Peace," 472; and John Paul II, *Ecclesia in Asia*, *AAS* 92 (2000), 496-498.

²¹⁸John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 494: "The freedom of the individual in seeking the truth and in the corresponding profession of his or her religious convictions must be specifically guaranteed within the juridical structure of society; that is, it must be recognized and confirmed by civil law as a personal and inalienable right in order to be safeguarded from any kind of coercion by individuals, social groups or any human power." See also John Paul II, "World Day of Peace Message: Respect for Human Rights: The Secret of Peace," 490; and John Paul II, *Ad Corpus Legatorum apud Apostolicam Sedem*, *AAS* 97 (2005), 156-157.

²¹⁹John Paul II, *Ad Nationum Legatos, novo anno ineunte*, *AAS* 79 (1987), 1182-1183.

²²⁰John Paul II, "Serving the Cause of Human Rights," 542: "All spring from the inherent nature of humankind; these elements, which are essential to the existence of each person, are not subject to any "concession" on the part of the state, which must restrict itself to "recognizing" these realities which exist over and above the law and the

inclusion of the right to religious freedom in legal codes protects it in practice.²²¹ Legal recognition of religious liberty also benefits the common good,²²² since a society fully realizes the common good only when citizens are sure of their rights.²²³ Uncertainty and insecurity about rights, particularly the right to religious freedom, often “leads to the dissolution of society, opposition by citizens to authority, or a situation of oppression, intimidation, violence and terrorism, of which many examples have been provided by the totalitarianism of this century.”²²⁴ While John Paul II limited the state’s role to recognizing and safeguarding the right to religious freedom, he acknowledged that states may use legal means to prohibit abuses of religious freedom in order to sustain the just requirements of public order.²²⁵

jurisdiction of those whose job it is to enforce it.”

²²¹ John Paul II, “Believers United in Building Peace,” 474: “In the absence of corresponding legal guarantees expressed in appropriate forms, these Declarations [various national and international declarations which proclaim the right to freedom of conscience and religion] are all too frequently doomed to remain a dead letter.”

²²² Ibid.

²²³ John Paul II, *Redemptor hominis*, AAS 71 (1979), 299: “Bonum illud commune, cui publicae auctoritates Civitatis serviunt, plene efficitur tantummodo, cum cives de suis iuribus sunt securi.”

²²⁴ Ibid., AAS 71 (1979), 299: “Nisi hoc fiat, dissolvitur societas, cives summis potestatibus adversantur vel vexationis, minarum, violentiae, terroris condiciones nascuntur, quarum multa exempla praeberunt effrena absolutaque nostri saeculi imperiti.” Trans., *Origins* 8 (March 22, 1979), 637.

²²⁵ John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 494; and John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 474: “When an asserted freedom turns into licence or becomes an excuse for limiting the rights of others, the state is obliged to protect, also by legal means, the inalienable rights of its citizens against such abuses.”

The pope also distinguished between legal systems which recognize the right to religious freedom for all people, and those which grant a privileged juridic status to a particular religion, but only a specific “legal protection” to religious minorities. Even if the state grants “legal protection” to religious minorities, he noted, these minorities still often face discrimination and exclusion in practice.²²⁶ Therefore, he argued that “it is not sufficient for ethnic or religious minorities to be ‘protected’ and thus reduced to the category of legal minors or wards of the state.”²²⁷ These comments were specifically addressed to the situation of Christians and Jews who are persecuted and treated as second-class citizens in some Islamic majority states despite formal legal protections. Therefore, when John Paul II promoted the use of legal instruments to recognize and guarantee the right to religious freedom, he specifically called all states, even those who grant a special juridic status to a particular religion, to legally recognize in theory and respect in practice the right of religious freedom for all citizens and even foreign nationals living in their country.²²⁸

²²⁶John Paul II, “1989 World Day of Peace Message: To Build Peace Respect Minorities,” 468: “In some cases these rights have been codified and minorities enjoy specific legal protection. But not infrequently even where the state guarantees such protection, minorities can suffer discrimination and exclusion. In these cases, the state itself has an obligation to promote and foster the rights of the minority groups, since peace and internal security can only be guaranteed through respect for the rights of all those for whom the state has responsibility.”

²²⁷John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 473; and John Paul II, “Serving the Cause of Human Rights,” 543.

²²⁸See for example John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 494; John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 473; John Paul II, “World Day of Peace

Through diplomatic action John Paul II promoted the legal recognition of the civil right to religious freedom in two main ways: by supporting the strengthening of existing legal instruments²²⁹ and by entering into new diplomatic agreements. Firmly believing that an internationally recognized legal order provides a sure basis for peace, John Paul II urged states to comply with international agreements to which they were party and to apply the legal instruments at their disposal to safeguard human rights.²³⁰ The pope understood that international law would become irrelevant and useless if parties to these agreements did not uphold their commitments.²³¹ He commended jurists who refined

Message: Respect for Human Rights: The Secret of Peace,” 490; and John Paul II, “Serving the Cause of Human Rights,” 543.

²²⁹John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 474.

²³⁰See for instance John Paul II, “World Day of Peace Message: Religious Freedom: Condition of Peace,” 467-468; John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 474; John Paul II, “World Day of Peace Message: From the Justice of Each Comes Peace for All,” 467-468; John Paul II, allocution *Ad oratores nationum coram admissos*, January 11, 1999: *AAS* 91 (1999), 615; John Paul II, *Ad oratores Nationum*, *AAS* 92 (2000), 343-449; John Paul II, *Ad oratores Nationum coram admissos*, *AAS* 95 (2003), 326; and John Paul II, *Ecclesia in Asia*, *AAS* 92 (2000), 496-497. In particular the observance of the Universal Declaration of Human Rights and the Final Document of Vienna were frequently called for by the pope himself. See John Paul II, *Ad quosdam sodales Organismi ad securitatem et concordem actionem in Europa fovendas*, *AAS* 96 (2004), 112; and John Paul II, “World Day of Peace Message: Respect for Human Rights: The Secret of Peace,” 489.

²³¹John Paul II, “World Day of Peace Message: Human Rights and Dignity,” *Origins* 32 (January 2, 2003), 487: “Political summits on the regional and international levels serve the cause of peace only if joint commitments are then honored by each party. Otherwise these meetings risk becoming irrelevant and useless, with the result that people believe less and less in dialogue and trust more in the use of force as a way of resolving issues. The negative repercussions on peace resulting from commitments made and then not honored must be carefully assessed by state and government leaders.”

legal instruments to better safeguard human rights at the national and international level²³² and expressed the Holy See's willingness to update existing pacts and agreements to advance these same goals.²³³ He also offered practical suggestions on how governments can better safeguard the civil right to religious freedom: encouraging democracy, the separation of powers, and an impartial judicial system.²³⁴ Although the Holy See abstained from partisan politics, it denounced oppressive regimes and supported

²³²John Paul II, "1982 World Day of Peace Message: Beyond Nuclear Terror: Dialogue," 476: "It follows that the role of law in preserving peace is called upon to expand. It is well known that within individual states the work of jurists contributes greatly to the advancement of justice and respect for human rights. But their role is just as great for the pursuit of the same objectives on the international level and for refining the juridical instruments for building and preserving peace."

²³³John Paul II, *Ad nationum Legatos apud Sedem Apostolicam, ineunte anno 1979*, AAS 71 (1979), 358. *Dignitatis humanae* prompted the Holy See to revise agreements with many Catholic majority countries in order to remove Catholicism as the state religion. See Augustino Bono, "Religious Freedom: Vatican II Modernizes Church-State Ties," *Catholic News Service*, October 12, 2005.

²³⁴John Paul II, "Serving the Cause of Human Rights," 467, and 542-543; John Paul II, *Centesimus annus*, AAS 83 (1991), 851: "Totalitarismo marxiano necnon compluribus ex toto imperiosis regiminibus subcersis et iis quibus "nationalis securitatis" nomen imposuerunt, popularis figura gubernii plerumque hodie prospectatur, quamvis insit aliquid concertationis, quacum de humanis iuribus iungitur studiosa sollicitudo. At hac ipsa de re necesse est populi suas leges emendaturi sincerum solidumque iaciant popularis auctoritatis fundamentum, palam illa iura agnoscentes."; and John Paul II, "World Day of Peace Message: Human Rights and Dignity," 487: "There is an unbreakable bond between the work of peace and respect for truth. Honesty in the supply of information, equity in legal systems, openness in democratic procedures give citizens a sense of security, a readiness to settle controversies by peaceful means, and a desire for genuine and constructive dialogue, all of which constitute the true premises of a lasting peace."

participatory forms of government as more consistent with the dignity and freedom of the human person.²³⁵

John Paul II lauded national and international efforts to create new and effective agreements which strengthened the right to religious freedom.²³⁶ The Holy See also played an active role in the drafting of new constitutions and other international agreements. For example, when the European Union drafted its first constitution, the Holy See actively lobbied for the recognition of Europe's Christian heritage and for the inclusion of guarantees of religious freedom in the document.²³⁷ To promote religious freedom, the Holy See's diplomats negotiated and concluded new agreements with a large number of states, including Islamic majority states. During John Paul II's pontificate, the Holy See successfully concluded roughly 147 agreements with states,²³⁸ five of which

²³⁵ John Paul II, *Centesimus annus*, AAS 83 (1991), 853: "Convenientem libertatem popularis ordinis legitimam veretur Ecclesia quae nullo quidem pollet iure quamlibet formam legis constitutionisve antepoenendi. Hac de re ipsa tantam eidem ordini opem fert ut personae humanae dignitas concipiatur, quae palam pleneque omnino in Verbi Incarnati mysterio declaratur."

²³⁶ See for example John Paul II, "1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace," 474.

²³⁷ John Paul II, *Ecclesia in Europa*, AAS 95 (2003), 713.

²³⁸ The most comprehensive list of agreements concluded during the pontificate of John Paul II can be found in Carlos Corral Salvador, "I Principi, Le Coordinate, Il Fine, Le Applicazioni e La Panoramica Dell'Attuale Politica Concordataria Della Santa Sede," *Periodica* 93 (2004), 475-502. This list includes 147 agreements concluded during John Paul II pontificate up until 2003. The author states that "roughly" 147 agreements have been concluded between the Holy See and states during John Paul II's pontificate because this list does not include the last 15 months of John Paul II's papacy. Moreover, the list includes agreements that were concluded with non-state entities such as the Palestine Liberation Organization (PLO), and the African Union.

were with the four Islamic majority state of Kazakhstan, Morocco, Egypt, and two agreements with Côte d'Ivoire.

D. Efforts to Ensure the Survival of Religious Minorities

John Paul II showed his deep concern for all people everywhere who were denied the right to religious freedom.²³⁹ Regardless of the religion which was in the majority and which was in the minority, papal diplomats promoted religious freedom for all.²⁴⁰ Leading by example, John Paul II called for the respect of the right to religious freedom of religious minorities, even in those countries in which Catholics constituted a majority of the population.²⁴¹ He encouraged Catholic majority states to respect the rights of religious minorities, particularly the rights of Muslim minorities.²⁴² The Holy See under

²³⁹John Paul II, *Redemptoris missio*, AAS 83 (1991), 286-287; John Paul II, *Redemptor hominis*, AAS 71 (1979), 300; John Paul II, *Ad Conradum Waldheim, Consilii Nationum Unitarum (O.N.U.) virum a Secretis, XXX anno expleto a Declaratione Iurium Hominis*, AAS 71 (1979), 124; and John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 496.

²⁴⁰John Paul II, *Redemptoris missio*, AAS 83 (1991), 287; and John Paul II, "World Day of Peace Message: Dialogue Between Cultures for a Civilization of Love and Peace," *Origins* 30 (January 4, 2001), 459-460.

²⁴¹John Paul II, "1989 World Day of Peace Message: To Build Peace Respect Minorities," 468: "Moreover, it is very important that the state should effectively ensure and promote the observance of religious freedom, especially when alongside the great majority who follow one religion, there exist one or more minority groups of another faith. Finally, religious minorities must be guaranteed a legitimate freedom of exchange and contracts with other communities within and outside their own national borders."

²⁴²For example, in 1980 John Paul II addressed Muslim minorities in France. He acknowledged their innate dignity and encouraged them as immigrants to dialogue with the country which received them. He noted that this may help overcome the serious social, cultural and religious problems that have emerged for both sides. See Thomas Michel and Michael Fitzgerald, eds., *Recognize the Spiritual Bonds Which Unite Us: Sixteen Years of Christian-Muslim Dialogue* (Vatican City: Pontifical Council for

John Paul II's direction also did everything in its power to ensure the survival of Christian minorities throughout the world and particularly those in Muslim majority countries.²⁴³

Muslims consider Christianity and Judaism to be religions of "The Book."

Certain Islamic majority countries where *shari'a*²⁴⁴ is the law of land give a specific legal protection to these people of "The Book" who are referred to as "*dhimmis*," meaning "protected persons."²⁴⁵ While these individuals enjoy certain legal protections, in practice the *dhimmitude* system often relegates them to the status of second-class citizens who are unable to exercise their right to religious freedom fully. Uncomfortable with an Islamic political system and the application of *shari'a* (the type of government and legal system that allows no dichotomy between the sacred and profane, the religious and the political),

Interreligious Dialogue, 1994) 29; and Thomas Michel, "Pope John Paul II's Teaching about Islam in his Addresses to Muslims," *Pro Dialogo* 62 (1986), 182-191.

²⁴³In his apostolic letter, *Novo Millennio Ineunte* John Paul II lamented: "We are entering a millennium which already shows signs of being marked by a profound interweaving of cultures and religions, even in countries which have been Christian for many centuries. In many regions Christians are, or are becoming, a 'little flock' (Lk 12:23). This presents them with the challenge, often in isolated and difficult situations, to bear stronger witness to the distinguishing elements of their own identity." See John Paul II, *Novo Millennio Ineunte*, 501. See also John Paul II, *Ad nationum Legatos apud Sedem Apostolicam, ineunte anno 1979*, AAS 71 (1979), 355.

²⁴⁴*Shari'a* is the sacred law of Islam. For more information about *shari'a* and its application see Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1982); and S. Abul A'la Maududi, *Islamic Law and Constitution* (Lahore, Pakistan: Islamic Publications, 1997).

²⁴⁵Ye'or, *The Dhimmi: Jews and Christians under Islam*, 30.

the pope expressed serious concern for Christian minorities who live in states where religious and civil laws are blurred in this way.²⁴⁶

In an effort to ensure the survival of Christian minorities in Islamic majority states, the pope and his diplomats used three main tactics: they demonstrated solidarity, challenged fundamentalism, and demanded reciprocity. First, they strove to show the universal Church's solidarity with all who suffer from religious persecution in local churches. They praised those who faced religious persecution bravely,²⁴⁷ and assured them that the Church was not only aware of the fundamental injustice in their present circumstance but was also doing all it could to assist them by drawing the world's attention to their situation.²⁴⁸ They called on Catholics to stand up for their fellow

²⁴⁶John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 494; John Paul II, *Ad Nationum legatos*, AAS 82 (1990), 869; and John Paul II, "1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace," 473: "Extremely sensitive situations arise when a specifically religious norm becomes, or tends to become, the law of the state, without due consideration for the distinction between the domains proper to religion and to political society. In practice, the identification of religious law with civil law can stifle religious freedom, even going so far as to restrict or deny other inalienable human rights. . . . 'Even in cases where the state grants a special juridical position to a particular religion, there is a duty to ensure that the right to freedom of conscience is legally recognized and effectively respected for all citizens, and also for foreigners living in the country even temporarily for reasons of employment and the like.'"

²⁴⁷John Paul II, apostolic letter *Dies domini*, May 31, 1998: AAS 90 (1998), 742-743.

²⁴⁸See for example John Paul II, "World Day of Peace Message: Religious Freedom: Condition of Peace," 495; John Paul II, "World Day of Peace Message: Respect for Human Rights: The Secret of Peace," 490; John Paul II, *Ecclesia in Asia*, AAS 92 (2000), 496; and John Paul II, "Address of John Paul II to the New Ambassador of the Islamic Republic of Pakistan to the Holy See," March 22, 1985, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1985), 8: 684.

Christians who suffered religious persecution and thereby to give a voice to the voiceless.

John Paul II and his diplomats actively engaged all forms of governments, theocracies, military dictatorships, communist regimes, and even democracies, to demand that states respect the right to religious freedom for all who live within their borders.²⁴⁹ The pontiff was not shy about speaking out against those who infringed upon the right to religious freedom.²⁵⁰ Indeed, he was often very specific in his indictments, citing specific instances where individuals or states had violated the right to religious freedom of Christian minorities and demanding that these states recognize this right.²⁵¹

Second, concerned that religious fundamentalism can easily lead to serious abuses such as radical suppression of public manifestations of diversity, outright denial of freedom of expression, exclusion of others from civil society, and even forced

²⁴⁹For examples see John Paul II, *Centesimus annus*, AAS 83 (1991), 852 and 861; John Paul II, *Ecclesia in Asia*, AAS 92 (2000), 459; John Paul II, “1986 World Day of Peace Message: Peace is a Value with No Frontiers,” 463; John Paul II, *Ad Legatos nationum apud Sedem Apostolicam*, AAS 70 (1978), 938; and John Paul II, *Ad nationum Legatos apud Sedem Apostolicam, ineunte anno 1979*, AAS 71 (1979), 355.

²⁵⁰John Paul II, *Ad Exc.mos Viros, qui apud Sanctam Legatorum munere funguntur, Summo Pontifici, novo anno inito, fausta et felicia ominantes; de iuribus hominum officiisque iisdem respondentibus*, AAS 72 (1980), 82; John Paul II, *Ad Exc.mos Viros nationum Legatos apud Sedem Apostolicam, initio anni 1983 omina et vota Summo Pontifici promentes*, AAS 75 (1983), 831; and John Paul II, *Ad Exc.mos Legatos et Oratores apud Sedem Apostolicam permanenter missos*, AAS 80 (1988), 1142.

²⁵¹For examples of when John Paul II was very specific in his indictment of Islamic majority countries who failed to respect the religious freedom of Christian minorities see John Paul II, *Ad Nationum legatos*, AAS 82 (1990), 869; John Paul II, allocution “War a Decline for Humanity,” January 12, 1991, *Origins* 20 (January 24, 1991), 529-530; John Paul II, *Ad nationum apud Sedem Apostolicam Legatos ineunte anno MCMXCII coram admissos*, AAS 85 (1993), 68; John Paul II, *Ad oratores nationum habita*, AAS 89 (1997), 769; and John Paul II, *Ad oratores nationum coram admissos*, AAS 91 (1999), 615.

conversions the pope challenged religious fundamentalists to respect the rights of the human conscience.²⁵² Troubled by “new forms of religious fundamentalism,”²⁵³ John Paul II condemned those who denied citizens who adhered to other faiths the full exercise of their civil and religious rights and lamented that this denial of rights prevented the Church from exercising her mission.²⁵⁴ He warned that denying religious freedom to others, no matter how convinced one may be of the truth of one’s own religion, does not contribute to the common good.²⁵⁵ The pope denounced terrorists, especially those who terrorize in the name of religion, and frequently asked other religious leaders to join him in their condemnation so that terrorists could have no pretext of moral or religious legitimacy.²⁵⁶

Third, the pope demanded reciprocity especially in the area of religious freedom.²⁵⁷ In international law, particularly in relations between states, the principle of

²⁵²John Paul II, *Centesimus annus*, *AAS* 83 (1991), 828-830; and John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 474.

²⁵³*Ibid.*, *AAS* 83 (1991), 830: “novae . . . formae religiosi fundamentalismi.”

²⁵⁴*Ibid.*

²⁵⁵John Paul II, “1991 World Day of Peace Message: Respect for Conscience: Foundation for Peace,” 474.

²⁵⁶John Paul II, “World Day of Peace Message: No Peace Without Justice No Justice Without Forgiveness,” 464-465; John Paul II, “Il Discorso Per l’Inaugurazione Della VI Assemblea Generale Della ‘Conferenza Mondiale Delle Religioni Per La Pace,’” 598-599; and John Paul II, *Ad nationum legatos, novo anno ineunte*, *AAS* 78 (1986), 651-652.

²⁵⁷John Paul II, *Albae domi, in Marochio, ad iuvenes muslimos habita*, *AAS* 78 (1986), 99: “Le respect et le dialogue requièrent donc la réciprocité dans tous les

reciprocity denotes “the relation existing between two states when each of them gives the subjects of the other certain privileges, on condition that its own subjects shall enjoy similar privileges at the hands of the latter state.”²⁵⁸ However, John Paul II used the term “reciprocity,” in a way which was not as rigidly symmetrical as this traditional definition. When the pope employed the term “reciprocity,” he was neither making threats, nor attempting to use religious freedom as a bargaining chip, but was stating the expectations of the Holy See with regard to religious liberty. The pope reasoned that if Muslims could practice their religion freely in countries with a Christian majority, then Christians should be afforded comparable treatment in Muslim dominated countries.²⁵⁹ John Paul II was

domaines, surtout en ce qui concerne les libertés fondamentales et plus particulièrement la dignité religieuse.”; John Paul II, *Ecclesia in Africa*, AAS 88 (1996), 42; The Pontifical Council for Interreligious Dialogue, instruction *De Evangelio nuntiando et de Dialogo inter Religiones*, May 19, 1991: AAS 84 (1992), 444; John Paul II, “World Day of Peace Message: Dialogue: The Peacemaker’s Task,” 472; John Paul II, “Address of John Paul II to the New Ambassador of the Islamic Republic of Pakistan to the Holy See,” 682-684; John Paul II, “Address of John Paul II to the Catholic Hierarchy of Egypt on their ‘*Ad Limina Apostolorum*’ Visit,” June 24, 1997, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1997), 20: 1597 and 1599; John Paul II, *Ad Legatos nationum apud Sedem Apostolicam*, AAS 70 (1978), 938; and John Paul II, *Ad Exc.mos Viros nationum Legatos apud Sedem Apostolicam, initio anni 1983 omina et vota Summo Pontifici promentes*, AAS 75 (1983), 373. John Paul II was not the first pope to discuss reciprocity in relation to interreligious dialogue. Pope Paul VI in his 1964 encyclical, *Ecclesiam suam* wrote that dialogue with other religions is possible and noted that the Church will continue to offer opportunities for discussion in the event that such an offer will be received in genuine, mutual (reciprocal) respect. See Paul VI, encyclical *Ecclesiam suam*, August 6, 1964: AAS 56 (1964), 655.

²⁵⁸ *Black’s Law Dictionary*, 6th ed., s.v. “Reciprocity.”

²⁵⁹ There were many instances where John Paul II specifically called on Islamic majority states to respect the rights of Christian minorities. See John Paul II, *Ad Nationum legatos*, AAS 82 (1990), 869; and John Paul II, *Ad nationum apud Sedem Apostolicam Legatos ineunte anno MCMXCII coram admissos*, AAS 85 (1993), 68. In 1996 John Paul II bluntly informed the diplomatic corps accredited to the Holy See that in

not saying that Christians will respect the religious freedom of Muslims but only if Muslims respect the religious freedom of Christians; nor was he saying that if Muslims do not respect the religious freedom of Christians than Christians would retaliate by refusing to respect the religious freedom of Muslims.²⁶⁰ Rather, the pope made clear that

his estimation a lack or reciprocity in relations with certain unspecified Muslim majority states was intolerable and unjustifiable. See John Paul II, *Ad oratores nationum habita*, AAS 89 (1997), 769: “Comme les pays de tradition chrétienne accueillent les communautés musulmanes, certains pays à majorité musulmane accueillent eux aussi généreusement les communautés non islamiques, leur permettant même de construire leurs propres édifices culturels et d’y vivre selon leur foi. D’autres, cependant, continuent à pratiquer une discrimination à l’égard des juifs, des chrétiens et d’autres familles religieuses, allant jusqu’à leur refuser le droit de se réunir en privé pour prier. On ne le dira jamais assez : il s’agit là d’une violation intolérable et injustifiable non seulement de toutes les normes internationales en vigueur, mais de la liberté humaine la plus fondamentale, celle de manifester sa foi, qui est pour l’être humain sa raison de vivre.”

²⁶⁰If John Paul II viewed reciprocity in a rigidly symmetrical (“tit for tat”) manner then he might have opposed the opening of Rome’s first mosque in 1995 until Saudi Arabia (Saudi Arabia provided approximately 80% of the capital to build the mosque) allowed the construction of a Church. While, the pope welcomed the new mosque calling it an “eloquent sign” of religious freedom, he did not hesitate to draw attention to the fact that “in some Islamic countries similar signs of recognition of religious freedom are lacking” and made it known that “[o]n the eve of the third millennium, the world awaits such signs.” The pope went on to call for reciprocity, “While I am pleased that Muslims can come together in prayer in the new mosque in Rome, I strongly hope that the right of Christians and all believers freely to express their own faith will be recognized in every corner of the earth.” See Reuter, “Debut of Rome’s Mosque Prompts Vatican Demand,” *The Toronto Star* (Toronto), June 22, 1995; Paddy Agnew, “Pope Critical of Islamic States as New Mosque Opens,” *The Irish Times* (Dublin), June 22, 1995; and Daniel Williams, “A Minaret Among Rome’s Steeples,” *The Washington Post* (Washington, D.C.), June 22, 1995. The Papal Nuncio to Italy, Francesco Cardinal Colasuonno, who attended the opening ceremony for the mosque, commented, “Reciprocity is what we hope for, precisely because we permit the Saudi Arabians to have a place of worship here. It is necessary to take account of the needs of Christians there.” See Celestine Bohlen, “After 20 Years a Mosque Opens in Catholicism’s Backyard,” *The New York Times* (New York), June 22, 1995.

the Catholic Church respects the religious freedom of others and so expects them to respect the religious freedom of the Church and its members.

By recognizing the religious freedom of Muslims, the Church is not being kind to Muslims or granting them a favor; it is merely respecting their human right to religious freedom. The Holy See takes a principled stance and respects the religious freedom of all people; it refuses to deny religious freedom to non-Catholics as a tactical effort to expand its leverage with Muslim-majority states to safeguard the religious freedom of its own faithful. The Holy See endeavors to be a model for others by recognizing the religious freedom of all people, and it especially expects reciprocity on the part of states with which it has relations.²⁶¹ The pope insisted on reciprocity in Islamic majority states to ensure the survival of Christians minorities in those countries.²⁶²

²⁶¹John Paul II, *Ad Exc.mos Viros nationum Legatos apud Sedem Apostolicam, initio anni 1983 omina et vota Summo Pontifici promentes*, AAS 75 (1983), 373-374; and John Paul II, *Ad Exc.-mos Legatos apud Sedem Apostolicam, novo anno inito coram admissos*, AAS 77 (1985), 648-649: "When a state claims the right to be treated with respect, honor, and justice, then that state must recognize the same rights for others."

²⁶²John Paul II, *Ecclesia in Europa*, AAS 95 (2003), 684-685: "È peraltro comprensibile che la Chiesa, mentre chiede che le istituzioni europee abbiano a promuovere la libertà religiosa sia osservata anche in Paesi di diversa tradizione religiosa, nei quali i cristiani sono minoranza. In questo ambito, "si comprende la sorpresa e il sentimento di frustrazione dei cristiani che accolgono, per esempio in Europa, dei credenti di altre religioni dando loro la possibilità di esercitare il loro culto, e che si vedono interdire l'esercizio del culto cristiano" nei Paesi in cui questi credenti maggioritari hanno fatto della loro religione l'unica ammessa e promossa."; and John Paul II, *Ad Exc.-mos Legatos apud Sedem Apostolicam, novo anno inito coram admissos*, AAS 77 (1985), 650: "Aussi – vous me permettrez de vous l'exprimer ici en toute confiance – comprend-on l'étonnement et le sentiment de frustration des chrétiens qui accueillent, par exemple en Europe, des croyants d'autres religions en leur donnant la possibilité d'exercer leur culte, et qui se voient interdire tout exercice du culte chrétien dans les pays où ces croyants majoritaires ont fait de leur foi la religion d'Etat." For more information on the issue of reciprocity see José Antonio Araña, ed., *Libertà religiosa e*

V. Conclusion

Elected pope only thirteen years after the conclusion of the Second Vatican Council, Pope John Paul II sought to utilize the Holy See's long history of diplomacy to advance the Church's newly articulated theological principles: religious freedom is a requirement of respect for human dignity; religious freedom is a universal and inalienable right; religious freedom is an individual right with private and social dimensions; and religious freedom is the source and synthesis of all other rights. This chapter has illustrated how the pontiff explicitly distilled these general, post-Vatican II theological principles into specific goals for the Holy See's diplomacy. He expounded upon the merit of religious freedom and specifically defined what the Holy See's diplomacy, if successful, would yield for individuals and religious communities.

These theological principles gave shape to the Holy See's foreign policy. The Holy See's diplomats were charged with carrying out the Holy See's human rights-driven foreign policy with these principles in mind. Since the hallmark of John Paul II's diplomacy was an emphasis on concrete results, the real test of the success of his diplomatic direction will be the extent to which the pope and his diplomats were able to translate these theologically derived policies into concrete progress.

For John Paul II, religious freedom is the most fundamental requirement of human dignity as well as the source and synthesis of all other human rights. As such the right to religious freedom must be respected as a universal and inalienable right of the individual in both its private and social dimensions. To make progress towards religious freedom,

reciprocità (Milan: Giuffrè, 2009).

the pontiff made clear his legates should pursue a diplomatic course of action based on respectful relations with Islamic majority states while engaging in dialogue, employing the legal instruments at its disposal, and doing everything in its power to ensure the survival of religious minorities who suffer religious persecution.

In essence theology directed both the “what” and the “why” of the Holy See’s diplomacy. It gave it strategic direction. But the question still remains: How could the Holy See translate these goals into concrete results? To tackle that question, the following chapter evaluates the tools available to the Holy See’s diplomats to press these goals and discusses the roles, history, and functions of the diplomacy of the Holy See. It departs temporarily from the pope’s specific strategic vision to take a detailed look at the nuts and bolts of the Holy See’s diplomacy. John Paul II’s emphasis on concrete results merits an in-depth view of the machine’s internal workings that seeks to achieve these lofty ambitions.

Chapter 2

I. Introduction

This chapter documents the scope, methods, actors, and goals of the Holy See's diplomacy. While the Holy See's diplomacy deals with relations between the Holy See and secular governments as well as the internal relationship between the Holy See and the local churches, this chapter focuses primarily on the first relationship. The Holy See has a long history of engaging other international actors with its role entrenched in both international and canon law. As the international system has evolved over the last two millennia so has the Holy See's specific goals and approaches to promoting the Church's interests in the world community. The Holy See has engaged in bilateral and multilateral diplomacy, brokered peace between disputing states, concluded numerous diplomatic agreements, and maintained its long-recognized moral authority in international affairs to help it achieve its core religious mission.

II. Definition of the Holy See

The Holy See, also referred to as the Apostolic See, is the institutional embodiment or central government of papal ministry.¹ The word "See" is derived from the Latin *sedes*,² and, in this context, is generally used to refer to the seat or chair of St. Peter. All subsequent successors of Peter occupy this seat or chair. The pope, as bishop of Rome, is also known as the Holy See because of his preeminence and responsibility in

¹In this dissertation the term "Holy See" will be used interchangeably with the term "Apostolic See."

²The original Latin term *Sancta Sedes* is therefore translated as "Holy See." See *Cassell's New Latin Dictionary*, 5th ed., s.v.v. "sanctus," "sedes."

the Catholic Church. The term Holy See is not synonymous with the Vatican, the Vatican City State, or Rome.³ The Code of Canon Law provides a juridic definition of the term:

In this Code, the term Apostolic See or Holy See refers not only to the Roman Pontiff but also to the Secretariat of State, the Council for Public Affairs of the Church, and other institutes of the Roman Curia, unless it is otherwise apparent from the nature of the matter or the context of the words.⁴

“The Vatican” is sometimes used to refer to the Holy See. This is especially the case in the popular media where the phrase “The Vatican” is used to refer to the pope and/or the Roman Curia, just as an ambassador from the United States is referred to as an ambassador from “Washington” or the ambassador from the United Kingdom as the ambassador from the “Court of St. James.”⁵

The Holy See is, however, not identical to the Vatican City State. The Holy See is the spiritual organization of the papal ministry while the Vatican City State is a temporal

³Gordon Ireland, “The State of the City of the Vatican,” *The American Journal of International Law* 27 (1933), 271; C.G. Fenwick, “The New City of the Vatican,” *The American Journal of International Law* 23 (April 1929), 371; and Kurt Martens, “The Position of the Holy See and Vatican City State in International Relations,” *U. Det. Mercy L. Rev.* 83 (2006), 730-731.

⁴*Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) c. 361: “Lex instituitur cum promulgatur.” English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1998). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated. The Council for Public Affairs of the Church no longer exists. It was replaced by the present Section for Relations with States.

⁵George Weigel, *God’s Choice: Pope Benedict XVI and the Future of the Catholic Church* (New York, NY: Harper Collins, 2005), 227.

entity, a city state consisting of a mere 44 hectares (108.7 acres).⁶ The head of the Holy See is the pope, who is assisted by the Roman Curia, which essentially serves as the pope's cabinet, and the Cardinal Secretary of State, who can be likened to a Foreign Minister. Both the Roman Curia and the Secretariat of State act in the pope's name and by his authority.⁷ They enable the pope to deal with the many issues affecting the universal Church. Canon 360 describes the Curia as the instrument through which the pope usually conducts the business of the universal Church. *Pastor Bonus*, article 39 indicates that the Secretariat of State "provides close assistance to the supreme pontiff in the exercise of his supreme office."⁸ The Council for Public Affairs of the Church has since been replaced by the Section for Relations with States which falls under the Secretariat of State's direction.⁹ The Holy See, not the Vatican City State, maintains diplomatic relations with states and participates in international organizations. Foreign embassies typically are accredited to the Holy See rather than to the Vatican City State,¹⁰

⁶For other definitions of the Holy See, see Hyginus Eugene Cardinale, *The Holy See and the International Order* (Great Britain: MacMillan of Canada MacLean-Hunter Press, 1976), 82 and Jean-Louis Tauran, "Is the Holy See a Political Power?" *Origins* 34 (November 25, 2004), 389.

⁷C. 360.

⁸*PB* art. 39.

⁹"Secretariat of State." The Holy See, http://www.vatican.va/roman_curia/secretariat_state/documents/rc_seg-st_12101998_pro_file_en.html (accessed March 25, 2010). For the norms governing the Section for Relations with States see *PB* arts. 40, 45-47.

¹⁰Dag Hammarskjöld, who was a Secretary General of the United Nations, said, "When I ask for an audience at the Vatican, I am not going to see the King of Vatican City, but the Head of the Catholic Church." See H. de Riedmatten, "Presence du Saint-

and it is the Holy See that enters into diplomatic agreements with other sovereign entities. However, when necessary, the Holy See will enter a treaty on behalf of the Vatican City State.¹¹

What then is the role of the Vatican City State? The Vatican City State assures the Holy See “absolute independence in fulfillment of its high mission to the world.”¹² The Vatican City State is the smallest sovereign state in the world; it is completely surrounded by the city of Rome. It contains St. Peter’s Basilica, the Vatican Palace (the residence of the pope), and several other buildings which house the Vatican museum, the Vatican Library, Vatican Radio, Vatican Television Center, the Vatican Observatory, the Vatican Polygot Press, art galleries, archives, a post office, a bank, a newspaper, a railroad station, and various offices, apartments and service facilities.

Siege dans les Organisations Internationales,” *Concilium* 58 (1970), 74. See also Martens, 755: “States have diplomatic relations with the Holy See, not with the Vatican City State.”

¹¹Giovanni Lajolo, *Nature and Function of Papal Diplomacy* (Singapore: Institute of Southeast Asian Studies, 2005), 5-6: “since the Vatican City State itself has juridical personality in accordance with international law, it can enter - and, in fact, has entered - into international agreements as well, specifically regarding technical matters, like postal services, telecommunications, media, etc. In practice, however, it is the Holy See which internationally represents the Vatican City State. When the Holy See enters into agreements for the Vatican City State, it uses the formula: ‘acting on behalf and in the interest of the State of Vatican City.’ In the Listing of Country Names published annually by the United Nations, a note is added to the Holy See entry, stating that in United Nations Documents, the term ‘Holy See’ is to be used, except in texts concerning the International Telecommunications Union and the Universal Postal Union, where the term ‘Vatican City State’ is to be used.”

¹²Benedict Williamson, *The Treaty of the Lateran* (London: Burns Oats & Washbourne Ltd., 1929), 42.

The pope is the head of the Vatican City State with full executive, legislative, and judicial power. However, the administration of its daily affairs largely lay in the hands of the Pontifical Commission for the State of Vatican City. The Vatican City's revenue comes from investments and real estate income, as well as from the sale of postage stamps, coins, medals, tourist mementoes, museum admissions, and publication sales. In addition, an annual assessment is made on Roman Catholic dioceses throughout the world and there is also a collection called "Peter's Pence" to which Church faithful make donations directly to the Vatican on the feasts of Saints Peter and Paul every year.¹³

In short, the Holy See and the Vatican City State are distinct, but both are subjects of international law.¹⁴ Although the pope is the head of both, "the Holy See" refers not only to the pope, but to the Roman Curia and the Secretariat of State whose purpose is to serve the universal Church. The Vatican City State, on the other hand, is the temporal entity whose affairs are largely governed by the Pontifical Commission for the State of Vatican City.

III. Definition of the Holy See's Diplomacy

The Holy See's diplomacy is the art of negotiations between the Church and state in accordance with the norms of both canon law and international law with a view to promoting matters which pertain to the peace, progress, and the cooperative effort of

¹³See Richard P. McBrien, ed., *The Harper Collins Encyclopedia of Catholicism* (New York, NY: HarperSanFrancisco, 1989), s.v. "Vatican City State."

¹⁴Lajolo, 5.

peoples.¹⁵ The diplomacy of the Holy See is based on both theological and juridical principles. These theological principles are drawn from the teachings of the Church and include both apostolic primacy and collegiality.¹⁶ The juridic principles in which the Holy See's diplomacy is based are drawn from the general principles of politics, and natural, canon, and international law. As an art, the diplomacy of the Holy See depends on the intelligence, experience, and tact of papal envoys in negotiating with states and international organizations.¹⁷

While the terms "Vatican diplomacy" or "the Holy See's diplomacy" are not used in the Code of Canon Law, the Holy See's diplomacy must be conducted in accordance with the norms of canon law. Canons 362-367 deal with "Legates of the Roman Pontiff" and *Pastor Bonus* articles 39-47 address the role of the Secretariat of State. The

¹⁵See Robert A. Graham's classic definition of papal diplomacy: "In short, by papal diplomacy is here meant the system of reciprocal permanent representation which the papacy has developed through the centuries to expedite through official channels any issue requiring negotiation or consultation with the several states. This representation includes not merely the envoys which the pope accredits abroad (nuncios and inter-nuncios), but also the envoys (ambassadors, ministers plenipotentiary, etc.) which the states accredit at the Vatican." Robert A. Graham, S.J., *Vatican Diplomacy: A Study of Church and State on the International Plane* (Princeton, New Jersey: Princeton University Press, 1959), 12. See also Hyginus Cardinale's definition of papal diplomacy: "Papal diplomacy may be defined as the system which in accordance with the rules of both ecclesiastical and international law, governs the relations between Church and State with a view to ensuring their harmony and co-operation and thus promoting lasting goodwill, understanding and peace among all peoples." Cardinale, 37.

¹⁶For an understanding of the theology behind Apostolic primacy and the relation of the pope to the universal Church, see *LG* 18, 20, 22, and 23; Vatican II, decree *Unitatis redintegratio* [UR] 2, November 21, 1964: *AAS* 57 (1965), 91-92; Vatican II, decree *Orientalium Ecclesiarum* [OE] 3, November 21, 1964: *AAS* 57 (1965), 77; and Vatican II, decree *Christus Dominus* [CD] 2, October 28, 1965: *AAS* 58 (1966), 673-674.

¹⁷Cardinale, 37.

diplomacy of the Holy See must also be conducted in accordance with the norms of international law. Canon 362 specifically states that “[t]he norms of international law are to be observed in what pertains to the mission and recall of legates appointed to states.”¹⁸

The general aim or goal of the Holy See’s diplomacy is to promote peace, progress, and the cooperative effort of peoples. The goals of the diplomacy of the Holy See stem from the universal nature of the Church’s mission. The Holy See’s diplomacy attempts to tackle the moral, cultural and social problems that face humanity by promoting respect for human rights, justice, and international law, developing close and friendly ties with states, and by aiding in efforts toward human progress.¹⁹ The Holy See’s diplomacy “rests essentially upon the spiritual sovereignty of the Holy See and not upon dominion over a few acres in the heart of Rome.”²⁰ It is the pope’s religious authority which confers upon him the classical right of legation as a brief survey of the history of the Holy See’s diplomacy demonstrates.

¹⁸C. 362.

¹⁹As Archbishop Pio Laghi points out the goals of papal diplomacy are in agreement with aims of diplomacy in general. See Pio Laghi, “Apostolic Pronuncio in the United States: The True Nature of Papal Diplomacy,” *Origins* 13 (May 3, 1984), 772.

²⁰Graham, *Vatican Diplomacy: A Study of Church and State on the International Plane*, 15.

IV. Brief History of the Holy See's Diplomacy

The Holy See has the world's oldest diplomatic service.²¹ Its origins can be traced to the first centuries of the Church when popes sent legates to represent them at ecumenical councils and to local churches.²² One such papal legate was present at the council of Nicea in 325.²³ The mission of these early legates was primarily ecclesiastical in nature.²⁴ However, by the fifth century the Church of Rome had begun sending representatives to the Imperial Court of Constantinople.²⁵ In so doing, it began the practice of sending nuncios to represent the Holy See to local churches and to civil governments. At the end of the ninth century, the pope sent envoys from Rome with the title "*legati missi*," to ensure his representatives in various nations more freedom in dealing with local civil authorities.²⁶ Gregory VII (1073-1085) sent legates to both

²¹The Holy See existed long before the international state system, and in many regards, the system grew up around the Holy See. See Lajolo, 12-19. See also Matthew N. Bathon, "The Atypical Status of the Holy See," *Vanderbilt Journal of Transnational Law* 34 (2001), 599: "The centuries-old influence of the Holy See in world affairs is an essential characteristic of its continued authority and unique status. No other religious body possesses this characteristic."

²²See Lajolo, 12-16; Cardinale, 62; and James H. Provost, "The Hierarchical Constitution of the Church," in *The Code of Canon Law: A Text and Commentary*, ed. James A. Coriden et al. (New York, NY/Mahwah, NJ: Paulist Press, 1985), 300-301.

²³Lajolo, 14.

²⁴The main mission of these early legates was to "preserve the unity of all Christians under the spiritual sovereignty of the papacy, which was not yet directly involved in things political." Cardinale, 63.

²⁵Lajolo, 15-16.

²⁶Cardinale, 65.

secular princes and bishops in both temporary and permanent capacities.²⁷ In the fifteenth century, the pope sent permanent representations to states in a stable manner, often to defend the freedom of the Church and the rights of local churches against the claims of temporal powers.²⁸

Papal diplomacy grew more institutionalized in the late middle ages and into the modern era. Pope Alexandre VI established the first apostolic nunciature in 1500 in Venice.²⁹ Later that century, records show that Gregory XIII reorganized the system of legates and established apostolic nunciatures in multiple other countries, and by 1701 Pope Clement XI established the Pontifical Ecclesiastical Academy to form clerics as pontifical legates.³⁰ These moves professionalized a modern diplomatic corps in line with changes in the functions of many contemporary European secular states.

In the nineteenth century, the Congress of Vienna (1815) defined the order of precedence of the various diplomatic agents, including papal legates, and gave them a fixed international status. This Congress recognized the Holy See's right to send its representatives to foreign states under international law and placed its legates and nuncios

²⁷Ibid.

²⁸Cardinale gives several examples of this. Ibid., 68.

²⁹There is still some debate as to which papal mission first used the name nunciature: Spain in 1450 or Venice in 1500. See Kunt Walf, "The Nature of the Papal Legation: Delineation and Observations," *The Jurist* 63 (2003), 86.

³⁰Lajolo, 18.

on the same level as the ambassadors of secular powers.³¹ It predicated this recognition on the historical role of the papacy and the pope's role as spiritual head of the Catholic Church, not on the temporal sovereignty of the Papal States. This recognition confirmed that the international community considered the papacy a moral power *sui generis*. The Vienna Convention in 1961 reaffirmed the papacy's rights in international law.

The Holy See has never stopped acting as a sovereign, diplomatic actor – not even during the loss of the temporal power of the pope between 1870 and 1929.³² When the Italians took over the Papal States in 1870, the Holy See without territorial sovereignty continued to function as an independent, international actor. The Holy See did not disappear as a subject of international law, nor did it lose its international personality due to the loss of Papal States. It continued to exercise the active and passive right of legation. However, the disappearance of the Papal States marked a change in the role of the Holy See in the international order from belonging to political alliances and engaging in military activities to taking a strictly humanitarian and moral approach to international relations.

³¹After the Congress of Vienna several important multilateral treaties specifically acknowledged the role and status of the Holy See as a subject of international law. See Robert John Araujo and John A. Lucal, *Papal Diplomacy and the Quest for Peace: The Vatican and International Organizations from the Early Years to the League of Nations* (Naples, FL: Sapientia Press of Ave Maria University, 2004), 14.

³²In spite of the loss of temporal sovereignty the Holy See increased the number of states it had legations with and continued to conclude concordats. See Josef Kunz, "The Status of the Holy See in International Law," *The American Journal of International Law* 46 (1952), 311-312. For a more complete study of the history of the Holy See's diplomacy after the end of the Papal States, see Robert A. Graham, S.J. *The Rise of the Double Diplomatic Corps in Rome: A Study in International Practice (1870-1875)* (The Hague: Martinus Nijhoff, 1952).

During these six decades of suppressed territorial sovereignty, the Holy See actively engaged in diplomacy. It mediated international conflicts and gained some support to attend major state-to-state conferences. Pope Leo XIII mediated a conflict between Germany and Spain (1885),³³ and the Holy See arbitrated a border conflict between Haiti and Santo Domingo (1895).³⁴ Three years later, Russia solicited the Holy See's support for the Hague Peace Conference.³⁵ The Holy See intended to send a representative to both the Hague Conference and a 1915 London Treaty negotiation but Italy blocked both.³⁶

The international community recognized the Holy See as an international actor distinct from Italy throughout this period. Belligerents in the First World War recognized vessels flying the Italian flag and vessels flying the Holy See's flag as distinct. While belligerents treated ships flying the Italian flag as part of the Axis powers, they treated ships flying the papal flag the same as those of other neutral states.³⁷ After the First World War, Germany requested the Holy See become a member of the League of

³³James Brown Scott, *Sovereign States and Suits Before Arbitral Tribunals and Courts of Justice* (New York, NY: The New York University Press, 1925), 95-96.

³⁴The Holy See mediated or arbitrated more than thirty disputes between States; see John Eppstein, *The Catholic Tradition of the Law of Nations* (Washington, D.C.: Catholic Association for International Peace, 1935), 470-474.

³⁵Araujo and Lucal, 6.

³⁶Cardinale, 88.

³⁷*Ibid.*

Nations. Italian opposition once again, however, prevented the Holy See's participation.³⁸

After the Papal States lost its sovereign territory, Italy's restrictions on the Holy See's diplomatic activity raised questions whether the Holy See still maintained its international personality.³⁹ The Holy See's continued practice of diplomacy and its engagement in the international arena indicated that it had not lost this status. To address this ambiguity the Lateran Treaty constituted the solution to what is known as the "Roman Question."⁴⁰ Italian leader Benito Mussolini and the Holy See's Secretary of State, Cardinal Pietro Gasparri, signed the Lateran Treaty on February 11, 1929, defining the current status of the Holy See.⁴¹ By ceding to the pope a small amount of territory, Italy granted the Holy See territorial sovereignty with the creation of the Vatican City State.

Thus, from 1929 until the present the Vatican City State provides the Holy See with sufficient temporal sovereignty to guarantee its freedom to exercise the Church's universal mission. The creation of the Vatican City State put an end to the argument that

³⁸Ibid, 230. For a more in-depth history of the Holy See's diplomacy from 1870 through the founding of the League of Nations, see Araujo and Lucal, 57-129.

³⁹See generally Mario Falco, "The Legal Position of the Holy See Before and After the Lateran Agreements: Two Lectures Delivered at the University of Oxford." (Oxford, U.K., 1935).

⁴⁰For a detailed analysis of the "Roman Question" and its solution see Martens, 733-742.

⁴¹For an English translation of the complete text of the agreements between the Holy See and Italy, see Williamson, 42-66.

the Holy See did not have international sovereignty because it did not have a sovereign territory. It is significant to note, however, that the Lateran Treaty explicitly recognizes that the Holy See, even without territorial sovereignty, possessed international personality.⁴² However, it is generally accepted that the Holy See and the Vatican City State are two separate subjects of international law.⁴³ The Holy See, a non-territorial sovereign, entered into a treaty with Italy to cede territory to the Holy See so that it would be a territorial sovereign.

After the two world wars and the significant change in world order and international structures, the international community continued to recognize the Holy See as a sovereign international actor under international law. The Vienna Convention on Diplomatic Relations (1961) affirmed the Holy See's right under international law to send its representatives⁴⁴ to foreign countries and establish nunciatures headed by nuncios with ambassadorial rank.⁴⁵ As detailed later in this chapter, the Holy See joined the United Nations as a permanent observer in 1964, and five years later, as part of his effort to

⁴²Kunz, "The Status of the Holy See in International Law," 312-313.

⁴³Martens, 760: "From a historical, practical and logical point of view, it is best to consider the Holy See and Vatican City State as two separate subjects of international law. The link between the two is the Bishop of Rome. Vatican City State was created to solve an embarrassing problem. It can be seen as the territorial basis for the operations and a guarantee for the independence of the Holy See. Therefore, Vatican City State will always have to operate on the international scene under the supervision of the Holy See. The idea that the Holy See is the sovereign of Vatican City State, and thus that diplomatic relations are ultimately established with Vatican City State and not with the Holy See, might solve a potential international problem, but does not seem to be correct."

⁴⁴1961 Vienna Convention on Diplomatic Relations, art. 16 no. 3.

⁴⁵*Ibid.*, art. 14.

implement the reforms of the Second Vatican Council, Pope Paul VI issued the Apostolic Letter *Sollicitudo Omnium Ecclesiarum* (The Care of All the Churches) to define clearly the functions of papal legates.⁴⁶

The long history of the Holy See's activity in international relations and the critical role custom plays as a foundation of international law demonstrates *de facto* that the Holy See enjoyed recognition as an international actor.⁴⁷ History also shows that the sovereignty of the Holy See transcends territorial possession. The Holy See has played and continues to play a unique role in international relations, but the exact status of the Holy See under international law remains to be explored in the following section.

V. The Juridic Status of the Holy See Under International Law

The Holy See is the only religious body which engages in both the active and passive right of legations with various states; nowhere is it exactly paralleled.⁴⁸ The

⁴⁶Paul VI, motu proprio *Sollicitudo omnium Ecclesiarum* [*SoE*], June 24, 1969: *AAS* 61 (1969), 473-484.

⁴⁷The Holy See's justification for its right to send legates to states is based on both the spiritual office of the pope and the course of history. See Paul VI, *SoE*: *AAS* 61 (1969), 476: "Re enim vera, ob ius inhaerens in ipso Nostro spirituali munere, faventibus etiam per saeculorum decursum quibusdam historiae eventibus, Legatos Nostros mittimus ad supremas Auctoritates Rerum Publicarum, in quibus Catholica Ecclesia quasi radices egit aut aliquo saltem modo praesens adest." An English Translation of *Sollicitudo omnium Ecclesiarum* can be found in Mario Oliveri, *The Representatives: The Real Nature and Function of Papal Legates*. (Gerrards Cross, U.K.: Van Duren Publishers, 1980), 157-170. All subsequent English translations of *SoE* will be taken from this source.

⁴⁸See generally Francis X. Murphy "Vatican Politics: Structure and Function," *World Politics* 26 (1974), 542; Lassa Oppenheim and Hersh Lauterpacht, *International Law*, 8th ed. (London/New York: Longmans, Green, 1955), 234; Josef L. Kunz, *The Changing Law of Nations: Essays on International Law* (Columbus, OH: Ohio State University Press, 1968), 276-289; and Lajolo, 11.

international status of the Holy See has been attacked and defended for centuries. While theoretical disputes continue about the requirements for international personality and the definition of a “state” in international law, it is generally accepted that the Holy See does have status, albeit atypical status, in international relations.⁴⁹

The pope is simultaneously the spiritual head of the Catholic Church and the temporal ruler of the Vatican City State. The Holy See could theoretically claim international authority as either the head of the Catholic Church (religious leader) or as the head of the Vatican City State (temporal leader). However, the Holy See’s relationship with various states is not predicated on the existence of the Vatican City State, and it is the Holy See, not the Vatican City State, which enters into formal diplomatic relations with states. It is the Holy See as a spiritual and moral reality, not a

⁴⁹For an examination of how the Montevideo Convention defines a “State” in international relations and how it applies to the Vatican City State see Bathon, 608-632. Hyginus Eugene Cardinale argues that sovereignty and diplomacy are so intimately connected that diplomatic representation is one of the touchstones of sovereignty. Cardinale, 73. Numerous other legal scholars have written about the Holy See’s status in International law, see Fenwick, 371-374; Ireland, 271-289; Herbert Wright, “The Status of the Vatican City,” *The American Journal of International Law* 38 (1944), 452-457; Horace F. Cumbo, “The Holy See and International Law,” *International Law Quarterly* 2 (1948), 603-620; Kunz, “The Status of the Holy See in International Law,” 308-314; Robert J. Araujo, S.J. “The International Personality and Sovereignty of the Holy See,” *The Catholic University Law Review* 50 (2001), 291-360; Martens, 729-760; and Gaetano Arangio-Ruiz, “On the Nature of the International Personality of the Holy See,” *Revue belge de droit international [R.B.D.I.]*, 29 (1966), 354-369. For a critical view of the Holy See’s atypical status, see Yasmin Abdullah, “The Holy See at United Nations Conferences: State or Church?” *Columbia Law Review* 96 (1996), 1835-1875. Some writers have concluded that the Holy See cannot be regarded as a state. Maurice H. Mendelson, “The Diminutive States in the United Nations,” *The International and Comparative Law Quarterly* 21 (1972), 611-626; and Ian Brownlie, *Principles of Public International Law*, 4th ed. (Oxford: Clarendon Press, 1990), 65.

temporal reality, which is the actor in international relations.⁵⁰ Nevertheless, the existence of the Vatican City State gives the Holy See enough temporal sovereignty to sufficiently guarantee its freedom in the service of its universal mission.

This dual claim to formal diplomatic status can provide political cover to states that prefer to deal with the pope as only the temporal head of state. For example, when Pope John Paul II's state visit to Greece in 2001 upset some of the Greek Orthodox clergy, the Athens government argued it was receiving him as head of the Vatican City State.⁵¹

There is no doubt that the Holy See is a unique subject under international law. The world-wide presence of the Holy See is just one way the Holy See is unique when compared to other states.⁵² Nonetheless, the Holy See enjoys an international personality similar to that of other states. The international community treats it as a subject of international law. The Holy See engages in diplomatic relations, participates in international organizations, and can enter into agreements with one or several sovereign

⁵⁰John Quinn, "Goals of the Holy See's Diplomacy: A Moral Voice Raised in the International Dialogue," *Origins* 13 (February 2, 1984), 572.

⁵¹See generally Graham, *Vatican Diplomacy: A Study of Church and State on the International Plane*, 82-84. For examples of when Pope John Paul II switched from pastoral leader to head of State as the situation demanded consider the his early visits to Poland both before and after martial law and his pilgrimages to Cuba (1998) and the Holy Land (2000). See also Alessandra Stanley, "Pope Arrives in Israel and Gets Taste of Mideast Politics," *The New York Times* (New York), March 22, 2000; and "'Repent,' say Orthodox to Pope," *Christian Century*, November 3, 1999.

⁵²As Pope Paul VI in his apostolic exhortation, *Evangelii nuntiandi* wrote, "A universal Church without boundaries or frontiers." See *AAS* 68 (1976), 52: "Ecclesiam nempe universalem, quae nec saepta habet nec fines."

states. The Holy See has actively participated in international juridical activities as a sovereign entity.⁵³ State practice, custom, and treaty law treat the Holy See as a subject of international law.⁵⁴ With this understanding of the Holy See's juridic status under international law, we can proceed to examine the Holy See's juridic status under canon law.

VI. The Juridic Status of the Holy See Under Canon Law

This sovereignty and independence of the Holy See is not only based on the general customary international law and on the practice of states, but also on canon law. Canon law, with its roots in theological principles, sees the Holy See's authority stemming from God. The universal Catholic Church has a divine right to operate on the world stage. The pope's general responsibilities flowing from this spiritual office drives canon law to define the pope's specific rights to send legates and pursue the universal mission of the church.

Canon 113 §1 asserts that "the Catholic Church and the Apostolic See have the character of a moral person by divine ordinance itself." A moral person is "a group or succession of natural persons who are united by a common purpose and, hence, who have a particular relationship to each other and who, because of that relationship may be conceived of as a single entity."⁵⁵ Canon law considers the Holy See a single entity – a

⁵³Tauran, "Is the Holy See a Political Power?" 389.

⁵⁴Araujo, 332-345.

⁵⁵Robert T. Kennedy, "Juridic Persons," in *New Commentary on the Code of Canon Law*, ed. John P. Beal et al. (New York, NY/Mahwah, NJ: Paulist Press, 2000), 154.

moral person – inspired by God for a spiritual purpose, not an entity brought into existence by ecclesiastical or other human authority. It shares an institutional goal, the salvation of souls, that God first charged St. Peter with this responsibility, and this responsibility falls on the shoulders of each of Peter’s successors – the popes.⁵⁶

Consequently, the Code defines the pope’s right to send legates to states based on his spiritual office, not on his temporal office as head of the Vatican City State.⁵⁷

Additionally, canon law defines the authority of the Roman Pontiff as the supreme head of the Church on earth. By nature of his office, the pope’s authority is supreme, universal, and immediate. First, canon 331 states that the bishop of Rome (the pope) is not the first among equals in the Church leadership. He “continues the office given by the Lord uniquely to Peter, the first of the Apostles.” Thus, the pope “is the head of the college of bishops, the Vicar of Christ, and the pastor of the universal Church on earth.”⁵⁸

These roles have been transmitted to Peter’s successors.

⁵⁶Jean-Louis Tauran, Lecture on the Theme “The Presence of the Holy See in the International Organizations,” (Milan: Catholic University of the Sacred Heart, Monday April 22, 2002), “Canon 113 1 makes clear that ‘the Catholic Church and the Apostolic See have the nature of a moral person by divine law itself.’ That means that the Holy See, as an institution placed at the service of the ministry of communion entrusted by Christ to Peter, will endure, even if it were to be reduced to its simplest expression in the person of the pope and even to the end of time. This theological and canonical definition is corroborated by its historical and juridical condition: the place of the Holy See on the international scene is justified to the extent to which it is the supreme authority of the Catholic Church that, in turn, by means of the Holy See, is in possession of true international status.”

⁵⁷The 1983 Code of Canon Law and *SoE* are consistent in confirming that the pope’s right to send legates to states is based on his spiritual office. See *SoE: AAS* 61 (1969), 476.

⁵⁸C. 331.

The same canon breaks down the type of authority the pope possesses into component parts: “By virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is able to exercise freely.” The pope’s power is “supreme and full” in that he is the head of the college of bishops (c. 336), is the supreme shepherd and teacher (c. 749 §1), and can be judged by no one (c. 1404). Though the college of bishops possess this “supreme and full” power,⁵⁹ the pope can exercise his “supreme and full” power “freely” while the college of bishops must exercise it in conjunction with the pope.⁶⁰ The pope’s “immediate” power means he can intervene directly rather than through intermediaries on all levels, and his “universal” power indicates his authority extends over the entire world-wide Catholic Church. Finally, the “ordinary” power means that authority is joined to his office; it is not a personal attribute.⁶¹

Canon law determines that the pope has certain diplomatic rights given his divinely ordained papal authority as spiritual leader of the universal Catholic Church. According to canon 362, the pope “has the innate and independent right to appoint, send, transfer, and recall his own legates either to particular churches in various nations or

⁵⁹C. 336.

⁶⁰See c. 331 and c. 336.

⁶¹C. 131 § 1. For a more in-depth look at juridic meaning of the powers of the pope see Knut Walf, “The Hierarchical Constitution of the Church,” in *New Commentary on the Code of Canon Law*, ed. John P. Beal et al. (New York, NY/Mahawah, NJ: Paulist Press), 433-434.

regions or to states and public authorities.”⁶² These rights are innate in the office that possesses supreme, full, immediate, and universal ordinary power. They are not conceded by other authorities to the pope. The pope exercises these rights concerning legates independently as well, because he is not subject to any other authority, whether civil or ecclesiastical.

The extensive rights of the pope are limited to his spiritual mission. Though no authority can limit or circumscribe the pope’s right to send legates to “particular churches” or the Catholic community in various nations and regions, canon law recognizes that international law⁶³ can limit the pope’s right to appoint legates to states.⁶⁴ Canon 362 requires that the “norms of international law are to be observed in what pertains to the mission and recall of legates appointed to states” but also affirms the Church’s independence from civil authorities in pursuing its spiritual mission; this particular canon “reflects years of struggle to keep civil authorities from attempting to control the naming of legates to the Church in their countries.”⁶⁵ In short, the pope’s authority to communicate directly with the faithful cannot be infringed due to the specific nature of his office and mission, but the supporting role of developing ties with other states is subject to another authority – international law.

⁶²C. 362. See Oliveri, 164.

⁶³For a full text of the 1961 Vienna Convention on Diplomatic Relations in English, see Cardinale 393-415.

⁶⁴C. 362.

⁶⁵Provost, 302.

VII. The Nature and General Goals of the Holy See's Diplomacy

The nature of the Holy See's diplomacy is threefold: it is religious, universal, and humanitarian. The religious nature of the diplomacy of the Holy See distinguishes it from that of secular states. As a religious entity, the Holy See attempts to impact and influence international relations through religious and ethical means. The Holy See's diplomacy works from the premise that religion has a significant role to play in diplomatic efforts. Thus, the Holy See seeks peace, encourages the cooperative effort of peoples, and promotes human rights, especially the right to religious freedom. The Holy See's unique universal nature motivates its endeavors to promote the common good of the populations of every state since the Holy See is "not alien to any culture, to any civilization, to any ethnic social tradition."⁶⁶ The humanitarian nature of the Holy See's diplomacy leads the Holy See to advocate giving aid to the needy and disaster relief to those suffering throughout the world regardless of religious affiliation.⁶⁷ This humanitarian nature also leads the Holy See to strive for justice, peace, and human progress across the globe.

⁶⁶John Paul II, *Ad Exc.mos Viros qui apud Sanctam Sedem Legatorum munere funguntur, Summo Pontifici, novo anno inito, fausta et felicia ominantes habita*, AAS 74 (1982), 412: "Elle n'est étrangère à aucune culture, à aucune civilisation, à aucune tradition ethnique et sociale." Translation by Bernard J. O'Connor as "Address to the Diplomatic Corps (January 16, 1982)," *Papal Diplomacy*. (South Bend, IN: St. Augustine Press, 2005), 29.

⁶⁷See John Paul II, *Ad Exc.mos Viros nationum Legatos apud Sedem Apostolicam, initio anni 1983 omina et vota Summo Pontifici promentes*, AAS 75 (1983), 376: "Mais l'Eglise ressent de façon particulière le devoir de se faire, autant qu'elle le peut, le bon samaritain de ceux qui sont laissés pour compte le long du chemin de l'histoire."

Although the primary mission of the church is religious,⁶⁸ the Holy See must also mold conditions necessary to accomplish this religious mission. The Church must maintain its own organizational structure and shape social conditions to accomplish its religious mission. Both require that civil authorities recognize religious freedom so the Church can exist as an institution in that country and proclaim and communicate the teaching of the faith. Therefore, one aim of the diplomacy of the Holy See is to gain religious freedom for the Church as an institution in various nations and regions. Put differently, the Church's goal is "ensuring respect for the rules and requirements of divine law and ecclesiastical order so as to guarantee the freedom of action indispensable to the Church for the accomplishment of her universal mission, on behalf of all mankind."⁶⁹ If the Church is not free to pursue its universal mission, then all the other aims of her diplomacy are for naught. Thus, the Holy See's diplomacy promotes favorable conditions for the Church so that she can exercise her proper mission and serve others.

There are three general goals of the Holy See's diplomacy: the promotion of peace, progress, and the cooperative effort of peoples.⁷⁰ In order to achieve its three general goals, the Holy See focuses on several specific objectives. First among them is the promotion of, and respect for, human dignity and human rights. The Holy See's

⁶⁸*GS 42: AAS 58 (1966) 1060: "Missio quidem propria, quam Christus Ecclesiae suae concredidit, non est ordinis politici, oeconomici vel socialis: finis enim quem ei praecepit ordinis religiosi est. At sane ex hac ipsa missione religiosa munus, lux et vires fluunt quae communitati hominum secundum Legem divinam constituendae et firmandae inservire possunt."*

⁶⁹Cardinale, 38.

⁷⁰C. 364, 5°.

diplomacy promotes respect for the human person.⁷¹ The Holy See focuses on the dignity of the human person, not only by enunciating general principles, but by serving the concrete, material needs of people.

Second, the Holy See promotes peace in its international relations by speaking out against war and armed violence, especially violence in the name of religion. It calls for a decrease in military expenditures, effective disarmament, respect for all cultures and religious traditions, and solidarity, especially with poorer states. The Holy See signed and ratified treaties on Non-Proliferation of Nuclear Weapons (1971), on banning the use of anti-personnel landmines (1997), and on prohibiting the use of chemical weapons (1999). It promotes dialogue, negotiations, and the use of juridical instruments over violence.

Third, the diplomacy of the Holy See promotes respect for international law as the most adequate means for peacefully resolving controversies between states. Though it recognizes that conflicts among nations naturally arise, the Holy See holds that these disagreements should be resolved peacefully and justly. If states respect international law, then these conflicts can be resolved without resorting to arms.

Fourth, the Holy See promotes justice and human progress, including efforts that work toward the development of peoples, advocate a more adequate distribution of

⁷¹John Paul II, *Ad Exc.mos Viros qui apud Sanctam Sedem Legatorum munere funguntur, Summo Pontifici, novo anno inito, fausta et felicia ominantes habita*, AAS 74 (1982), 413: “Elle veut sauvegarder les droits inviolables de la dignité de l’homme, à quelque civilisation ou mentalité qu’il appartienne, et elle est ouverte aux attentes, aux affirmations, aux inquiétudes propres à l’homme et relatives à la vérité, à la beauté, à la bonté.”

wealth, and encourage the sharing of technology.⁷² The Holy See deals explicitly with questions of economic justice and development in very practical and specific ways.

Fifth, the Holy See advances an agenda of friendly ties among states, other Christian communities, and world religions. It holds that through peaceful co-existence and fruitful inter-state, ecumenical, and inter-religious dialogue, the Holy See can encourage religious freedom, human rights, and the Church's wider goals.

VIII. Diplomatic Actors in the Holy See's Diplomacy

The Catholic Church is large and highly institutionalized. There are over one billion Catholics in the world.⁷³ The Catholic Church has a vast network of schools, hospitals, and other social services. It should come as no surprise, therefore, that the size and range of its diplomatic activities are also vast and complex. It would be virtually impossible to examine all the institutes, organizations, and people who play a part in the Holy See's diplomacy, but four particular actors most closely associated with the diplomacy of the Holy See merit special attention: the pope, the Secretariat of State, legates, and the Roman Curia.

⁷²See John Paul II, *Ad Corpus Legatorum apud Apostolicam Sedem*, AAS 97 (2005), 151-157; John Paul II, *Ad Exc.-mos Legatos apud Sedem Apostolicam, novo anno inito coram admissos*, AAS 77 (1985), 651-652; and John Paul II, *Ad nationum legatos, novo anno ineunte*, AAS 78 (1986), 642-643.

⁷³See "Frequently Requested Catholic Church Statistics," Center for Applied Research in the Apostolate (CARA), <http://cara.georgetown.edu/bulletin/index.htm> (accessed March 25, 2010). According to a CARA there were 1.15 billion Catholics in 2005 constituting 17% of the world's population.

A. The Pope

1. The General Role of the Pope as a Diplomatic Actor

The pope has multiple roles. He is pastor of the universal church, Vicar of Christ, head of the Vatican City State, head of the college of bishops, and chief diplomat. The principal agent of the Holy See's diplomatic action is the pope himself.⁷⁴ The pope through his travels, meetings, writings, and interactions with international organizations directs the international activity of the Holy See. With his pastoral ministry, travels, meetings, speeches and messages, he can inspire leaders and others, encourage various social initiatives and, at times, contest systems or ideas that deny or harm the dignity of the person and threaten world peace.

The Holy Father directs the affairs of the Roman Curia, which includes the Secretariat of State who act in his name and by his authority.⁷⁵ Enjoying the innate and independent right to appoint, send, transfer and recall his own legates, the pope exercises the right of both internal and external legation.⁷⁶ The pontiff can send legates to local churches for pastoral reasons (internal legation), and he can send legates to states, subject to the norms of international law (external legation).⁷⁷ Each pope has his own methods

⁷⁴Lajolo, 30.

⁷⁵C. 360.

⁷⁶C. 362.

⁷⁷C.C. 364-365. The practice of double accreditation began in 435 A.D. when at the conclusion of the Council of Chalcedon Pope Leo the Great accredited his legate, Julian of Coe, to the religious hierarchy and to the Emperor of Constantinople. See Lajolo, 15 and Robert A. Graham, S.J. *The Rise of the Double Diplomatic Corps in Rome: A Study in International Practice (1870-1875)* 1-110.

for pursuing diplomatic ends, and each exercises his diplomatic role in the context of the current theology and historical circumstances.

2. Pope John Paul II as a Diplomatic Actor

Pope John Paul II raised the profile and visibility of the papacy as a diplomatic actor on the world stage. When he became pope on October 16, 1978, the Holy See had active diplomatic exchanges with slightly more than 80 states. At the end of his papacy in April 2005, he had more than doubled the number of diplomatic exchanges to reach a total of 174. John Paul II used the mass media effectively to transmit messages and launch appeals across the globe. A prolific writer, he authored fourteen encyclicals, fourteen apostolic exhortations, and forty-five apostolic letters. John Paul II also issued thirty-one *motu proprio*s and delivered 3,288 prepared speeches during his many apostolic voyages.⁷⁸

John Paul II continued to issue messages for the annual World Day of Peace on the first day of each year, a practice initiated by Pope Paul VI in 1968. At the beginning of each year, he also formally convened the diplomatic corps accredited to the Holy See and discussed the critical issues facing the global community and took time to greet personally the new ambassadors who were presenting their credentials to the Holy See.⁷⁹

⁷⁸Holy See Press Office, “Statistics of the Pontificate of John Paul II: Principal Documents.” The Holy See, http://www.vatican.va/news_services/press/documentazione/documents/pontificato_gpII/pontificato_dati-statistici_en.html#Documenti%20principali (accessed March 25, 2010).

⁷⁹John Paul II was not the first pope to address new ambassadors and the diplomatic corps accredited to the Holy See. Previous popes, such as Pius XII, John XXIII, and Paul VI, had also done so.

John Paul II also met with heads of states and other dignitaries.⁸⁰ On all of these occasions, he made known the Church's views on the pressing issues of the day. John Paul II was not known to mince words; nor was he afraid to challenge world leaders and call attention to threats against the human person. Yet, it was his policy to welcome without restrictions all persons who expressed a wish to meet him.

The late pontiff actively promoted international law and international organizations. He strengthened and increased the Holy See's participation throughout the world in international conferences hosted by a wide variety of international and regional organizations. John Paul II was the second pope to speak at the United Nations and the first to speak there twice.⁸¹ He addressed the U.N. in 1979⁸² and again in 1995.⁸³ In addition to these two addresses, he sent a message to the General Assembly on June 7,

⁸⁰According to the Holy See Press Office John Paul II had 38 official visits with Heads of State, 378 other audiences and meetings with Heads of State, and 246 audiences and meetings with Prime Ministers throughout the course of his pontificate. See Holy See Press Office, "Statistics of the Pontificate of John Paul II: Audiences and Meetings with Political Figures." The Holy See, http://www.vatican.va/news_services/press/documentazione/documents/pontificato_gpII/pontificato_dati-statistici_en.html#Udiienze%20e%20incontri%20con%20personalit%E0%20politiche (accessed March 25, 2010).

⁸¹In October 1965, Pope Paul VI was the first pope to travel to New York to speak before the General Assembly of the United Nations. Pope John Paul II traveled to New York in 1979 and again in 1995 to address the General Assembly of the United Nations.

⁸²John Paul II, allocution *Palatium deinde adiit Nationum Unitarum; in quod ingressus, allocutionem habuit ad earundem Nationum Legatos*, October 2, 1979: *AAS* 71 (1979), 1144-1160.

⁸³John Paul II, "Address to the Fiftieth General Assembly of the United Nations Organization," October 5, 1995, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1995), 18: 730-744.

1982, to stress the immediate need to concentrate on the interrelation of peace and disarmament.⁸⁴ During the papacy of John Paul II, the Holy See defended human rights and the dignity of every person in numerous U.N. conferences and meetings. Under his direction, the Holy See intervened at the General Assembly, the Economic and Social Council, and, even, on occasion, before the Security Council when non-member states had the opportunity to provide their insights and concerns.

Finally, the most visible and colorful way John Paul II served as diplomatic actor was through his global apostolic visits. He met with state leaders, world religious leaders, youth, bishops, priests, religious, and common people and delivered 3, 228 prepared speeches during his apostolic visits to 129 states.⁸⁵ During these trips John Paul II took great pains to respect indigenous cultures. He often integrated local customs into his liturgies, spoke the native language, and praised indigenous writers and scholars. Through these visits and meetings, John Paul II expressed his solidarity with the people;

⁸⁴See John Paul II, nuntii scripto dati *De apparatus militaris imminutione ex conducto facienda, ab Augustino S. R. E. Presbytero Cardinali Casaroli, a publicis Ecclesiae negotiis, in plenario conventu organismi O.N.U, nuncupati, recitatus*, June 7, 1982: *AAS* 74 (1982), 872-883.

⁸⁵Holy See Press Office, "Statistics of the Pontificate of John Paul II: Principal Documents." The Holy See, http://www.vatican.va/news_services/press/documentazione/documents/pontificato_gpII/pontificato_dati-statistici_en.html#Documenti%20principali (accessed April 14, 2010). According to the Holy See Press Office John Paul II had 38 official visits with heads of state, 738 other audiences and meetings with heads of state, and 246 audiences and meetings with prime ministers throughout the course of his pontificate. See Holy See Press Office, "Statistics of the Pontificate of John Paul II: Audiences and Meetings with Political Figures." The Holy See, http://www.vatican.va/news_services/press/documentazione/documents/pontificato_gpII/pontificato_dati-statistici_en.html (accessed April 14, 2010).

called them to respect the dignity of others regardless of race, sex, religion, or creed; and fostered peace and cooperation.

B. The Secretariat of State

1. The General Role of the Secretariat of State

The Secretariat of State is the dicastery of the Roman Curia which works most closely with the Supreme Pontiff in the exercise of his universal mission.⁸⁶ It is the central office of the Holy See's diplomacy and is similar to a Ministry of Foreign Affairs. The origins of the Secretariat of State date to the fifteenth century. The Secretariat of State developed from the pope's "need to maintain, independently of the Apostolic Chancery, more frequent, rapid, and secret relations with the outside world."⁸⁷ The Head of the Secretariat of State is the Cardinal Secretary of State, whose functions are similar to that of a Foreign Minister and a Prime Minister. He is primarily responsible for the diplomatic and political activity of the Holy See. The Cardinal Secretary of State represents the Holy See in international affairs, receives heads of state and ambassadors, and often accompanies the pontiff on his trips. On June 28, 1988, John Paul II promulgated the Apostolic Constitution *Pastor Bonus*, which divided the Secretariat of State into two sections, the Section for General Affairs which deals primarily with

⁸⁶*PB* art. 39. Giovanni Lajolo refers to the Secretariat of State as the "first" and "largest" of the dicasteries of the Roman Curia. See Lajolo, 7. For more information on the role of the Secretariat of State see Niccolò Del Re, *La Curia Romana: lineamenti storico-giuridici* (Vatican City: Libreria Editrice Vaticana, 1998), 73-91.

⁸⁷Cardinale, 132.

internal church affairs; and the Section for Relations with States which handles conventional diplomacy.⁸⁸ The Cardinal Secretary of State presides over both sections.⁸⁹

a. The Section for General Affairs

The Section for General Affairs, sometimes referred to as the First Section, is responsible for handling the everyday service of the pope. This includes dealing with matters which are outside the ordinary competence of the dicasteries of the Roman Curia (congregations, pontifical councils, tribunals, administrative offices) and coordinating the work of the various dicasteries without prejudice to their autonomy.⁹⁰ Beyond these duties, the Section for General Affairs is charged with two principle duties to “expedite the business concerning the daily service of the Supreme Pontiff.”⁹¹ First, it supervises the Holy See’s official communication agencies. It publishes *Acta Apostolicae Sedis*⁹² and *Annuario Pontificio*;⁹³ in consultation with the Section for Relations with States, it oversees the newspaper *L’Osservatore Romano*, the Vatican Radio Station, and the Vatican Television Center.⁹⁴ Furthermore, the Section for General Affairs draws up and dispatches papal texts such as apostolic letters, apostolic constitutions, decretal letters,

⁸⁸The Second Section, the Section for Relations with States, incorporated the Council for the Public Affairs of the Church which once stood alone.

⁸⁹*PB* art. 40.

⁹⁰*PB* art. 41 §1.

⁹¹*Ibid.*

⁹²*PB* art. 43 1°.

⁹³*PB* art. 44.

⁹⁴*PB* art. 43 3°.

epistles, and any other document entrusted to it by the Holy Father.⁹⁵ It also prepares documents for the Supreme Pontiff's high-level appointments to the Roman Curia and in other institutes.⁹⁶

The other principal responsibility of the Section for General Affairs is regulating the duties and activity of the Holy See's legates, especially in their relations with local churches.⁹⁷ It is charged with attending to the concerns of the foreign ambassadors accredited to the Holy See.⁹⁸ This Section, in consultation with other competent dicasteries, spearheads the Holy See's activity in international organizations, including Catholic international organizations.⁹⁹ Organizationally, the Section for General Affairs is headed by an Archbishop, whose title is the Substitute for General Affairs. The Substitute is assisted by a Prelate, whose title is the Assessor for General Affairs.

b. The Section for Relations with States

The Second Section, the Section for Relations with States, was first set up by Pius VI on May 28, 1793 with the Constitution *Sollicitudo Omnium Ecclesiarum* and was called the Congregation *Super Negotiis Ecclesiasticis Regni Galliarum*.¹⁰⁰ Its main

⁹⁵*PB* art. 42 1°.

⁹⁶*PB* art. 42 2°.

⁹⁷*PB* art. 41 § 1.

⁹⁸*Ibid.*

⁹⁹*PB* art. 42 § 2.

¹⁰⁰“Secretariat of State.” The Holy See, http://www.vatican.va/roman_curia/secretariat_state/documents/rc_seg-st_12101998_profile_en.html (accessed March 25, 2010).

function was to deal with the problems that the French Revolution posed for the Church.¹⁰¹ In 1814, Pius VII gave this office a wider scope and named it the *Congregatio Extraordinaria Praeposita Negotiis Ecclesiasticis Orbis Catholici*. Leo XII (1823-1829) later changed its name to the *Congregatio Pro Negotiis Ecclesiasticis Extraordinariis*, which remained its title until 1967 when Paul VI separated this body from the Secretariat of State and called it the Council for the Public Affairs of the Church.¹⁰² On June 28, 1988, John Paul II's apostolic constitution *Pastor Bonus* replaced the Council for Public Affairs of the Church with the Section for Relations with States.¹⁰³

While the Section for General Affairs provides for the basic logistical and administrative needs of the Holy See, the Section for Relations with States acts as a policy advisory and policy implementation body. Though the Section for Relations with States has gone through many changes, it is primarily responsible for the Holy See's diplomatic relations with states and other subjects of public international law. Formally, it attends to matters which involve civil governments in accord with Articles 45-47 of *Pastor Bonus*. This responsibility entails the establishment of concordats or similar agreements in order to promote the good of the Church and civil society.¹⁰⁴ The Second Section is the primary institution representing the Holy See at international organizations

¹⁰¹Ibid.

¹⁰²Ibid.

¹⁰³For a more detailed history of the Secretariat of State see Cardinale, 131-136.

¹⁰⁴*PB* art. 46 1°.

and meetings along with the competent dicasteries of the Roman Curia.¹⁰⁵ The Section for Relations with States is also responsible for supporting papal legates in the conduct of their duties.¹⁰⁶

In special circumstances when ordered by the pope, the Second Section in consultation with relevant dicasteries assists the local Church community in appointing bishops and erecting and modifying particular Churches or groups of particular Churches.¹⁰⁷ The Second Section of the Secretariat of State is headed by an Archbishop, the Secretary for Relations with States. The Secretary is aided by a Prelate, the Under-Secretary for Relations with States, and other Cardinals and Bishops.¹⁰⁸

2. The Secretariat of State Under Pope John Paul II

Three men served as Cardinal Secretary of State under John Paul II. After his election as pope, John Paul II confirmed his predecessor's Cardinal Secretary in the same position. However, Jean Cardinal Villot died the following year. John Paul II selected Agostino Casaroli as his replacement. As the architect and executor of the Holy See's Ostpolitik, Casaroli masterminded the Holy See's delicate dealings with communist countries; he served in this position until 1990 when the pontiff promoted Angelo

¹⁰⁵*PB* art. 46 2°.

¹⁰⁶*PB* art. 46, 3°.

¹⁰⁷*PB* art. 47. It was common for the Second Section to receive such a mandate in countries behind the Iron Curtain. Today it is common for the Second Section to receive a papal mandate in countries where religious freedom is restricted. See Lajolo, 9.

¹⁰⁸“Secretariat of State,” The Holy See, http://www.vatican.va/roman_curia/secretariat_state/documents/rc_seg-st_12101998_profile_en.html (accessed March 25, 2010).

Sodano, a veteran diplomat who had many years of service as the papal representative in Chile, to the position.¹⁰⁹ Cardinal Sodano held this office until 2006, more than a year after John Paul II's death, with a brief interruption during the vacancy of the Holy See (April 2-19, 2005).¹¹⁰

Five men served as Substitute for General Affairs under John Paul II: Giuseppe Caprio (from before John Paul II's election until April 28, 1979); Eduardo Martínez Somalo (from May 5, 1979 until March 23, 1988); Edward Cassidy (March 23, 1988, until December 12, 1989); Giovanni Battista Re (from December 12, 1989, until September 16, 2000); and Leonardo Sandri (from September 16, 2000, until July 1, 2007). Three men served as Secretary for Relations with States during the pontificate of John Paul II: Angelo Sodano (1986-1990), Jean-Louis Tauran, (1990-2003) and Giovanni Lajolo (2003 - 2006).

C. Legates

1. The General Role of Legates

The Holy See reorganized its system of papal legation in 1969, four years after the close of the Second Vatican Council. The Council's Decree on the Pastoral Life of Bishops (*Christus Dominus*) determined that the office of papal legates should be defined

¹⁰⁹For more on the Vatican's Ostpolitik see Hansjakob Stehle, *Die Ostpolitik des Vatikans : 1917-1975* (Munich/Zurich: Piper, 1975).

¹¹⁰For a list of all the Cardinal Secretaries of State from 1800 see "Elenco degli em mi cardinali segretari di stato dal 1800," The Holy See, http://www.vatican.va/roman_curia/secretariat_state/documents/rc_seg-st_doc_20090915_segretari-stato_it.html (accessed May 6, 2010).

more “precisely” and “in view of the pastoral role proper to bishops.”¹¹¹ Thus, Pope Paul VI issued new legislation on the system of papal legations in his *motu proprio Sollicitudo omnium Ecclesiarum*. This document defined papal representatives or legates as “ecclesiastics - usually endowed with episcopal dignity - who receive from the Roman Pontiff the charge of representing him in a permanent way in the various nations or regions of the world.”¹¹² It also categorized them as follows: Apostolic Delegate, Nuncio, Pro-Nuncio, Inter-Nuncio, Regent, Chargé d’Affaires, and Delegate or Observer.

Unlike *Sollicitudo omnium Ecclesiarum*, the 1983 Code of Canon Law did not distinguish among these various types of papal representatives. The 1983 Code recognized no order of precedence of legates, but categorized them all as “legates of the Roman Pontiff.”¹¹³ The Code distinguished only between those pontifical legates who serve the Roman Pontiff on a stable basis to particular churches, states, or public authorities; and those appointed as “delegates or observers” for a particular occasion at international councils, conferences, or meeting.¹¹⁴

¹¹¹CD 9: AAS 58 (1966), 677: “Exoptant pariter ut, ratione habita muneris pastoralis Episcoporum proprii, Legatorum Romani Pontificis officium pressius determinetur.” Translation from Vatican II, decree *Christus Dominus*, 9, in *Documents of Vatican II*, ed. Walter M. Abbott (New York, NY: America Press, 1966), 402. For a history of papal legates up until the Second Vatican Council see Walf, “The Nature of the Papal Legation: Delineation and Observations,” 85-88.

¹¹²SoE art. I, 1: AAS 61 (1969), 478. Trans., Oliveri, 162-163.

¹¹³The 1983 Code does not mention the titles *nuntius*, *pronuntius*, *internuntius*, *regent*, or *chargé d’affaires*.

¹¹⁴C. 363.

a. Apostolic Nuncios

The 1961 Vienna Convention on Diplomatic Relations specifically mentions Apostolic Nuncios and confirms their rank as an Ambassador Extraordinary and Plenipotentiary.¹¹⁵ The Apostolic Nuncio differs from an “Ambassador” in that he has a dual mission. Not only is the Apostolic Nuncio the diplomatic representative of the Holy See to a state or international organization, he also serves as the representative of the Holy Father to the local church. The word Nuncio comes from the Latin *nuntius* which means “messenger.”¹¹⁶ Thus, they are to act as messengers of the Roman Pontiff and heralds of the Gospel. The term Nuncio has been retained and not replaced by the title Ambassador to underscore the role of the pontifical representative to represent the pope. An Apostolic Nuncio holds the rank of Ambassador and enjoys the privilege of being automatically the dean of the diplomatic corps.¹¹⁷ In general, Nuncios are titular archbishops and they are the head of their diplomatic mission. Their mission is to represent all interests of the Holy See.

The term Apostolic Pro-Nuncio was used from 1965 until roughly 1991. The prefix “pro” was used to designate a papal diplomatic representative who had the same functions as an Apostolic Nuncio and the same rank of an ambassador but was accredited

¹¹⁵1961 Vienna Convention on Diplomatic Relations, art. 14 §1.

¹¹⁶*Cassell's New Latin Dictionary* 5th ed. (1968), s.v. “nuntius.”

¹¹⁷In virtue of article 4 of the protocol of June 9, 1815 of the Congress of Vienna, the nuncio is dean of the diplomatic corps in the country of appointment independently of the question of whether or not, at the time of accreditation, he is the oldest member of the corps (i.e. has seniority). This right was also acknowledged by the 1961 Vienna Convention on Diplomatic Relations, art. 14, § 1.

to a state that did not accord him *de iure* deanship of the diplomatic corps. In these states, the Apostolic Pro-Nuncio's place in the order of precedence is determined by his seniority, that is, by the date of his accreditation. The title Apostolic Pro-Nuncio is no longer used.¹¹⁸

The Holy See sent representatives with the title Apostolic Inter-Nuncio when it deemed sending a Nuncio or Pro-Nuncio imprudent. Inter-Nuncios hold the same responsibilities as other Nuncios but do not have ambassadorial rank. This title, like the title Pro-Nuncio, is rarely used.¹¹⁹ Two other infrequently used categories of representatives which are mentioned in *Sollicitudo omnium Ecclesiarum* are Regent and Chargé d'Affaires. A Regent is a representative who is appointed when the prolonged absence of a Head of Mission is foreseen and the Holy See wants to emphasize the relatively permanent status of its new representative.¹²⁰ The Chargé d' Affaires is a representative who serves on a more temporary basis in the absence of an Apostolic Nuncio.¹²¹

¹¹⁸Martens, 748.

¹¹⁹The 1917 Code of Canon Law did make mention the titles "Nuncio" and "Inter-Nuncio" unlike the 1983 Code. See *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (Rome: Typis Polyglottis Vaticanis, 1917) c. 267 § 1.

¹²⁰See Cardinale, 146.

¹²¹For more on the role of the Chargé d' Affaires see Ibid., 146-147.

b. Apostolic Delegates

Apostolic Delegates represent the Roman Pontiff solely to the local church, because the particular state does not have diplomatic relations with the Holy See. Apostolic Delegates have the same ecclesiastical rank as Nuncios, but have no formal diplomatic status, because they are not accredited to a state.¹²²

c. Delegates or Observers

Those who represent the Holy See at international councils or at various conferences and meeting are given the title “Delegates” or “Observers.” If the representative has the right to vote, he is called a delegate; if not, he is called an observer. Even though an observer does not have the right to vote, the presence of an observer often reflects the importance the Holy See places on the given event. The Holy See may be trying to signal its support for the principles and purposes of the organization or protect certain interests or voice concern at the event. Pope Paul VI dispatched the first permanent observer to the United Nations in New York in 1964.¹²³ Pope John Paul II also sent delegations and observers to major international conferences which dealt with significant social and economic issues.¹²⁴

¹²²It is interesting to note that historically Apostolic Delegates played an important role in the relations between the Catholic Patriarchs of the Middle East and the Holy See. Ibid., 148.

¹²³Edward J. Gratsch, *The Holy See and the United Nations 1945-1995* (New York, NY: Vantage Press, 1997), 13.

¹²⁴John Paul II sent delegations to the International Conference for Population and Development held in Cairo in 1994, the Fourth World Women's Conference in Beijing in 1995, and the Diplomatic Conference of Plenipotentiaries for the International Criminal Court in 1998.

2. The Function of Papal Legates

Papal legates have two primary functions: the development and maintenance of relations between the Holy See and the local church; and the development and maintenance of relations between the Holy See and the country where the legate resides. Canon law explicitly prioritizes the first function. The 1983 Code of Canon Law like *Sollicitudo omnium Ecclesiarum* gives priority to the function of internal legation (sending legates to local churches for pastoral reasons). Canon 364, which defines the duties of all legates, states that the principal function of a pontifical legate is to insure that ties between the Holy See and the local churches are strong and effective.¹²⁵ From this principal function several other duties flow.

In the course of their duties, legates must inform Rome of significant events relevant to the papal mission. The legate is “to send information to the Apostolic See on the conditions of particular churches and everything that touches the life of the Church and the good of souls.”¹²⁶ For the most part, legates do this by sending official reports to the cardinal secretary of state or officials working under him in the Vatican. These reports provide information about the political and ecclesiastical situation on the ground and the action the nunciature has taken to address such occurrences.

¹²⁵*SoE* defined the principal task of papal legates in the same way: “Praecipuum ac proprium munus Pontificii Legati est ut firmiora atque efficaciora in dies reddat unitatis vincula, quae inter Apostolicam Sedem et Ecclesias locales intercedunt.” See *SoE* art. IV, 1: *AAS* 61 (1969), 479.

¹²⁶C. 364, 1°.

However, the legates' duties extend well beyond this reporting function. Though the legates are papal representatives, they do not trump the authority of local bishops.

Sollicitudo omnium Ecclesiarum elaborates on the legates' duties:

the Pontifical Representative has the duty to aid, counsel and lend prompt and generous support, in a spirit of brotherly collaboration, always respecting the exercise of the proper jurisdiction of the Bishops. As for the episcopal conferences, the Pontifical Representative will always bear in mind the extreme importance of his task, and consequent need to maintain close relationships with them and to offer them every possible help. While not being a member of the Conference, he will be present at the opening session of every general assembly, and will furthermore participate in other acts of the Conference upon invitation of the Bishops themselves, or by explicit order of the Holy See. He will also be informed, in adequate time, of the assembly's agenda and will receive copies of the transcript for his own information and send them to the Holy See.¹²⁷

According to the 1983 Code, it is the duty of the papal legate "to assist the bishops by action and counsel, while leaving intact the exercise of the bishops' legitimate power"¹²⁸ and "to foster close relations with the conference of bishops by offering it assistance in every way."¹²⁹ Though they are not subordinate to local bishops, papal legates must strive to develop a good working relationship with them. They must collaborate with the

¹²⁷*SoE* art. VIII, no. 1, 2: *AAS* 61 (1969), 482: "Legatus Pontificius, integram relinquens Episcopis eorum iurisdictionis exercitium, iis opem ferre, consilia dare, prompte generoseque suam operam praestare debet, fraterno consociatae operae spiritu permotus. Ad rationes cum Conferentiis Episcopalibus quod spectat, Legatus Pontificius meminerit earum munera et officia summa esse momenti, ac propterea crebras cum illis relationes esse fovendas, et omnimodam opem praestandam. Quamvis ex iure membrum Conferentiae non sit, nihilominus ipse primo coetui cuiusvis sessionis generalis intererit, salvo iure participandi alios Conferentiae coetus ex ipsorum Episcoporum invitatione aut ex expresso Apostolicae Sedis mandato; praeterea ipsi notae fient tempore utili quaestiones in sessione tractandae, atque exemplar actorum mittetur, ut ipse de his certior reddatur eademque ad Apostolicam Sedem transmittat." Trans., Oliveri, 167.

¹²⁸C. 364, 2°.

¹²⁹C. 364, 3°.

bishops so that “suitable relations are fostered between the Catholic Church and other churches or ecclesial communities, and even non-Christian religions.”¹³⁰ Moreover, legates in a collegial spirit with bishops are “to protect those things which pertain to the mission of the church and the Apostolic See before the leaders of the state.”¹³¹ This means that even if the legate is not accredited to the government, he should work with the bishops of the country to ensure religious freedom for the Church so that it can pursue its mission, “especially regarding the preaching of the gospel and the exercise of the apostolate, in relations with the political and social leaders of the state.”¹³²

Further complicating this relationship, papal legates hold an influential role in the Holy See’s effort to appoint new bishops. When there is occasion to nominate new bishops, papal legates are responsible for transmitting or proposing to the Apostolic See the names of candidates as well as instructing the informational process concerning those to be promoted, according to the norms given by the Holy See.¹³³ This provides another impetus for those interested in becoming a bishop to cooperate with the papal legates.

¹³⁰C. 364, 6°.

¹³¹C. 364, 7°.

¹³²Charles D. Balvo, “Legates of the Roman Pontiff” in *New Commentary on the Code of Canon Law*, ed. John P. Beal et al. (New York, NY/Mahwah, NJ: Paulist Press, 2000), 495.

¹³³C. 364, 4°. See also *SoE* art. VI: *AAS* 61 (1969), 481. Note that the duty of legates to participate in the investigation of the suitability for candidates for the office of bishop were delineated at Trent. See Walf, “The Nature of the Papal Legation: Delineation and Observations,” 87.

A legate's second function is developing and maintaining relations between the Holy See and the state where he resides. Legates "promote matters which pertain to the peace, progress and cooperative effort of peoples"¹³⁴ and "exercise the faculties and fulfill the other mandates committed to him by the Apostolic See."¹³⁵ They "promote and foster relations between the Apostolic See and the authorities of the state"¹³⁶ in accordance with the norms of international law and "deal with questions which pertain to relations between Church and state and in a special way to deal with the drafting and implementation of concordats and other agreements of this type."¹³⁷

The Holy See's diplomats carry out their state-to-state diplomatic activity in much the same way as any country's diplomat. However, they must carry out these general diplomatic duties after seeking the opinion and counsel of the bishops of the ecclesiastical jurisdiction. The legate must also inform the bishops of the course of affairs.¹³⁸ The Holy See's diplomats not only interface with the Secretariat of State in Vatican City, but they also must consult and coordinate with local bishops that enjoy a great deal of autonomy.

The relationships between pontifical legates and bishops; and pontifical legates and episcopal conferences are important and delicate. Legates must work closely with both individual bishops on the one hand and the Episcopal Conference on the other.

¹³⁴C. 364, 5°.

¹³⁵C. 364, 8°.

¹³⁶C. 365 §1, 1°.

¹³⁷C. 365 §1, 2°.

¹³⁸See c. 365 §2.

Papal legates must not create the impression that they rank above a state's bishops, nor should they repress or try to control the episcopate; rather, the Holy See admonishes them to be instruments of internal unification guarding and supporting bishops work and protecting them against hostilities or misunderstandings of the state.¹³⁹

D. The Roman Curia

1. The General Role of the Roman Curia

The Curia is the central administration of the Church. According to canon 360 the pope “usually conducts the affairs of the universal Church by through the Roman Curia,” and it performs its function in his name and with his authority for the benefit and service of the Churches.¹⁴⁰ The Curia only has the power that the pope gives it, and the Curia's task is to carry out the pope's agenda. The Roman Curia currently includes nine congregations,¹⁴¹ eleven councils,¹⁴² three tribunals,¹⁴³ the Secretariat of State, and several

¹³⁹While a professor of ecclesiastical diplomacy, Giovanni Battista Montini, the future Pope Paul VI, once said “Before being organs of studied relations with civil society, Nunciatures are instruments for interior unification; their objective is not to repress the episcopate, or to substitute it in its inalienable task, but to guard it, support its work, and be its shield of protection in face of easy hostilities and invasions, misunderstandings or state ambitions.” quoted in Zenit “Special Report: Vatican Diplomacy Role of Papal ‘Ambassadors,’” March 1, 2000.

¹⁴⁰See c. 360. See *PB* art. 1. The word “curia” literally means “a meeting place of the senate at Rome.” See *Cassell’s New Latin Dictionary* 5th ed. (1968) s.v. “curia.” For more detailed information on the inter-workings of the Roman Curia see Thomas J. Reese, *Inside the Vatican: The Politics and Organization of the Catholic Church* (Cambridge, MA: Harvard University Press, 1996), 106-139.

¹⁴¹The nine congregations are: Congregation for the Doctrine of Faith, Congregation for the Oriental Churches, Congregation for Divine Worship and the Discipline of the Sacraments, Congregation for the Causes of Saints, Congregation for Bishops, Congregation for the Evangelization of Peoples, Congregation for Clergy, Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life, and

other offices.¹⁴⁴ These curia agencies are referred to as “dicasteries.” Each dicastery is headed by a president or prefect. Like the relationship between the episcopal conferences and papal legates, the relationship between the Roman Curia and episcopal conferences can also be thorny, if each tries to assert its authority over the other.

Three Pontifical Councils of the Roman Curia are particularly important to the Holy See’s diplomatic activity with Islamic states and thus warrant special attention: the Pontifical Council for Justice and Peace, and the Pontifical Council for Culture, which has a special relationship with the Secretariat of State, and the Pontifical Council for Inter-Religious Dialogue.

a. Pontifical Council for Justice and Peace

As its name suggests, the Pontifical Council for Justice and Peace has as its main objective the promotion of justice and peace in the world in accordance with the Gospel

Congregation for Seminaries and Educational Institutions. For more information on the nine congregations see Del Re, 93-196.

¹⁴²The eleven councils are: Pontifical Council for Laity, Pontifical Council for Promoting Christian Unity, Pontifical Council for the Family, Pontifical Council for Justice and Peace, Pontifical Council *Cor Unum*, Pontifical Council for the Pastoral Care of Migrants and Itinerant People, Pontifical Council for the Interpretation of Legislative Texts, Pontifical Council for Inter-Religious Dialogue, Pontifical Council for Culture (which absorbed the Pontifical Council for Dialogue with Non-Believers in 1993), and the Pontifical Council for Social Communications. For more information on the eleven councils see Del Re, 243-281.

¹⁴³The three tribunals are: the Apostolic Penitentiary, the Supreme Tribunal of the Apostolic Signatura, and the Tribunal of the Roman Rota. For more information on the three tribunals see Del Re, 197-242.

¹⁴⁴For information on the “other offices” see Del Re, 283-307.

and the social teaching of the Church.¹⁴⁵ The Pontifical Council for Justice and Peace studies throughly the social teaching of the Church and attempts to put that teaching into practice.¹⁴⁶ Towards that end, it collects information and researches issues related to justice and peace, human development, and violations of human rights so that it can share its conclusions with the bishops of the world.¹⁴⁷ It also cultivates relationships with both Catholic and non-Catholic international organizations and other institutions to strive for peace and justice in the world. It is to “form among peoples a mentality which fosters peace, especially on the occasion of World Peace Day.”¹⁴⁸

This council has a special relationship with the Secretariat of State particularly when dealing with issues of peace and justice in public documents or announcements.¹⁴⁹ In collaboration with the Secretariat of State, the Pontifical Council for Justice and Peace has frequent contacts with the United Nations and its specialized agencies. It takes special interest in international conferences that deal with development, population, environment, international trade or human rights.¹⁵⁰ The Pontifical Council also works

¹⁴⁵*PB* art. 142.

¹⁴⁶*PB* art. 143 §1.

¹⁴⁷*PB* art. 143 §2.

¹⁴⁸*PB* art. 143 §3.

¹⁴⁹*PB* art. 144.

¹⁵⁰“Pontifical Council for Justice and Peace,” The Holy See, http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_pro_20011004_en.html (accessed March 25, 2010).

with regional organizations such as the European Union and welcomes exchanges with non-governmental organizations that are working in similar fields.

The Pontifical Council for Justice and Peace, serves as a type of aid ministry for victims of human rights violations and speaks for the Holy See in some fora, acting as unofficial diplomats. For example, in December 1986 John Paul II dispatched Cardinal Roger Etchegaray, then president of the Pontifical Council for Justice and Peace, to visit prisoners of war in Iran and Iraq. On Christmas eve Cardinal Etchegaray carried personal messages from the pope to the Iranian and Iraqi heads of state and met with 3,000 Iraqi prisoners of war in Kahrizah near Tehran. On Christmas morning he celebrated Mass in Tehran for three hundred Christian prisoners of war. In early January 1986, Cardinal Etchegaray held similar meetings with Iranian Prisoners of War in Iraq.¹⁵¹ The Pontifical Council for Justice and Peace can plug gaps in areas where conventional diplomacy has not worked.¹⁵²

The title of the head of the Pontifical Council for Justice and Peace is president; he is assisted by a secretary and an under-secretary. The Holy Father appoints each of these officials for a period of five years. The Pontifical Council for Justice and Peace is also composed of a staff of lay people, priests, and religious of various nationalities, and

¹⁵¹Renato R. Martino, "An Overview: The Holy See and the Middle East," *Origins* 19 (June 15, 1989), 74. and Associated Press, "Around the World; Iraq Says Its Increasing Raids on Iranians," *The New York Times* (New York), January 1, 1986.

¹⁵²For example, The Pontifical Council for Justice and Peace along with the Independent Sant'Egidio Community reportedly does a lot of mediation work in Côte d'Ivoire.

the pontiff selects approximately forty members and consultants to serve five-year terms.¹⁵³

b. Pontifical Council for Culture

The Pontifical Council for Culture's main objective is to foster relations between the Holy See and the realm of human culture. It promotes communication with institutes of learning and teaching so secular culture may be more open to the Gospel.¹⁵⁴ It also takes on other "suitable projects" with respect to culture and lends assistance to other institutes of the Church involved in similar work.¹⁵⁵

John Paul II issued a *motu proprio* on March 25, 1993, uniting the Pontifical Council for Culture with the Pontifical Council for Non-Believers.¹⁵⁶ The newly merged entity retained the name, The Pontifical Council for Culture. As a result of the merge, the Pontifical Council for Culture has responsibility for showing the Church's pastoral solicitude for those who do not believe in God or profess no religion.¹⁵⁷ The merged body

¹⁵³"Pontifical Council for Justice and Peace," The Holy See, http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_pro_20011004_en.html (accessed March 25, 2010). For more information on the Pontifical Council for Justice and Peace see Del Re, 255-257.

¹⁵⁴*PB* art. 166.

¹⁵⁵*PB* art. 168.

¹⁵⁶John Paul II, apostolic letter issued *motu proprio Pontificium Consilium de Cultura et Pontificium Consilium pro Dialogo cum non credentibus in unum rediguntur*, March 25, 1993: *AAS* 85 (1993), 549-552.

¹⁵⁷*PB* art. 163.

sets up dialogues with atheists and unbelievers¹⁵⁸ and promotes the study of their views “so that suitable assistance may be given to pastoral action.”¹⁵⁹

The Pontifical Council for Culture has its own special structure. It is headed by a president, assisted by an advisory board, and a second board composed of specialists in various disciplines.¹⁶⁰ Since the Pontifical Council for Culture has a presence in organizations that deal with culture and attend international conferences, the Council also works closely with the Secretariat of State in advancing its core mission in various states and international agencies.¹⁶¹

c. Pontifical Council for Interreligious Dialogue

Pope John Paul II in 1988 renamed the Secretariat for Non-Christians as the Pontifical Council for Interreligious Dialogue, reflecting the priority the post-Vatican II Church under the Holy Father’s direction placed on actively engaging in dialogue with non-Christian religions. The Pontifical Council for Interreligious Dialogue engages not only members and groups of non-Christian religions but also those who are in “anyway endowed with religious feeling.”¹⁶² It encourages dialogue and other forms of relations

¹⁵⁸*PB* art. 165.

¹⁵⁹*PB* art. 164.

¹⁶⁰*PB* art. 167.

¹⁶¹*PB* art. 168. For more information on the Pontifical Council for Culture see Del Re, 276-278.

¹⁶²*PB* art. 159. It should be noted that the Pontifical Council for Interreligious Dialogue does not have responsibility for Christian-Jewish relations, which is under the competence of the Commission for Religious Relations with Jews, which comes under the Pontifical Council for Promoting Christian Unity.

with adherents of other religions, promotes timely studies and conferences to develop mutual information and esteem, and trains those who engage in inter-religious dialogue on behalf of the Holy See.¹⁶³ This Council also set up what is called the *Nostra Aetate* Foundation to provide grants to people of other religions to study Christianity.¹⁶⁴

The Pontifical Council for Interreligious Dialogue receives religious leaders who the Council invites to dialogue with staff members.¹⁶⁵ It also meets with bishops coming to Rome for their five-yearly *ad limina* visits.¹⁶⁶ Additionally, the Pontifical Council for Interreligious Dialogue visits local churches to become more familiar with the local situation and to encourage dialogue.¹⁶⁷ They often call on leaders of other religions and various institutions to promote understanding and collaboration.¹⁶⁸ With attention to the ecumenical dimension of interreligious dialogue, this Council has an ongoing relationship with the corresponding office in the World Council of Churches.¹⁶⁹ Likewise, the Council also frequently consults with the Congregation for the Doctrine of Faith, the

¹⁶³ *PB* art. 160.

¹⁶⁴ “The Pontifical Council for Interreligious Dialogue,” The Holy See, http://www.vatican.va/roman_curia/pontifical_councils/interelg/documents/rc_pc_interelg_pro_20051996_en.html (accessed May 6, 2010).

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

Congregation for Oriental Churches, and the Congregation for the Evangelization of Peoples when the subject matter requires it.¹⁷⁰

The Pontifical Council for Interreligious dialogue arranges and/or participates in both bilateral and multilateral meetings at all levels.¹⁷¹ When Pope John Paul II wanted to meet with representatives of other religions during his travels, the Pontifical Council for Interreligious Dialogue helped coordinate these meetings. The Pontifical Council publishes the acts of the dialogue meetings in a triennial bulletin called *Pro Dialogo*. The bulletin also contains significant Church texts of interreligious dialogue, news of upcoming dialogue activities throughout the world, and other articles.¹⁷²

The Pontifical Council for Interreligious Dialogue is organized into three bodies: the decision-making body, the advisory body, and the executive body.¹⁷³ The decision-making body is made up of approximately thirty cardinals and bishops from different parts of the world.¹⁷⁴ They meet every two to three years in a plenary assembly to discuss important issues and set guidelines for the work of the council.¹⁷⁵ The advisory body consists of about fifty advisors called consultants, who are specialists in religious studies

¹⁷⁰*PB* art. 161.

¹⁷¹“The Pontifical Council for Interreligious Dialogue,” The Holy See, http://www.vatican.va/roman_curia/pontifical_councils/interelg/documents/rc_pc_interelg_pro_20051996_en.html (accessed May 6, 2010).

¹⁷²*Ibid.*

¹⁷³*Ibid.*

¹⁷⁴*Ibid.*

¹⁷⁵*Ibid.*

or in the practice of interreligious dialogue from various parts of the world.¹⁷⁶ They assist the Pontifical Council for Interreligious Dialogue through their research, information, and advice.¹⁷⁷ The consultors meet periodically, usually with their colleagues focused on the same continent.¹⁷⁸ The executive body is the permanent staff stationed in the Vatican and is made up of the president, under secretary, bureau chief for Islam, staff members for Africa and Asia, a staff member for new religious movements, an administrative assistant, and support staff.¹⁷⁹

The Pontifical Council for Interreligious Dialogue has a special commission for cultivating relations with Muslims.¹⁸⁰ It is composed of a president, vice-president, and secretary; it also has eight consultors who assist them.¹⁸¹ This special commission studies various aspects of Christian-Muslim relations.¹⁸² The president of this council issues greetings to Muslims throughout the world at the end of their fast of Ramadan, on *'Id al Fitar*; he usually sends this greeting to bishops around the world to share it with Muslims in their (arch)diocese/(arch)eparchy.¹⁸³

¹⁷⁶Ibid.

¹⁷⁷Ibid.

¹⁷⁸Ibid.

¹⁷⁹Ibid.

¹⁸⁰Ibid.

¹⁸¹Ibid.

¹⁸²*PB* art. 162.

¹⁸³The tradition to address Muslims on the occasion of *'Id al Fitr* began in 1967. For more information on the Pontifical Council for Interreligious Dialogue see Del Re,

2. The Roman Curia Under Pope John Paul II

In 1988 Pope John Paul II reorganized the Roman Curia's structure and procedures. Continuing the reforms of Pope Paul VI, John Paul II set down precise guidelines for the Roman Curia in *Pastor Bonus*. In this document he directed the Curia to respect the authority of bishops in their dioceses, champion the communion of bishops with the pope, and to be at the service of the local churches.¹⁸⁴ John Paul II also endeavored to compose the Roman Curia of persons coming from a more diverse set of countries.¹⁸⁵

IX. Power, Methods, and Tools of the Holy See's Diplomacy

A. The Moral Authority of the Pope

The pope is more than a leader of a large social organization or a religion. He is considered by Catholics to be the Vicar of Christ, representing Jesus on earth. This role bestows on the pontiff moral authority. Even followers of other religions often recognize the pope as a symbolic moral authority. A papal statement, address, or writing is important; it carries a powerful message and symbolic value. The Holy See, more than a

272-275.

¹⁸⁴Reese, 137; Del Re, 73-320; and Alphonso M. Stickler, *Historia iuris canonici latini: institutiones academicae* (Zurich: Pas-Verlag, 1974).

¹⁸⁵John Thavis, "John Paul's Quarter-Century," *America* 189 (October 6, 2003), 12: "The pope has continued the internationalization of the Roman Curia. When he came to office, Italians controlled about half the Vatican's top 20 departments. Today, Italians hold only four of those top spots."

political power, is a moral authority;¹⁸⁶ the only power the Holy See wields is spiritual which is largely dependent on its witness and its ability to persuade.

The power the pope wields as a participant in international affairs differs from the concrete power wielded by temporal rulers who can rely on their military and economic resources to enforce or attain their goals. Stalin once sarcastically asked “The pope! How many divisions has he got?”¹⁸⁷ The answer is none, save the Swiss Guard, who serve as bodyguards and ceremonial guards for the pope.¹⁸⁸ The pope, however, does have, as Winston Churchill cleverly noted, “a number of legions not always visible on parade.”¹⁸⁹ The pope’s power is largely psychological and is dependent on two

¹⁸⁶Tauran, “Is the Holy See a Political Power?” 392: “I would answer that the Holy See, more than a political power, is a companion on the way; it accompanies humanity on its journey through history. It is a companion who listens and dialogues. It does not take the place of political leaders and citizens and their responsibilities, but is concerned with awakening the conscience of one and all.” For more on the role of moral authority in international relations see John Kane, *The Politics of Moral Capital* (Cambridge: Cambridge University Press, 2001). For more on the role of moral authority in international relations with particular reference to the pope see Robert B. Shelledy, “The Vatican’s Role in Global Politics,” *SAIS Review* 24 (2004), 149-162.

¹⁸⁷This expression has been cited many times, for instance by Winston Churchill in Winston Churchill, *The Gathering Storm, The Second World War* (Cambridge: The Riverside Press, 1948) 1: 135.

¹⁸⁸Papal security is provided by the Swiss guards, the Vatican gendarmes (a private police force), and Italian law enforcement. See Rachel Donadio, “Vatican to Review Papal Protection After Assault, Possibly Limiting Access to Pope,” *The New York Times* (New York), December 26, 2009; and Ernesto Begni, *The Vatican : Its History - Its Treasures* (New York: Letters and Arts Publishing Co., 1914), 537-549. For more information on the history and duties of the Swiss Guard see Robert Royal, *The Pope’s Army: 500 Years of The Papal Swiss Guard* (New York, NY: Crossroad Publishers, 2006).

¹⁸⁹Churchill, 135.

unquantifiable things which can either magnify or diminish his ability to project power: the legitimacy of the Church in the eyes of its members and the Church's credibility in the eyes of other powers.

The Holy See's role is distinct from that of typical states. The pope does not have to worry about public opinion or winning the next election as do the leaders of democratic states, nor is he concerned about the gross national product, military balance of power, trade, or national prestige. The primary mission of the Holy See is not governing its temporal domain (the Vatican City State) and its citizenry expands well beyond those borders. Thus, the Holy See can be considered a "disinterested state," for the usual aims of national politics are not a part of its agenda.¹⁹⁰

Because the Holy See is not a temporal power with political goals, it exercises a special type of diplomacy. What it lacks in military and economic power, it makes up for in moral suasion. Its impact is made on the level of principle. The Holy See strives to be a "voice for the voiceless" for all humanity.¹⁹¹ Since the nature of the Holy See's diplomacy is universal, it can speak with concern for the whole world without aligning

¹⁹⁰Martino, 73. This does not mean that the Catholic Church is free from dealing with internal bureaucratic problems. The Catholic Church is concerned with maximizing its resources and protecting itself from human rights abuses, sex scandals, and other problems within. On the other hand, the Holy See does not have to compete with states for military advantage and economic or territorial gains.

¹⁹¹See John Paul II, allocution *Ad oratores coram admissos*, January 9, 1995: *AAS* 87 (1995), 841: "Telle est d'ailleurs sa raison d'être au sein de la communauté des nations: être la voix qu'attend la conscience humaine, sans minimiser pour cela l'apport d'autres traditions religieuses."

itself with any particular state or group.¹⁹² “The Holy See, therefore, has no ambition to dominate. It acts not to conquer, but to persuade!”¹⁹³ The Holy See raises questions of morality and human rights, encourages peace, justice, and dialogue over the use of force, and relies on what has been termed “expressive power,” which involves a complex use of symbols, culture, and language as well as adept use of the mass media.¹⁹⁴

The Holy See has a unique universal mission. The impact and effectiveness of the pope’s thoughts, words, and actions on the international stage stem from his moral authority. He exercises this moral authority, in part, through diplomats employed throughout the world.¹⁹⁵ The pope’s moral authority is no small matter. Napoleon once told his envoy in Rome: “Deal with the pope as if he had two hundred thousand men at

¹⁹²John Paul II made it clear that the Holy See is neutral and was not aligning itself with any state or group. See John Paul II, *Ad Nationum legatos*, AAS 82 (1990), 861; John Paul II, *Ad Exc.mos Viros nationum Legatos apud Sedem Apostolicam, initio anni 1983 omina et vota Summo Pontifici promentes*, AAS 75 (1983), 381; John Paul II, *Ad Legatos nationum apud Sedem Apostolicam*, AAS 70 (1978), 938-939; John Paul II, *Ad Corpus Legatorum apud Apostolicam Sedem*, AAS 97 (2005), 151-157; and John Paul II, “Address to the UN Staff members on October 5, 1995,” *Origins* 25 (October 19, 1995), 299-300.

¹⁹³Tauran, “Is the Holy See a Political Power?” 390.

¹⁹⁴David Ryall, “The Catholic Church as a Transnational Actor,” in *Non-state Actors in World Politics*, eds. Daphné Josselin and William Wallace (New York, NY: Palgrave Publishers, 2001), 46. John Paul II was especially adept in using “expressive power.” Consider his trip to visit the Western Wall and his visit to a Mosque in Syria. The Holy See also places a lot of emphasis on media relations. Aside from *L’Osservatore Romano* the Holy See has a large number of news sources such as ZENIT, MISNA, VIS, and FIDES News.

¹⁹⁵See Celestino Migliore, “How the Holy See Works on the International Scene,” *Origins* 34 (January 6, 2005), 468.

his command.”¹⁹⁶ After some years in Rome, the envoy said five-hundred thousand was nearer the mark.¹⁹⁷

Speaking before the General Assembly on the UN’s Fiftieth Anniversary, Pope John Paul II recognized the moral dimension of his role:

I come before you, as did my predecessor Pope Paul VI exactly thirty years ago, not as one who exercises temporal power - these are his words - nor as a religious leader seeking special privileges for his community. I come before you as a witness: a witness to human dignity, a witness to hope, a witness to the conviction that the destiny of all nations lies in the hands of a merciful Providence.¹⁹⁸

It was through this witness that Pope John Paul II boosted the Holy See’s global profile. Even states with few Catholics sought to establish diplomatic ties with the Holy See. Poor states are happy to have ties with the Holy See, because they can gain information from well-informed nunciatures. Powerful states often seek good ties with the Holy See, because they may want papal support or approval of their policies.¹⁹⁹ Regardless of

¹⁹⁶This anecdote is attributed to Artaud de Montor Marquis. Artaud de Montor Marquis, *Histoire du pape Pie VII*. (Louvain: Vanlinthout et Vandenzande, 1836) 1: 117, 349-351. This expression has been cited many times for instance in Graham, *Vatican Diplomacy: A Study of Church and State on the International Plane*, 24.

¹⁹⁷Ibid.

¹⁹⁸John Paul II, “Address to the Fiftieth General Assembly of the United Nations Organization,” 744: “Signore e Signori! Sono di fronte a voi, come il mio predecessore Papa Paolo VI esattamente trent’anni fa, non come uno che ha potere temporale - sono sue parole - né come un leader religioso che invoca speciali privilegi per la sua comunità. Sono qui davanti a voi come un testimone: un testimone della convinzione che il destino di ogni nazione riposa nelle mani di una misericordiosa Provvidenza.” Translation by *Origins* as “John Paul II/ U.N. Address: The Fabric of Relations Among Peoples,” 25 (October 19, 1995), 293, 295-300.

¹⁹⁹“God’s Ambassadors,” *The Economist*, July 19, 2007.

states' specific intentions in establishing and maintaining ties with the Holy See, states still recognize the Vatican as an important moral authority.

B. The Holy See's Bilateral Relations and Diplomatic Agreements

Bilateral diplomacy concerns the relations between two states. The Holy See maintains relations with individual states through its Apostolic Nuncios dispersed around the world and foreign Ambassadors accredited to the Holy See. The Holy See currently maintains diplomatic relations with 178 states.²⁰⁰ In addition, the Holy See has relations of a special nature with the Palestine Liberation Organization (PLO). It also has Diplomatic Relations with the European Union and the Sovereign Military Order of Malta. China, Vietnam, and Saudi Arabia are the three most significant states that do not have diplomatic relations with the Holy See.

The Holy See strives to protect the freedom of the Church in a country and the citizens' right to religious freedom, as well as opening up areas of cooperation between the Catholic Church and civil authorities. Since the Holy See enjoys sovereignty under international law, it can enter into legal agreements or treaties as an equal with states on behalf of the Vatican City State or in its own capacity. This ability to enter into agreements with states makes the Holy See unique among religious communities.²⁰¹

²⁰⁰For a full list of states accredited to the Holy See, See Segreteria di Stato, *Annuario Pontificio* (Vatican City: Libreria Editrice Vaticana, 2010).

²⁰¹For an analysis of the Holy See's exercise of treaty-making authority see Tiyanjana Maluwa, "The Treaty Making Capacity of the Holy See in Theory and Practice: A Study of the Jus Tractum of a Non-State Entity, Comparative and International Law," *Journal of Southern Africa* 20 (1987), 155.

The Holy See engages with moral governments of all political or religious stripes to press its fundamental interest of permitting the Church access to the territory controlled by the government and freedom to carry out its religious operations. Pope Leo XIII explained in his encyclical, *Sapientiae Christianae*.

[T]he Church, the guardian always of her own right and most observant of that of others, holds that it is not her province to decide which is the best amongst many diverse forms of government and the civil institutions of Christian States, and amid the various kinds of State rule she does not disapprove of any, provided the respect due to religion and the observance of good morals be upheld.²⁰²

During his twenty-six year pontificate, John Paul II concluded over sixty five bilateral agreements. Under John Paul II, the Holy See signed The Fundamental Agreement of 1993 between the Holy See and Israel, and The Basic Agreement with the Palestine Liberation Organization (2000). It also concluded agreements, conventions, and diplomatic exchanges of notes with Islamic majority states including: Morocco, Kazakhstan, Côte d'Ivoire, and Egypt.²⁰³

²⁰²Leo XIII, encyclical *Sapientiae Christianae*, January 10, 1890: *ASS* 22 (1889-90), 396: “Similique ratione custos iuris sui, observantissima alieni, non ad se putat Ecclesia pertinere, quae maxime forma civitatis placeat, quibus institutis res christianarum gentium civilis geratur: ex variisque reipublicae generibus nullum non probat, dum religio morumque disciplina salva sit.”

²⁰³For lists of agreements concluded by the Holy See, see Carolos Corral Salvador, S.J. and Damiano Elmisi Ilari, “I principi, le coordinate, il fine, le applicazioni e la panoramica dell’attuale politica concordataria della santa sede,” *Periodica* 93 (2004), 435-503; Roland Minnerath, *L’Église et les États Concordataires (1846-1981): La souveraineté spirituelle* (Paris : Editions du Cerf, 1983); and Joël-Benoît d’Onorio, “Le Diplomatie Concordataire De Jean Paul II,” in *La Diplomatie De Jean Paul II*, ed. Joël-Benoît d’Onorio (Paris: Les Éditions Du Cerf, 2000), 292-301.

1. Common Terms Applied to Diplomatic Agreements

There are multiple terms used to describe diplomatic agreements. While the term “treaty” is commonly used to describe various types of international agreements, several terms express similar concepts, such as concordats, conventions, charters, accords, agreements, declarations, memoranda of understanding, *modus vivendi*, exchange of notes, and protocols.²⁰⁴ All these terms refer to a similar transaction: the creation of written agreements whereby two sovereign subjects of international law bind themselves to act in a particular way or set up particular relations between themselves.²⁰⁵ “In spite of the diversity in terminology, no precise nomenclature exists.”²⁰⁶ The United Nations *Treaty Reference Guide* explains that in international praxis,

[T]he meaning of the terms used is variable, changing from State to State, from region to region and instrument to instrument. Some of the terms can easily be interchanged: an instrument that is designated “agreement” might also be called “treaty.” The title assigned to such international instruments thus has normally no overriding legal effects.²⁰⁷

²⁰⁴This list is not exhaustive but does contain the most frequently used titles of agreements between the Holy See and states.

²⁰⁵See generally Malcolm N. Shaw, *International Law* 3rd edition, (Cambridge: Cambridge University Press, 1994), 560-564; and Roland Minnerath, “The Position of the Catholic Church Regarding Concordats From a Doctrinal and Pragmatic Perspective,” in Marshall J. Breger, ed. *The Vatican-Israel Accords: Political, Legal, and Theological Contexts*. (Notre Dame, IN: University of Notre Dame Press, 2004), 140. Agreements entered into between a state and a national conference of bishops or other national church authorities for examples are not concordats. They are internal settlements according to state law.

²⁰⁶United Nations, “United Nations Treaty Collection: Treaty Reference Guide,” United Nations, <http://untreaty.un.org/English/guide.asp#signatories> (accessed March 25, 2010).

²⁰⁷*Ibid.*

The title may follow habitual uses, be limited by language constraints, or relate to particular character, solemnity, or importance that its parties attribute to it.²⁰⁸ Often the degree of solemnity chosen depends on the gravity of the problems addressed, political implications, and the intent of the parties.²⁰⁹

Although these instruments have multiple titles, international law applies basically the same rules to all of these instruments by custom. Two international conventions attempted to codify these customary rules into international law: The 1969 Vienna Convention on the Law of Treaties (which contains rule for treaties concluded between states) and The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations. Neither convention distinguishes between the different titles of these instruments, rather their rules apply to all of those instruments provided they meet certain common requirements.²¹⁰

In 1999 the United Nations published a document that provides a basic, but by no means exhaustive, overview of the key terms employed in the United Nations Treaty Collection.²¹¹ The document indicates that each of the following international instruments bind signatories under international law: treaties, agreements, conventions, charters, protocols, declarations, memoranda of understanding, *modus vivendi*, and

²⁰⁸Ibid.

²⁰⁹Ibid.

²¹⁰Ibid.

²¹¹Ibid. For a scholarly introduction to treaty law see Paul Reuter, *Introduction to the Law of Treaties*, trans. José Mico and Peter Haggemacher (London: Kegan Paul International, 1995).

exchange of notes.²¹² With the aid of the United Nations *Treaty Reference Guide*, the following sections briefly describe these nine terms in order to facilitate a general understanding of their scope and function.

a. Treaties

The term “treaty” is used regularly as a generic term embracing all binding instruments concluded between sovereign international entities. Both the 1969 Vienna Convention and the 1986 Vienna Convention confirm this generic use of the term “treaty.” The 1969 Vienna Convention defines a treaty as “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.”²¹³ The 1986 Vienna Convention extends the definition of treaties to include international agreements involving international organizations as parties.²¹⁴

In order to speak of a “treaty” in the generic sense, an instrument must meet several criteria. First, it must be a binding instrument, which means that the contracting parties intended to create legal rights and duties. Second, the instrument must be concluded by states or international organizations with treaty-making power. Third, it has to be governed by international law. Finally, the engagement has to be in writing. Even before the 1969 Vienna Convention on the Law of Treaties, the word “treaty” in its

²¹²Ibid.

²¹³1969 Vienna Convention on the Law of Treaties, art. 2, 1, a.

²¹⁴1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, art. 2. 1. a. i. ii.

generic sense had been customarily reserved for engagements concluded in written form.²¹⁵

There are no consistent rules when state practice employs the terms “treaty” as a title for an international instrument. Usually the term “treaty” is reserved for matters of some gravity that require more solemn agreements. Their signatures are usually sealed, and they normally require ratification. The use of the term “treaty” for international instruments has considerably declined in the last decades in favor of other terms.²¹⁶

b. Agreements

The term “agreement” can have a generic and a specific meaning. The 1969 Vienna Convention on the Law of Treaties employs the term “international agreement” in its broadest sense – as a generic term referring to all nine sub-types of “international agreements.” The Convention defines “treaties” as one type of “international agreements” with certain characteristics²¹⁷ and employs the term “international agreements” to describe instruments that do not meet its definition of “treaty.”²¹⁸

²¹⁵United Nations, “United Nations Treaty Collection: Treaty Reference Guide,” United Nations, <http://untreaty.un.org/English/guide.asp#signatories> (accessed March 25, 2010).

²¹⁶Ibid. For a more detailed explanation of treaty see Anthony Aust, *Modern Treaty Law and Practice* (Cambridge: Cambridge University Press, 2000), 14-25.

²¹⁷Ibid.

²¹⁸Ibid.

The Vienna Convention does not limit international agreements to written documents. Its Article 3 refers to “international agreements not in written form.”²¹⁹ Although such oral agreements may be rare, they can have the same binding force as treaties, depending on the intention of the parties. An example of an oral agreement might be a promise made by the Minister of Foreign Affairs of one state to his counterpart of another state.²²⁰

The term “international agreement” in its generic sense “consequently embraces the widest range of international instruments.”²²¹ The specific use of the term “agreement” is generally used to refer to a less formal or solemn pact with a narrower range of subject-matter than “treaties.”²²² The term agreement is often applied to bilateral or restricted multilateral treaties. It is most frequently employed for instruments of a “technical or administrative character, which are signed by the representatives of government departments, but are not subject to ratification.”²²³

c. Conventions

The term “convention” can also have both a generic and a specific meaning. The generic use of the term “convention” embraces all international agreements, in the same way as does the generic term “treaty” and is synonymous with the generic term

²¹⁹Ibid.

²²⁰Ibid.

²²¹Ibid.

²²²Ibid.

²²³Ibid.

“treaty.”²²⁴ In the last century, two states entered into bilateral “conventions” just as they would sign a treaty. The term “convention” today has a more specific meaning, however. The term “convention” today is generally reserved for formal multilateral treaties with a broad number of parties.²²⁵ Conventions are typically open for participation by the international community as a whole, or by a large number of states.²²⁶ Normally the instruments negotiated under the auspices of an international organization are entitled conventions.²²⁷ Worldwide arms control agreements often take the label of conventions.

d. Charters

The term “charter” is used for formal and solemn instruments, such as the constituent treaty of an international organization.²²⁸ It is often a basic document that lays out the general principles of the international organization in the way that a constitution may for a state. According to the United Nations’ *Treaty Reference Guide*, the term charter itself has an “emotive content” that goes back to the Magna Carta of 1215.²²⁹ The UN Charter is probably the most recognizable charter in use today.

²²⁴Ibid.

²²⁵Ibid.

²²⁶Ibid.

²²⁷Ibid.

²²⁸Ibid.

²²⁹Ibid.

e. Protocols

Agreements utilize “protocols” in several ways. Protocols often deal with ancillary matters: the interpretation of particular clauses of the treaty, those formal clauses not inserted in the treaty, or the regulation of technical matters.²³⁰ For example, a protocol of signature is an instrument “subsidiary to a treaty, and drawn up by the same parties.”²³¹ “Ratification of the treaty will normally *ipso facto* involve ratification of such a protocol.”²³² By contrast, an optional protocol to a treaty is an instrument that “establishes additional rights and obligations to a treaty.”²³³ It is a substantive revision or addition to the agreement. For the most part, this type of protocol is adopted on the same day as the related treaty but is of independent character and subject to independent ratification.²³⁴ Optional protocols “enable certain parties of the treaty to establish among themselves a framework of obligations which reach further than the general treaty and to which not all parties of the general treaty consent, creating a ‘two-tier system.’”²³⁵

A protocol based on a framework treaty is “an instrument with specific substantive obligations that implements the general objectives of a previous framework or

²³⁰Ibid.

²³¹Ibid.

²³²Ibid.

²³³Ibid.

²³⁴Ibid.

²³⁵Ibid.

umbrella convention.”²³⁶ Protocols based on framework treaty ensure a more simplified and accelerated treaty-making process.²³⁷ A protocol to amend is an instrument that contains provisions that amend one or various former treaties.²³⁸ A protocol as a supplementary treaty is an instrument which contains supplementary provisions to a previous treaty.²³⁹ Finally, a Proces-Verbal is an instrument that contains a record of certain understandings arrived at by the contracting parties.²⁴⁰

f. Declarations

Various international instruments use “declarations,” but they are not always legally binding. In fact, the term is often deliberately chosen to indicate that the parties do not intend to create binding obligations but want to declare certain aspirations.²⁴¹ Declarations can also be treaties in the generic sense intended to be binding at international law.²⁴² It is therefore necessary to establish in each individual case whether the parties intended to create binding obligations.²⁴³

²³⁶Ibid.

²³⁷Ibid.

²³⁸Ibid.

²³⁹Ibid.

²⁴⁰Ibid.

²⁴¹Ibid.

²⁴²Ibid.

²⁴³Ibid.

g. Memoranda of Understanding

A memorandum of understanding is “an international instrument which often sets out operational arrangements under a framework international agreement” and is also used for “the regulation of technical or detailed matters.”²⁴⁴ A memorandum of understanding is typically in the form of a single instrument and does not require ratification.²⁴⁵ They can be entered into either by states or international organizations.²⁴⁶

h. Modus Vivendi

A modus vivendi is “an instrument recording an international agreement of temporary or provisional nature intended to be replaced by an arrangement of a more permanent and detailed character.”²⁴⁷ It is usually made in an informal way and does not require ratification.²⁴⁸

i. Exchange of Notes

An “exchange of notes” is “a record of a routine agreement that has many similarities with the private law contract.”²⁴⁹ The agreement consists of the exchange of two documents; each party takes possession of the document the other signed. Under the

²⁴⁴Ibid.

²⁴⁵Ibid.

²⁴⁶Ibid. For a more detailed explanation of memoranda of understanding see Aust, 20-21 and 26-46.

²⁴⁷Ibid.

²⁴⁸Ibid. For further explanation of modus vivendi see Aust, 25.

²⁴⁹Ibid.

usual procedure, the accepting state repeats the text of the offering state to record its assent.²⁵⁰ The signatories of the letters may be government ministers, diplomats or department heads.²⁵¹ Parties may resort to exchanging notes because it is relatively speedy and does not require legislative approval.²⁵²

2. The Holy See's Practice: Categorization of Terms

The Holy See categorizes diplomatic agreements into three categories based on the degree of “solemnity” it gives to each. First among them are concordats, which have the most solemnity and typically cover areas of public ecclesiastical law such as education and marriage.²⁵³ The Holy See generally reserves concordats for agreements between the Holy See and traditionally Catholic states; today, concordats are rare. The second category includes conventions, accords, agreements, treaties, *modus vivendi*, and protocols. For the Holy See, these agreements are all of the same juridical nature and are of a lesser solemnity than concordats. Diplomatic exchange of notes fall into the third category of agreements. They are the least solemn form of agreement.²⁵⁴

²⁵⁰Ibid.

²⁵¹Ibid.

²⁵²Ibid. For further explanation of exchange of notes see Aust, 21-22.

²⁵³The juridic nature of concordats is still somewhat of a controversial question. Nonetheless, concordats are expressly recognized as international treaties by a number of states, they have characteristics of an international treaty, and are concluded on the basis of full equity. See Kunz, “The Status of the Holy See in International Law,” 310. For an analysis that demonstrates why any distinctions between concordats and other treaties is artificial and lacks substance see Maluwa, 162-174.

²⁵⁴Papal Legate, e-mail message to author, March 12, 2008.

Aside from these three categories, the differences which seem to exist between the Holy See's diplomatic agreements with different titles are actually a red herring; they may simply express different traditional terminology adapted to please the signatory or the result of poor translations.²⁵⁵ For example, while a "convention" drafted in English almost exclusively refers to a multilateral agreement, a "convention" drafted in French often refers to a bilateral agreement.²⁵⁶ Since the French language served as the diplomatic language for centuries, it has an extremely technical diplomatic vocabulary. Thus, the term "agreement" cannot be used in French for a bilateral instrument, because an "agreement" in French has a technical meaning of defining an instrument requesting the accreditation of a new ambassador. Likewise, drafters cannot use the term "accord" in French, because it is considered too colloquial. Therefore, when diplomats draw up international instruments between two states in French, they are constrained to the use of the term "convention."²⁵⁷

The Holy See also employs agreements that various dicasteries of the Roman Curia sign with non-Catholic institutions. Though international law does not clearly recognize these agreements, they indirectly influence relations between the Vatican and foreign states and facilitate dialogue on theological and practical matters.

Papal representatives . . . do not limit the exercise of their diplomatic function to the ecclesiastical and political spheres. Their commission extends to the fields of

²⁵⁵Ibid.

²⁵⁶For example, the two agreements the Holy See has with Côte d'Ivoire, both drafted in French, are titled "conventions."

²⁵⁷Papal Legate, e-mail message to author, March 12, 2008.

development and ecumenism, where their activity is no less conducive to the attainment of peace among all peoples.²⁵⁸

Specifically, the Pontifical Council for Interreligious Dialogue and the Pontifical Council for Christian Unity often enter into agreements with various religious institutions. These dicasteries engage in an indirect and independent form of diplomacy, often an “interreligious and ecumenical diplomacy” which can be quite effective, especially when the religious institutions they are engaging have significant influence on the state.²⁵⁹ For example, the Pontifical Council for Interreligious Dialogue entered into an agreement in 1998 with the Permanent Committee of al-Azhar for Dialogue with Monotheistic Religions based in Cairo, Egypt. Al-Azhar not only has significant influence on the Egyptian state, but, as an important center of Arabic literature and Sunni Islamic learning in the world, influences the whole of Sunni Islam.

3. The Making of Diplomatic Agreements

a. Formalities

The pontifical legates often negotiate, draft, and eventually sign diplomatic agreements that the Holy See concludes with the state to which they are accredited. Nevertheless, the Holy See has several options at its disposal to frame the level of importance of the agreement. These agreements can be written as an instrument between

²⁵⁸Cardinale, 39.

²⁵⁹For a discussion of this direct and independent form of non-governmental diplomacy employed by the Holy See see Kathryn Sikkink, “Human Rights, Principled Networks, and Sovereignty in Latin America,” *International Organization* 47 (1993), 411-441 and Ann Marie Clark, “Non-Governmental Organizations and Their Influence on International Society,” *Journal of International Affairs* 48 (1995), 508.

states, heads of states, or governmental departments (e.g. dicasteries of the Roman Curia), whichever is most expedient.²⁶⁰

Since states are not identifiable human persons, the persons who draft and conclude these agreements must produce what is termed “full powers” according to article 7 of the 1969 Vienna Convention on the Law of Treaties.²⁶¹ “Full powers” refers to documents from competent authorities of the state in question certifying the status of its representative. This provision provides security to the other parties to the treaty that they are making agreements with someone with authority to do so.²⁶² Certain persons, by virtues of their position and functions, do not need to produce full powers. This exception refers to heads of state; heads of government; and ministers of foreign affairs for the purposes of performing all acts relating to the conclusion of the treaty; heads of diplomatic missions for the purpose of adopting the text of a treaty with the country to which they are accredited; and representatives accredited by the signing state to international conferences or organizations for the purpose of adopting the text of a treaty in that particular conference, organization, or organ.²⁶³

²⁶⁰Shaw, 564.

²⁶¹1969 Vienna Convention on the Law of Treaties, art. 7, 1, (a). The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations asserts the same, see art. 7, 1, (a).

²⁶²See United Nations, *Yearbook of the International Law Commission* (New York, NY: United Nations, 1966) 2: 193.

²⁶³1969 Vienna Convention on the Law of Treaties, art. 7, 2, (a), (b), and (c.).

b. Expression of Consent to Diplomatic Agreements

Once the signatory parties negotiate and sign an agreement, diplomatic agreements can take effect in the signatory state's civil law and canon law in several ways.²⁶⁴ According to the 1969 Vienna Convention on the Law of Treaties, a state can express its consent to be bound by signature, the exchange of instruments constituting a treaty, ratification, acceptance, approval, accession, or any other agreed-upon means.²⁶⁵

i. Consent by Signature

A state may give its consent to the text of a treaty by signature in defined circumstances described in article 12 of the 1969 Vienna Convention on the Law of Treaties.²⁶⁶ Such defined circumstances include when the treaty explicitly indicates that signature shall have that effect, the negotiating states otherwise agree that signature has that effect, or the full powers of its representative or verbal expressions during the negotiations indicates the state's intention to give that effect to the signature.²⁶⁷

Signatures bring into force most bilateral treaties that deal with more routine and less

²⁶⁴Kunz, "The Status of the Holy See in International Law," 310. The 1983 Code of Canon Law expressly states that any canons in the Code cannot "abrogate or derogate from the agreements entered into by the Apostolic See with nations or other political societies. These agreements therefore continue in force exactly as at present, notwithstanding contrary prescripts of this Code." See c. 3.

²⁶⁵1969 Vienna Convention on the Law of Treaties, art. 11, no. 1.

²⁶⁶1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, art. 12.

²⁶⁷1969 Vienna Convention on the Law of Treaties, art. 12, 1 (a), (b), (c). See also 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, art. 12, 1 (a), (b), (c).

politicized matters, without recourse to the procedure of ratification.²⁶⁸ Both conventions between the Holy See and Côte d'Ivoire (1989 and 1992), for example, came into force on the date of their signing as both documents specifically stipulated this in the text of the convention itself.²⁶⁹

ii. Consent by Exchange of Instruments

States may express consent to make binding agreements through the act of exchanging instruments when this stipulation is written into the agreement or otherwise established.²⁷⁰ For example, the diplomatic notes King Hassan II of Morocco and Pope John Paul II exchanged specifically indicated how and when the norms agreed-upon in the notes would take effect. King Hassan II's note stated that "legislative status" was conferred on the content of his letter to John Paul II.²⁷¹ The pontiff, in turn, stipulated in

²⁶⁸United Nations, "United Nations Treaty Collection: Treaty Reference Guide," The United Nations, <http://untreaty.un.org/English/guide.asp#signatories> (accessed March 25, 2010). For more information on consent by signature see Aust, 75-80.

²⁶⁹*Convention entre le Saint Siège et la République de Côte d'Ivoire concernant les stations de radiodiffusion*, Osservatorio delle libertà ed istituzioni religiose, art. 8, http://www.olir.it/ricerca/index.php?Form_Document=838 (accessed March 25, 2010); and John Paul II, convention *Inter Apostolicam Sedem et Rem Publicam Litoris Eburnei: de Opere fundato ab omnibus nationibus cui nomen*, art. 16, May 20, 1992: AAS 84 (1992), 844.

²⁷⁰1969 Vienna Convention on the Law of Treaties, art. 13. See also 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, art. 13. For more information on consent by exchange of instruments see Aust, 80-81.

²⁷¹John Paul II, *litterae mutuo datae A Serenissimo Principe Hassan II, Rege Marochii, et a Ioanne Paulo II, Summo Pontifice: de Statuto Ecclesiae Catholicae in Marochio*, February 5, 1984: AAS 77 (1985), 713: "confèrent à la teneur de la présente lettre valeur de dispositions législatives."

his note that he “gives his approval” so that all Catholics of the Sharifian Kingdom “conform to the agreed-upon norms which will be properly communicated to all the spiritual leaders who are concerned.”²⁷²

iii. Consent by Ratification

A state consents to be bound to a diplomatic agreement if the appropriate parties ratify the agreement and the agreement stipulates such an act signals the state’s intent to be bound. In the case of bilateral treaties, states usually ratify the agreements by exchanging the requisite instruments, but a simple exchange is not as clear cut for multilateral agreements. In the case of multilateral treaties, the depositary usually collects the ratifications of all states, keeping all parties informed of the situation. The institution of ratification grants states the necessary time-frame to seek the required approval for the diplomatic agreement on the domestic level and to enact the necessary legislation to give domestic effect to that agreement.²⁷³

iv. Consent by Acceptance or Approval

“Acceptance” or “approval” of an agreement has the same legal effect as ratification and consequently expresses the consent of the state to be bound by a treaty.

²⁷²Ibid., *AAS* 77 (1985), 714: “Je donne donc mon accord pour que l’Église et les catholiques dans le royaume chérifien se conforment en tout aux normes convenues, lesquelles seront dûment communiquées aux chefs spirituels concernés.”

²⁷³1969 Vienna Convention on the Law of Treaties, arts. 2 (1) (b), 14 (1) and 16 and 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, arts. 2 (1) (b), 14 (1) and 16. See also “United Nations Treaty Collection: Treaty Reference Guide,” United Nations, <http://untreaty.un.org/English/guide.asp#signatories> (accessed March 25, 2010). For more information on consent by ratification see Aust, 81-87.

Acceptance and approval have been used instead of ratification when, at the national level, constitutional law does not require the treaty to be ratified by the head of state.²⁷⁴

v. Consent by Accession

“Accession” is the act whereby a state accepts the offer or the opportunity to become a party to a pact already negotiated and signed by other states. It also has the same legal effect as ratification. Accession usually occurs after the agreement has entered into force.²⁷⁵ Important multilateral treaties often declare that specific entities may accede to the treaty at a later date. For instance, the 1958 Geneva Conventions on the Sea provided for accession by any member-states of the United Nations or any specialized Agencies of the United Nations.²⁷⁶

c. Entry into Force of Diplomatic Agreements

Treaties become operative when and how the negotiating states decide, but in the absence of any provision or agreement regarding this, a treaty will enter into force as soon as consent to be bound by the treaty has been established for all the negotiating states.²⁷⁷

²⁷⁴1969 Vienna Convention on the Law of Treaties, arts. 2 (1) (b) and 14 (2), and 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, arts. 2 (1) (b) and 14 (3). See also United Nations, “United Nations Treaty Collection: Treaty Reference Guide,” United Nations, <http://untreaty.un.org/English/guide.asp#signatories> (accessed March 25, 2010). For more information on consent by acceptance or approval see Aust, 87-88.

²⁷⁵1969 Vienna Convention on the Law of Treaties, arts. 2 (1) (b) and 15. For more information on consent by accession see Aust, 88-90.

²⁷⁶See 1958 Convention on the Territorial Sea and the Contiguous Zone arts. 26 and 28.

²⁷⁷1969 Vienna Convention on the Law of Treaties, art. 24.

Bilateral treaties often specify that they come into force upon a certain date or after a determined period following the last ratification. In many cases multilateral conventions provide for entry into force upon ratification by a fixed number of states. In situations like this, only those states that actually ratified the treaty are bound by it.²⁷⁸

4. The Holy See's Practice: Entry into Force and Binding Nature of Diplomatic Agreements

As would be expected, diplomatic agreements signed by the Holy See come into force like any international treaty.²⁷⁹ The 1983 Code of Canon Law expressly states that any canons in the Code cannot “abrogate or derogate from the agreements entered into by the Apostolic See with nations or other political societies.”²⁸⁰ Diplomatic Agreements signed by the Holy See become ecclesiastical law once it is promulgated.²⁸¹ According to canon 8 §1,

Universal Ecclesiastic laws are promulgated by publication in the official commentary, *Acta Apostolicae Sedis*, unless another manner has been prescribed in particular cases. They take force only after three months have elapsed from the date of that issue of the *Acta* unless they bind immediately from the very nature of the matter, or the law itself has specifically and expressly established a shorter or longer suspensive period (*vacatio*).²⁸²

²⁷⁸For more information on the entry into force of diplomatic agreements see Aust, 131-142.

²⁷⁹See Kunz, “The Status of the Holy See in International Law,” 310.

²⁸⁰C. 3. Canon 3 continues: “These agreements therefore continue in force exactly as at present, notwithstanding contrary prescripts of this Code.”

²⁸¹C. 7.

²⁸²C. 8 §1.

The Vatican publishes most, but not all, diplomatic agreements that the Holy See is party to in the *Acta Apostolicae Sedis*.

Since the Holy See is a universal entity unlike typical states, the diplomatic agreements it signs do not necessarily bind all Catholics worldwide. Some agreements only bind those Catholics in a particular country. Canon 12 §1 states, “Universal laws bind everywhere all those for whom they were issued.”²⁸³ For example, in the Exchange of Notes between King Hassan II and John Paul II, the pontiff specifically stated that he gave his approval to the agreement so that “the Church and the Catholics of the Sharifian Kingdom conform to all the agreed-upon norms, which will be properly communicated to the spiritual leaders who are concerned.”²⁸⁴

C. The Holy See’s Multilateral Relations

Multilateral diplomacy involves relations between three or more actors. Through international intergovernmental organizations and bodies and regional intergovernmental organizations and bodies, the Holy See can intensely focus on narrow issues, employing their principled commitment and relatively high levels of information, expertise, and resources.²⁸⁵ Unlike other transnational actors, the Holy See has access to a large number

²⁸³C. 12 §1.

²⁸⁴John Paul II, *A Serenissimo Principe Hassan II, Rege Marochii, et a Ioanne Paulo II, Summo Pontifice: de Statuto Ecclesiae Catholicae in Marochio*, AAS 77 (1985), 714: “Je donne donc mon accord pour que l’Eglise et les catholiques dans le royaume chérifien se conforment en tout aux normes convenues, lesquelles seront dûment communiquées aux chefs spirituels concernés.”

²⁸⁵Thomas Risse-Kappen holds that transnational actors are more effective in areas where international institutions govern or regulate a particular issue area. It allows for an “increase [in] the availability of channels . . . to target national governments in order to

of international institutions largely because of its sovereign status. The Holy See has long been a member or observer of specialized agencies and organizations. Currently, the Holy See participates in thirty-three international intergovernmental organizations and bodies. It participates in seven as a member,²⁸⁶ fourteen as an observer,²⁸⁷ and six as an observer on an informal basis.²⁸⁸ In the name and on behalf of the Vatican City State, the Holy See is a regular member of five international intergovernmental organizations and

influence policy.” Thomas Risse-Kappen, ed. *Bringing Transnational Actors Back In* (Cambridge: Cambridge University Press, 1995), 31.

²⁸⁶These seven include: Comprehensive Nuclear Test Ban Treaty Organization Preparatory Commission (CTBTO), the International Atomic Energy Agency (IAEA), the International Committee of Military Medicine (ICMM), the Organization for the Prohibition of Chemical Weapons (OPCW), UN Conference on Trade Development (UNCTAD), UN High Commissioner for Refugees (UNHCR), and the World Intellectual Property Organization (WIPO).

²⁸⁷These fourteen include: FAO (Food and Agriculture Organization), the ILO (International Labour Organisation), the IOM (International Organization for Migration), the UNDCP (UN International Drug Control Programme), UNESCO (United Nations Educational, Scientific and Cultural Organization), UNIDO (UN Industrial Development Organization), the WFP (World Food Programme), IFAD (International Fund for Agricultural Development), LU (Latin Union), UNEP (United Nations Environment Program), UNCHS/Habitat (United Nations Centre for Human Settlements), UNO (United Nations Organization), WHO (World Health Organization), and WTO (both the World Trade Organization and the World Tourist Organization).

²⁸⁸These six include: International Civil Aviation Organization (ICAO), International Maritime Organization (IMO), International Strategy for Disaster Reduction (ISDR), United Nations Committee on Peaceful Use of Outer Space (UNCOPUOS), United Nations Commission on Sustainable Development (UNCSD), and World Meteorological Organizations (WMO).

bodies.²⁸⁹ The Holy See also participates in ten regional intergovernmental organizations and bodies.²⁹⁰

The Holy See is often actively involved in these organizations, including leadership roles. The Holy See is a founding member of the Organization for Security and Cooperation in Europe (OSCE) and the International Atomic Energy Agency (IAEA). It was also one of the first governments to become part of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR). The Holy See enjoys observer status to the African Union (AU) and has a delegate to the Arab League.

1. Legal Agreements

The Holy See also participates in multilateral negotiations and enters into legal agreements. It has signed or ratified The Geneva Conventions of August 12, 1949, (along with its two additional Protocols of 1977); the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958; two of the Law of the Sea Conventions of 1958; the Vienna Convention on Diplomatic Relations of April 18, 1961;

²⁸⁹These five include: Universal Postal Union (UPU), International Telecommunications Union (ITU), International Telecommunications Satellite Organization (INTELSAT), International Grains Council (IGC), and International Institute for the Unification of Private Law (UNDROIT).

²⁹⁰These ten include: African Asian Legal Consultative Committee (AALCC), Arab League (AL), European Conference of Postal and Telecommunications Administrations (CEPT), Council of Europe (CE), European Telecommunications Satellite Organization (EUTELSAT), Organization of American States (OAS), Organization of African Unity (OAU), Organization for Security and Co-operation in Europe (OSCE), and Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCEPA).

the Vienna Convention on Consular Relations of April 24, 1963; the Vienna Convention on the Law of Treaties of May 23, 1969; the Vienna Convention on Succession of States with Respect to Treaties of August 22, 1978; the International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965; the Convention on the Rights of the Child of November 20, 1989; the Convention Relating to the Status of Refugees of April 22, 1954; the Convention on Long-Range Trans-boundary Air Pollution of November 13, 1979; and the Ottawa Convention (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction) of March 1, 1999. In addition, the Holy See has also assisted in drafting and signing the 1975 Final Act (Helsinki Accords) of the Conference on Security and Cooperation in Europe (now the Organization for Security and Cooperation in Europe). The Holy See is also a signatory to the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character of March 14, 1975.²⁹¹

2. The Holy See at the United Nations

The Holy See is not a member of the United Nations, but it has enjoyed “permanent observer state” status since March 11, 1964. However, its participation in the work of this international organization began shortly after the founding of the United Nations in 1945.²⁹² In an exchange of letters between the Secretary of State of the Holy

²⁹¹Cardinale, 128.

²⁹²Robert John Araujo documents the activity of the Holy See in the United Nations before it officially became a permanent observer in 1964: “In 1951, the Economic and Social Council, through Resolution 393B (XIII) asked fifteen states to

See and the Secretary General of the United Nations in 1957, the parties agreed that the Holy See, and not the Vatican City State, would maintain relations with the United Nations.²⁹³ As a “permanent observer state,” the Holy See can more easily take part in activities involving the humanitarian, moral, and social concerns.²⁹⁴ The Holy See may also deal with issues related to the temporal or territorial concerns of the Vatican City State.²⁹⁵

serve as members of an Advisory Committee on Refugees. The Holy See was one of these fifteen entities appointed to this advisory group. In addition, the Holy See was invited to the Conference of Plenipotentiaries “to consider the draft Convention Relating to the Status of Refugees and the draft Protocol Relating to the Status of Stateless Persons” that was also held in 1951. Moreover, the Holy See participated in several charter and treaty organizations of the United Nations including the Food and Agriculture Organization (1948), the World Health Organization (1951), and the United Nations Educational, Scientific, and Cultural Organization (1951). In 1955, the Holy See, at the request of the Secretary General, Dag Hammarskjöld, was invited to the conference that established the International Atomic Energy Agency. Since the goal of the IAEA was to ensure the peaceful use of atomic energy, it was believed by the Secretary General and others that the Holy See's presence at the conference and participation in the Agency would be vital to the organization's success. The Holy See also became an Observer to the U.N.'s Economic and Social Council (ECOSOC) in 1956.” Araujo, 346-347.

²⁹³For the full text of these letters see Ernesto Gallina, *Le Organizzazioni internazionali e la Chiesa Catholica* (Rome: Editrice Studium, 1967), 73-74. See also Jorri C. Duursma, *Fragmentation and the International Relations of Micro-States: Self-Determination and Statehood* (Cambridge: Cambridge University Press, 1966), 405.

²⁹⁴Hyginus Cardinale noted that the “Papal representatives to the United Nations under the title of the State of the Vatican City would have unduly stressed the temporal aspect of the pope's sovereignty, not reflecting his role as spiritual leader of the worldwide Catholic Church.” Cardinale, 256.

²⁹⁵*Ibid.*, 257: “[I]t is up to the Holy See to decide, as the supreme organ of both the Catholic Church and the Vatican City State, whether, in actual fact, the representatives it sends to international organizations and meetings are to act in its own name, or in that of the State of the Vatican City, or even both at once, according to the subject matter. In any event the sending authority is the Holy See and not the Vatican City State.”

The Holy See sends representatives to the headquarters of the United Nations in New York City as well as to the headquarters of various UN agencies in Geneva, Rome, Paris, and Vienna.²⁹⁶ While non-member state observers cannot vote at the UN General Assembly or at other UN committees, observers may attend and participate in these meetings.²⁹⁷ In fact, the Holy See can be very influential in affecting the work of the UN despite of its lacking a vote.²⁹⁸ The Holy See has the same privileges as other member states at UN-sponsored international conferences.²⁹⁹

The participation of the Holy See in the United Nations has not been without controversy. Arguments over the Holy See's diplomatic status came to a head in 1994 at the UN conference on population and development in Cairo. Papal diplomats aligned with Muslim majority states and tempered the outcome, restricting reproductive rights. The Holy See took a similar, albeit more low key, stance at the next UN conference on women in Beijing in 1995. Civic groups launched a campaign to end the Holy See's non-member state status at this conference on women; they circulated a petition to relegate the Holy See to NGO status, but no UN member state supported the effort.

²⁹⁶See generally Gratsch, 109-294.

²⁹⁷Abdullah, 1839 and R.G. Sybesma-Knol, *The Status of Observers in the United Nations* (Brussels: Centre for the Study of Law of the United Nations and the Specialized Agencies, 1981), 39.

²⁹⁸At the International Conference on Population and Development in Cairo, Egypt the Holy See had a significant influence on the results reached by the Convention. See Bathon, 607-608.

²⁹⁹Abdullah, 1837.

On July 1, 2004, the member states of the UN General Assembly passed a resolution reaffirming the permanent observer state status of the Holy See.³⁰⁰ In the context of the 40th anniversary of the Holy See's permanent observer mission to the United Nations, the General Assembly adopted a resolution which formalized and specified the rights and prerogatives of the Holy See as a permanent observer state in the UN. The Holy See now enjoys the right to participate in the general debate at the General Assembly, the right of reply, the right to have its communications issued and circulated directly as official documents of the Assembly, and the right to co-sponsor draft resolutions and decisions that make reference to the Holy See.³⁰¹

Although some states who previously held Permanent Observer Status have subsequently joined the United Nations as member states, the Holy See remains content to participate in the UN's work through the Status of Permanent Observer.³⁰² The Holy See is a signatory to some UN human-rights conventions, including those on racial

³⁰⁰UN General Assembly, Resolution 58/314, Fifty-eighth Session, Agenda item 59 (A/58/L.64), July 1, 2004.

³⁰¹Ibid.

³⁰²The Holy See is currently the only state which has permanent observer state status. See United Nations, "Non-member State having received a standing invitation to participate as observer in the sessions and the work of the General Assembly and maintaining permanent observer mission at Headquarters," The United Nations, <http://www.un.org/members/nonmembers.shtml> (accessed March 25, 2010). For a list of the member states who have missions at the UN Headquarters See United Nations, "Permanent Missions to the United Nations," United Nations, <http://www.un.org/members/missions.shtml> (accessed March 25, 2010). Several states who were once permanent observers later became full members of the UN: Monaco on May 28, 1993; Nauru on September 14, 1999; Tonga on September 14, 1999; Kiribati on September 14, 1999; and Switzerland on September 10, 2002.

equality and the rights of the child. The Holy See also uses its moral authority to lobby for its ideas: non-violence, support of marriage and family, economic aid for poor nations, the extension of international law, and, more controversially, opposing contraception, abortion, and euthanasia. By maintaining its permanent observer status, the Holy See can remain nonaligned and significantly participate in and contribute to the general purposes and goals of the United Nations through the exercise of its moral authority. Other member states have accepted the Holy See's role in the UN³⁰³ and publically recognized its contributions in supporting the UN's goals. Of course, it is helpful that the goals of the United Nations are consistent with and complementary to the mission that the Holy See has exercised and continues to exercise in international affairs.³⁰⁴

D. The Holy See as Arbiter

Occasionally, the Holy See has served as a neutral arbiter between disputing states. In the 1980s the Holy See played such a role in settling the sovereignty dispute between Argentina and Chile over the Beagle Islands and Channel. These two states peacefully and amicably resolved their controversy with the encouragement of the pope

³⁰³ An illustration of this point, aside from the number of states that accept the Holy See as a sovereign and have bilateral diplomatic relations with the Holy See, is the concurrent resolution that was introduced before the United States House of Representatives, on February 16, 2000. The resolution expressed a sense of objection to efforts to expel the Holy See as a permanent observer in the United Nations. The resolution recognized the international legal personality of the Holy See and concluded that the Holy See's expulsion or change of status "would seriously damage the credibility of the United Nations by demonstrating that its rules of participation are manipulable for ideological reasons." See H.R. Con. Res. 253, 106th Cong. (2000). A counterpart to this resolution was introduced in the Senate. See S. Con. Res. 87, 106th Cong. (2000).

³⁰⁴ United Nations, "UN Charter" [art. 1]. United Nations, <http://www.un.org/aboutun/charter/chapter1.shtml> (accessed March 25, 2010).

and the assistance of the Holy See.³⁰⁵ In 1979 Argentina and Chile entered into the Act of Montevideo and successfully concluded this agreement in 1984.³⁰⁶

X. Arguments For and Against the Continuation of the Holy See's Diplomacy

Both ecclesiastical and secular arguments have been raised against a papal diplomatic presence. Within the Catholic Church, some argue that papal diplomats undercut the legitimate role of the local church and episcopal conferences in dealing with their own governments and thereby violate the principle of subsidiarity.³⁰⁷ Furthermore, the Holy See's policy positions are often so general that local church and episcopal conferences must specify and apply them to have effectiveness in diverse cultural and political settings.³⁰⁸

³⁰⁵John Paul II, *Ad nationum Legatos apud Sedem Apostolicam, ineunte anno 1979*, AAS 71 (1979), 356 and John Paul II, *Ad Exc.mos Viros nationum Legatos apud Sedem Apostolicam, initio anni 1981 omina et vota Summo Pontifici promentes*, AAS 73 (1981), 195-196.

³⁰⁶For a more in-depth study of the role of the Holy See as a mediator between Argentina and Chile see Gabriel Montalvo, "Le Saint-Siège, Médiateur De Paix Entre L' Argentine et le Chili," in Joël-Benoît d'Onorio, ed. *La Diplomatie de Jean Paul II*. (Paris: Les Éditions du Cerf, 2000), 203- 220.

³⁰⁷See generally Walf, "The Nature of the Papal Legation: Delineation and Observations," 85-105. For specific examples see Dermot Keogh, "Ireland and the Vatican, 1921-1949," Roberto Perin, "*Una furia piu che francesé*: The Quebec Church and Vatican Diplomacy in the Age of Anglo-Canadian Protestant Domination," and Phyllis Leblanc, "The Vatican and the Roman Catholic Church in Atlantic Canada: Policies Regarding Ethnicity and Language, 1878-1922," in *Papal Diplomacy in the Modern Age*, ed. Peter C. Kent and John F. Pollard (Westport, CT: Praeger Publishers, 1994), 45-104.

³⁰⁸See J. Bryan Hehir, "The Catholic Church in the Middle East Policy and Diplomacy," in *The Vatican, Islam, and the Middle East*, ed. Kail C. Ellis (Syracuse, NY: Syracuse University Press, 1987), 109-124.

Supporters of the diplomacy of the Holy See, however, reply that in states where Catholics constitute a small minority of the populace and democratic institutions are weak or absent altogether, the local church and episcopal conference often cannot make any substantive gains because of their weak position in dealing with their governments. In these situations, local churches and episcopal conferences often have little recourse to law or outside protection and must be extremely careful in word and action. This limitation is not uncommon historically or currently. For example, the Church in the former Soviet bloc faced this type of limitation as does the Church in Islamic majority states today.

Papal legates can be an effective instrument to help local churches advance their common cause. The Holy See's unique position in the international arena allows it to attract systematic attention to the Church's position in these states. The Holy See's intense and principled commitment and relatively high level of information and expertise aid in its effectiveness in these situations. With access to these national governments, the Holy See can serve as a mouthpiece for the local church and negotiate and conclude diplomatic agreements that often strengthen the position of the local church in relation to the national government.

Others from inside and outside the Church contend that with the growing power of non-governmental organizations, the Catholic Church should enhance its authority by clarifying its own status and call itself the biggest non-governmental organization in the world. Those favoring a strict separation of church and state also hold that papal diplomatic presence inappropriately blends religious beliefs and international public policy. Supporters of continued diplomacy of the Holy See reply that the Holy See does

not claim to be the conscience of states or order civil powers to abide by its positions or recommendations.

XI. Conclusion

The Holy See has a long history as a diplomatic agent – predating the modern state system. Throughout the ages, however, the papacy has maintained its standing as a legitimate diplomatic actor. This authority stems fundamentally not from its territorial sovereignty but its unique role as a moral authority. The Holy See is neither endowed nor limited by the traditional sources and constraints of state power. Though it enjoys many of the same rights and privileges in international law as territorial sovereigns, the Holy See’s unique role in promoting a universal agenda and the common good, including religious freedom, distinguishes its diplomatic goals and activity from other states. Its local bishops and episcopal conferences can both reinforce the papal mission and serve as another source of potential friction for papal legates in pursuing their objectives.

Despite the Holy See’s diplomacy’s unique history, goals, and relations with local bishops and episcopal conferences, the Holy See maintains a structure with rough parallels in modern civil bureaucracies. This chapter documented at length the nuts and bolts of the specific offices, organizations, and individuals that comprise the Holy See’s formal and informal diplomatic engagement with particular churches and foreign states. Though these details are important to paint a full picture of how the Church affects its mission, the larger point should not be lost in the weeds. These specialized functions and effective organization allows the Holy See to promote the central theological principles that comprise the Church’s core, universal mission. This bureaucracy exists so that the

Holy See can spread and help act out the Gospel for all people despite national origin or religious belief.

Chapter 3

I. Introduction

This chapter considers the Holy See's diplomatic initiatives with four Islamic majority states, Kazakhstan, Côte d'Ivoire, Morocco, and Egypt, during the pontificate of John Paul II from his election in 1978 to his death in 2005. These four case studies will illustrate how the four key theological elements of Pope John Paul II's teaching on religious freedom outlined in Chapter One (religious freedom is a requirement of respect for human dignity, religious freedom is a universal and inalienable right, religious freedom is an individual right with private and social dimensions, and religious freedom is the source and synthesis of all other rights) informed the Holy See's diplomacy with each of these states. The promotion of respect, the promotion of dialogue, efforts to secure religious freedom in law, and efforts to ensure the survival of religious minorities, which were the four main diplomatic strategies outlined in Chapter One and which stemmed from these key theological elements, resulted in papal visits to and formal diplomatic agreements with all four countries. However, the Holy See did not seek papal visits and formal agreements for their own sake but to advance religious freedom for all, especially Catholic minorities. Therefore, this chapter will evaluate the extent to which the Holy See's diplomacy under John Paul II improved the situation of religious freedom in each of the four countries under study.

Each case study will begin with a brief consideration of the political and religious backdrop in the country. It will then utilize the metrics proposed by John Paul II and discussed in Chapter One to document the state of religious freedom in each country prior

to and during the Holy See's diplomatic initiatives. To measure each state's respect of religious freedom, each case study will utilize standardized annual reports from the United States Department of State. The Country Reports on Human Rights Practices supplemented by the Annual Reports on International Religious Freedom will provide a consistent measurement of the situation of religious freedom in these four states during the course of his pontificate.¹ Consistent with the vision of John Paul II, who sought to safeguard the religious freedom of all people and not just Catholics, each case study will examine the religious freedom enjoyed by all religious groups. Nevertheless, given the pope's special concern for Catholics, each case study will highlight the status of religious freedom of Catholic minorities when possible.

The case studies will also scrutinize the Holy See's diplomatic efforts to promote religious freedom during John Paul II's pontificate. They will focus on the diplomatic

¹The author recognizes that the Country Reports on Human Rights Practices and the Annual Reports on International Religious Freedom are imperfect documents. They are, however, reliable, comprehensive, easily accessible, systematic, and replicable. A General Accounting Office (GAO) audit of the State Department's Country Reports of Human Rights Practices revealed that though the Country Reports remained imperfect, there has been significant improvements in methodological rigor and objectivity. The audit concluded that State Department embassy officers treat human rights reporting as a "high priority" and enjoy adequate resourcing, training, and expertise to create effective reports. The reports also integrate NGO reporting in a "balanced" manner and offer standardized reports across countries. See U.S. General Accounting Office, *Human Rights: State Department's Commitment to Accurate Reporting Has Increased* (Washington, DC: General Printing Office, 1990). See also, Luisa Blanchfield, *The United Nations Human Rights Council: Issues for Congress* (Washington, DC: General Printing Office, 2008); and House of Representatives Subcommittee on International Terrorism, Nonproliferation, and Human Rights of the Committee on International Relations, "A Review of the State Department's 'Country Reports on Human Rights Practices,'" *Congressional Record* (Washington, DC: Government Printing Office, April 30, 2003) 11.

agreements reached and the papal trips to each country under study to determine the extent to which John Paul II incorporated the key theological elements of his teaching on religious freedom by employing the strategies that stemmed from this teaching and outlined in Chapter One. In addition, the case studies will examine the actual agreements to determine if and how these agreements address contentious issues of public ecclesiastical law. The case studies will draw upon BBC Monitoring and reports from major news sources to provide context to the U.S. State Department reports and to document local reaction to the diplomatic agreements and papal visits. Finally, the case studies will utilize the same metrics and standardized reports to document the state of religious freedom in each country in the years following the Holy See's diplomatic initiatives. They will conclude by addressing the most critical question of whether the Holy See's diplomatic activity improved the situation of religious freedom in each country or failed in its stated objectives.

II. The Republic of Kazakhstan

A. Introduction

The Republic of Kazakhstan declared independence from the Soviet Union on December 16, 1991. It was the last of the Soviet republics to do so. With its new found independence, Kazakhstan became a multinational and multiconfessional state. Muslims constitute 47% of the population, Russian Orthodox 44%, Protestants 2%, and the adherents of other religious groups the remaining 7%.² The Catholic Church is a minority

²Central Intelligence Agency, "Kazakhstan," *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/kz.html> (accessed March 25, 2010).

religion in Kazakhstan; Catholics constitute only 2% of the population.³ Both Latin and Eastern Rite Catholics reside in Kazakhstan. Many Catholics in Kazakhstan are ethnic Poles and Germans who were exiled to northern Kazakhstan by Stalin to work in mines and factories. Priests ministered in secret to these exile communities until the Church was able to form proper parishes in the 1960s and 1970s after Stalin's death. The Holy See did not establish dioceses in Kazakhstan, however, until the end of the Soviet era.⁴

Following the Soviet Union's demise, the Catholic Church rebuilt many institutions in the region. In 1991 Pope John Paul II appointed an Apostolic Administrator for Catholics of the Latin Rite in each of the newly independent Central Asia republics, including Kazakhstan. The Holy See and Kazakhstan established diplomatic relations on October 17, 1992, and there are now four dioceses in Kazakhstan: Karaganda, Astana, Almaty, and Atyrau. As of 2005 the government of Kazakhstan reported eighty-six registered Roman Catholic organizations scattered throughout the country with most Catholics concentrated in the northern part of the country.⁵

³U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 109th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 2006) 365.

⁴"Kazakhstan," *L'Osservatore Romano* English edition (Vatican City), May 21, 2003; and "Kazakhstan," *L'Osservatore Romano* English edition (Vatican City), August 11/18, 1999.

⁵U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 365. As of 2001, *Khabar Television* reported that there were approximately forty Catholic churches and two hundred chapels and prayer houses, with more than sixty priests and seventy nuns. In addition, dozens of Polish Roman Catholic churches, which have become the centers of religious culture, have been built in villages and settlements over the recent years. See "Multi-confessional Kazakhstan Welcomes

Since Kazakhstan achieved its independence, Catholics and other religious groups have enjoyed greater religious freedom than they did under Soviet control. Kazakhstan is a secular state, and its constitution provides for the right to religious freedom.⁶ Unlike most of its neighbors, Kazakhstan has experienced neither religious nor ethnic conflict since independence and enjoys inter-ethnic and interreligious harmony among the established faiths in the country. Kazakhstan has a long tradition of religious tolerance and diversity and has been historically a safe haven for many religious communities. Although the government has grown increasingly concerned about the rising tide of religious extremism and terrorism in the region, it still has continued efforts to foster peace and mutual confidence between nations and religions.

B. Religious Freedom in Kazakhstan from Independence to the Agreement with the Holy See: 1991-1998

According the U.S. State Department, after independence, Kazakhstan has generally respected religious freedom. Throughout the 1990s, the government took steps to improve religious freedom. For example, in 1995 the Kazak government restored a Russian Orthodox church in the city of Almaty which had been a museum of atheism during Soviet times so that it could resume regular services.⁷ Catholics built several churches, including a shrine, and opened two new seminaries in 1997. In the same year,

Papal Visit,” *Khabar Television* (Almaty, Kazakhstan), September 22, 2001.

⁶Конституция Республики Казахстан, art. 1, sec. 1 and art. 22, sec. 1.

⁷U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Kazakhstan, 104th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 1996) 911.

the Jewish community opened a new synagogue in Almaty.⁸ Beginning in 1997 the Islamic mufti⁹ and the Russian Orthodox archbishop appeared together publicly, often at the invitation of and with the Kazakh president, to promote religious and ethnic harmony.¹⁰ Despite these positive efforts, Kazakhs labored under some restrictions on their religious freedom between 1991 and 1998. During these years Kazakhstan did not completely respect three of the concrete metrics for assessing the state of religious freedom proposed by John Paul II: the freedom to appoint leaders, the freedom to proclaim and communicate religious teaching, and the freedom from discrimination. In particular, the constitution and the 1994 civil code restricted the freedom of religious groups to appoint leaders without government interference. In addition, some missionaries faced harassment from government bureaucrats and restrictions on their freedom to proclaim and communicate religious teaching.

1. Freedom to Appoint Leaders

While the 1991 Kazakh constitution guarantees the right to religious freedom, it also requires that the appointment of heads of religious associations in Kazakhstan by

⁸U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Kazakhstan, 106th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Press, 2000) 264.

⁹A mufti is an Islamic lawyer of *shari'a* law. His opinion is called a *fatwa*. See *The Oxford English Dictionary*, 2nd ed., 1991, s.v. “Mufti”; and *The Watkins Dictionary of Religion and Secular Faiths* (2008), s.v. “Mufti.”

¹⁰Some criticized these actions as official favoritism and a violation of the constitutional separation of church/mosque and state. U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Kazakhstan, 105th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Press, 1998) 1144.

foreign religious centers “be carried out in coordination with the respective state institutions of the Republic.”¹¹ In 1994 Kazakhstan enacted a new civil code, which requires state authorities “to approve the appointments of directors of religious organizations operating in the country.”¹² While this provision of the new civil code restricts religious freedom, the government did not once use its new power to interfere with the appointment of religious leaders between 1994 and 1998.¹³

2. Freedom to Proclaim and Communicate Religious Teaching and Freedom from Discrimination

In the early 1990s, the state left largely unhindered religious missionaries who eagerly tried to fill the religious vacuum created by Soviet-imposed atheism. However, every year from 1994 through 1998, foreign missionaries, unwelcome to some Orthodox and Muslim Kazakhs, complained of occasional harassment by some low-level

¹¹Конституция Республики Казахстан, art. 22, sec. 1 and art. 5, sec. 5. See also U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Kazakhstan, 911; and U.S. Department of State, *Country Reports on Human Rights Practices 1996*, Kazakhstan, 105th Cong., 1st Sess. (Washington, DC: U.S. Government Printing Office, 1997) 995.

¹²U.S. Department of State, *Country Reports on Human Rights Practices 1994*, Kazakhstan, 104th Cong., 1st Sess. (Washington, DC: Government Printing Press, 1995) 860.

¹³The government has only interfered once with the appointment of religious leader between the time it enacted the civil code in 1994 and 2005. This single act of interference occurred on June 26, 2000. There were credible allegations that the government played a significant role in the appointment of the new mufti, the head of the National Muslim Organization. See U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Kazakhstan, 106th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Press, 2000) 320-321; and U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 107th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 2001) 305.

government bureaucrats.¹⁴ In June 1996 a government controlled television station complained that more than 2,000 Kazakhs had been converted to religions other than Islam and proposed stopping foreign missionaries who preach “Christianity and Krishna ideas on our own soil.”¹⁵ Nevertheless, in 1996 and 1997 the government took no action to prohibit or restrict foreign missionaries working in the country.¹⁶

In 1998 the political climate began to change. The chief of the National Security Committee of the Republic of Kazakhstan (KNB), Kazakhstan’s national intelligence service, testified to parliament in June 1998 that preventing the spread of Islamic and Christian “religious extremism” was a top priority of his organization.¹⁷ While religious

¹⁴U.S. Department of State, *Country Reports on Human Rights Practices 1994*, Kazakhstan, 860; U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Kazakhstan, 911; U.S. Department of State, *Country Reports on Human Rights Practices 1996*, Kazakhstan, 995; U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Kazakhstan, 1144; and U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Kazakhstan, 106th Cong., 1st Sess. (Washington, DC: U.S. Government Printing Press, 1999) 1331. Specifically, in 1997 and 1998 Evangelical Protestants complained of government hostility towards their efforts to proclaim and communicate religious teaching. See U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Kazakhstan, 1144; and U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Kazakhstan, 1331.

¹⁵U.S. Department of State, *Country Reports on Human Rights Practices 1996*, Kazakhstan, 995.

¹⁶*Ibid.*; and U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Kazakhstan, 1144.

¹⁷U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Kazakhstan, 1331. For more information on the National Security Committee of the Republic of Kazakhstan see Қазақстан Республикасы Ұлттық Қауіпсіздік Комитеті, <http://www.knb.kz/index.html> (accessed June 8, 2010).

extremists have not directly attacked Kazakhstan, Islamic fundamentalists bombed multiple government buildings in nearby Uzbekistan and instigated a two-and-one-half-month hostage crisis in Kyrgyzstan.¹⁸ These attacks in two of Kazakhstan's neighbors heightened fears in Kazakhstan and prompted the government to target religious extremists and fundamentalists, a move which also hampered religious liberty. For the first time, Kazakhstan launched a criminal investigation of foreign Muslim missionaries perceived to be teaching "radical fundamentalist Islam."¹⁹ In September 1998 authorities detained and later deported six unaccredited foreign Muslim missionaries who had planned to attend a religious conference in the region.²⁰ Authorities allegedly deported another foreign Muslim missionary near the end of the year for preaching "radical Islamic fundamentalism."²¹

C. The 1998 Agreement

In the midst of this increasing concern over "religious fundamentalism," the Holy See negotiated an agreement with the Republic of Kazakhstan. After a number of personal meetings between Pope John Paul II and President Nursultan Nazarbayev, the two leaders signed an agreement on mutual cooperation between the Republic of

¹⁸"Faith in Politics," *Economist*, August 25, 2001.

¹⁹U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Kazakhstan, 1331-1332.

²⁰*Ibid.*, 1332.

²¹*Ibid.*

Kazakhstan and the Holy See on September 24, 1998.²² The Kazakh legislature ratified the fifteen-article agreement on July 30, 1999.

The agreement's preamble states that both Kazakhstan and the Holy See acknowledge "their adherence to the norms of international law" and their desire "to develop mutual relations between them."²³ While not explicitly invoking the right to religious freedom, the preamble states that the Holy See and Kazakhstan "in accordance with the principles of respect and non-interference in internal affairs" agree to the following fifteen articles.²⁴ The first article commits both parties to acknowledge and respect "mutual freedom in the exercise of their rights and powers . . . in their mutual relations and in their cooperation for the good of people."²⁵ The next eleven articles of

²²*Interfax* news agency quoted Cardinal Angelo Sodano, then Secretary of State, as saying that the agreement "is very important for both the Vatican and Kazakhstan." The news agency also reported that at this meeting with the pope, President Nazarbayev proposed that an international congress be held in Alma-Ata to be attended by representatives of various religions and added that the pope supported the idea. See BBC Summary of World Broadcasts, "Kazakhstan, Vatican Sign Cooperation Agreement," *Interfax* (Moscow, Russia), September 25, 1998.

²³Agreement between the Holy See and the Republic of Kazakhstan on Mutual Relations, September 24, 1998, preamble, *AAS* 92 (2000), 320.

²⁴*Ibid.*

²⁵*Ibid.*, art. 1, *AAS* 92 (2000), 320. In personal interviews several diplomats of the Holy See informed the author that they consider the Fundamental Agreement between the Holy See and the State of Israel to be the exemplar of the Holy See's diplomatic agreements. With this in mind it is significant to note that Article 1 of the 1998 Agreement between the Holy See and the Republic of Kazakhstan closely models Article 3 of the Fundamental Agreement between the Holy See and the State of Israel. For the full text of the Holy See's agreement with Israel see John Paul II, convention *Inter Apostolicam Sedem atque Israelis Statum*, December 30, 1993: *AAS* 86 (1994), 716-729.

the agreement address the two contentious issues in public ecclesiastical law (the freedom of the Catholic Church to appoint leaders, and the freedom of the Catholic foreign missionaries from harassment and discrimination) and secure for the Holy See the legal recognition of at least eight concrete criteria of religious freedom articulated by John Paul II (the freedom to appoint leaders, the freedom to proclaim and communicate religious teaching, the freedom from discrimination, the freedom to worship, the freedom of education, the freedom to train their own ministers, the freedom of religious access, and the freedom of speech and of the press). With mutual respect for the laws of each party (Kazakh law and canon law), these articles largely ensure the freedom of the Catholic Church to establish and operate its various institutions.

The major provisions of the agreement are the following:

1. Kazakhstan is to recognize as legal persons those entities for which provision is made for in the Code of Canon Law, i.e., those entities which the Code of Canon Law designates as juridic persons,²⁶ provided that these entities register with the “organs of justice.”²⁷ The agreement specifies that such entities include but are not limited to “archdioceses, dioceses

²⁶1983 *CIC* c. 113 and *Codex Canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1990) c. 920. For a concise canonical definition of “juridic person” see Kennedy, 155: “A juridic person . . . is an artificial person distinct from all natural persons or material goods, constituted by competent ecclesiastical authority for an apostolic purpose, with a capacity for continuous existence and with canonical rights and duties like those of a natural person (e.g., to own property, enter into contracts, sue or be sued) conferred upon it by law or by the authority which constitutes it.”

²⁷Agreement between the Holy See and the Republic of Kazakhstan on Mutual Relations, art. 3, *AAS* 92 (2000), 320-321.

(eparchies), apostolic administrations, parishes, religious communities, missions, associations, seminaries, colleges, schools, and educational institutions.”²⁸ The Catholic Church must, in turn, transmit to “the competent state organs” of Kazakhstan authentic copies of the “acts of establishment of the new entities or of the recognition of existing entities of the Catholic Church” so that they can be included in “the state register of legal personalities” in conformity with Kazakh law.²⁹

2. In conformity with its national legislation, Kazakhstan is to allow the Catholic Church to buy, build, or lease buildings and plots of land necessary for the pastoral service of the Church, such as “churches, parish houses, and houses of residences for the performance of religious, socio-cultural, catechetical, educational, and charitable activities.”³⁰
3. Kazakhstan is to recognize the right of the Catholic Church to establish and govern its own schools in conformity with both the national legislation of Kazakhstan and the norms of canon law.³¹

²⁸Ibid., art. 3, *AAS* 92 (2000), 320-321.

²⁹Ibid., art. 4, *AAS* 92 (2000), 321.

³⁰Ibid., art. 6, *AAS* 92 (2000), 321.

³¹Ibid., art. 8, *AAS* 92 (2000), 322. One can find the norms of canon law that govern schools, universities, and other institutes of higher studies in the 1983 *CIC* cc. 796-821 and *CCEO* cc. 631-650.

4. Kazakhstan is to recognize the right of the Catholic Church to organize and support its medical and social institutions, in conformity with the appropriate laws of Kazakhstan.³²
5. Kazakhstan is to recognize the right of the Catholic Church to “express freely its views and principles, including its right to make use of the mass media” in accordance with the legislation of Kazakhstan.³³
6. Kazakhstan is to facilitate the “rendering of spiritual assistance by the Catholic Church to the faithful residing in state-run health care institutions and places of confinement.”³⁴
7. In an effort to encourage and broaden ties between institutions in Kazakhstan and Catholic institutions throughout the world, Kazakhstan is to “facilitate the exchange of students between ecclesiastical institutions and research centers.”³⁵
8. Kazakhstan is to grant “residence permits to members of the Catholic Church from abroad appointed for service in the particular churches³⁶ or

³²*Ibid.*, art. 9, *AAS* 92 (2000), 321-322.

³³*Ibid.*, art. 11, *AAS* 92 (2000), 322.

³⁴*Ibid.*, art. 10, *AAS* 92 (2000), 322.

³⁵*Ibid.*, art. 12, *AAS* 92 (2000), 323.

³⁶The 1998 Agreement uses the term “particular churches” in the technical canonical sense. According to the 1983 *CIC* particular churches “are first of all dioceses, to which, unless it is otherwise evident, are likened a territorial prelature and territorial abbacy, an apostolic prelature, and an apostolic administration erected in a stable manner.” See 1983 *CIC* c. 368.

other institutions of the Catholic Church in Kazakhstan, for the whole period of their assignment, in conformity with the existing legislation.”³⁷

9. The competent ecclesiastical authorities of the Catholic Church in Kazakhstan must inform the competent state authorities of Kazakhstan about the appointment of ecclesiastical ministers.³⁸

Two provisions of the 1998 Agreement are particularly significant in light of the situation in Kazakhstan in the years leading up to the agreement as they settle two contentious issues in public ecclesiastical law: the freedom of the Catholic Church to appoint leaders, and the freedom of the Catholic foreign missionaries from harassment and discrimination. First, the agreement committed Kazakh authorities to grant residence permits for the entire period of their assignment to Catholics from abroad that a Catholic organization appoints to serve in a particular church or other church institution in Kazakhstan. In the years immediately prior to the agreement, foreign missionaries had complained of occasional harassment by low-level government bureaucrats, and the government imposed new entry restrictions on religious missionaries from abroad because of fears of religious fundamentalism and a general wariness of “nontraditional” religious groups. As a result, this provision of the agreement is especially noteworthy as it successfully settles a contentious issue in public ecclesiastical law. Catholics appointed from abroad for service in the Church in Kazakhstan, including Catholic missionaries,

³⁷Agreement between the Holy See and the Republic of Kazakhstan on Mutual Relations, art. 2, *AAS* 92 (2000), 320.

³⁸*Ibid*, art. 5, *AAS* 92 (2000), 321.

were now less likely to face discrimination from government bureaucrats and restrictions on their ability to proclaim and communicate the teaching of the faith. This provision also helped ensure that Kazakhstan met two of John Paul II's concrete standards for assessing the state of religious freedom, the freedom to proclaim and communicate religious teaching and the freedom from discrimination.

Second, the 1998 Agreement stipulated that the competent ecclesiastical authorities of the Catholic Church in Kazakhstan would inform state authorities about the appointment of ecclesial ministers. This provision addresses another point of contention in public ecclesiastical law as it ensures the freedom of the Catholic Church to appoint its own ecclesiastical ministers, provided that the Church inform the competent state authorities of its choices. This particular provision of the 1998 Agreement seems to allay Catholic concerns that Kazakh authorities would apply to the Catholic Church the troublesome provision of the 1994 Kazakh civil code which otherwise requires state authorities to approve the appointment of the director of any religious organization operating in the country. This provision ensures the Catholic Church the freedom to appoint leaders, one of the concrete metrics for assessing the state of religious freedom proposed by John Paul II.

The 1998 Agreement guaranteed the legal recognition of five additional practical standards of religious freedom articulated by John Paul II.

1. Kazakh law guarantees the freedom of Catholics to worship by allowing the Church to own or lease land and buildings, including churches, suitable for worship and for the purpose of its pastoral service.

2. The agreement recognizes the freedom of the Catholic Church to train its own ministers as Kazakhstan agrees to respect the right of the Church to build and govern its own institutions for religious training at various levels. This provision enables the Catholic Church to have its own institutions for religious training and theological studies where candidates for the priesthood and religious consecration can be freely admitted.
3. The 1998 Agreement advances the freedom of education as Kazakhstan recognizes the right of the Catholic Church to establish schools at various levels and for various purposes and to govern them in accord with both canon and Kazakh law. Once the Church establishes Catholic schools, Kazakh parents will have the opportunity to provide their children with a Catholic education. Furthermore, the agreement stipulates that the Kazakh government is to recognize the juridical capacity of Catholic seminaries, colleges, schools, and educational institutions.
4. The agreement secures the Catholic Church's freedom of religious access as the Kazakh government guarantees Catholics the right to receive religious assistance in public health institutions and in places of detention.
5. The agreement grants the Catholic Church freedom of speech and of the press. It recognizes the right of the Catholic Church to express its views and principles freely and to make use of the mass media in accordance with the current Kazakh regulations.

D. Religious Freedom in Kazakhstan 1999-2001

Though there were modest improvements in the status of religious freedom in Kazakhstan after the 1998 Agreement, the situation of religious freedom generally deteriorated during this time period. The year after the agreement, the government started to donate buildings and provide other assistance for the construction of new mosques and Eastern Orthodox churches³⁹ and began exempting registered religious organizations from taxes on collections and income from government specified religious activities.⁴⁰ While government leaders, the Islamic mufti, and the Russian Orthodox archbishop continued their joint public appearances to promote religious and ethnic harmony in the years after the agreement,⁴¹ in 2000 the Kazakh president invited leaders of other faiths to join in some of these public events.⁴²

In striking contrast to other minority religious groups in Kazakhstan, all twelve of the concrete metrics proposed by John Paul II to measure the state of religious freedom

³⁹U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Kazakhstan, 262; U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Kazakhstan, 320; and U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 303.

⁴⁰Ibid.

⁴¹U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Kazakhstan, 263; and U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 107th Cong., 1st Sess. (Washington, DC: U.S. Government Printing Office, 2001) 1421.

⁴²U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1421; and U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 107th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 2002) 1549.

were respected with regard to its Catholic and Jewish communities between 1999 and 2001. In 2001 the Catholic Church opened a new seminary for the Republics of Central Asia and the country's first convent, actions which reflected Kazakhstan's openness to its Catholic minority.⁴³ During this three year period, the Kazak government also reached out to its Jewish minority. In December 1999 several government officials attended the founding session of the All Kazakhstan Jewish Congress.⁴⁴ In 2001 the government allowed the Jewish community to place menorahs in front of government buildings in Astana, Almaty, and Pavlodar.⁴⁵ By the end of that year, the Jewish community had opened or begun construction on seven new synagogues.⁴⁶

Despite these improvements, respect for religious freedom deteriorated generally between 1999 and 2001 and substantial room for improvement remained. National government organs formally endorsed the principles of religious freedom, but the government did not respect them completely in practice. As part of its campaign to prevent the development of religious extremism, the Kazakh parliament in March 1999

⁴³"Kazakhstani Catholics to Have Their First Carmelite Convent," *Khabar Television* (Almaty, Kazakhstan), August 25, 2001.

⁴⁴U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Kazakhstan, 322.

⁴⁵U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 107th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 2002) 1551.

⁴⁶U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 303. A Jewish group built one of the newly opened synagogues on land donated by the city mayor of Pavlodar. See U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 1551.

and again in April 2001 attempted to add amendments to the 1992 National Religion Law that would have imposed significant restrictions on religious freedom.⁴⁷ Following the urging of minority religious groups, human rights advocates, and foreign observers, the government of Kazakhstan withdrew these restrictive draft amendments in March 1999 and June 2001, respectively.⁴⁸ Intent to combat religious extremism, the government again reintroduced the restrictive draft amendments to parliament on November 15,

⁴⁷U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Kazakhstan, 1617; U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 303; and U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 1550. The draft amendments included provisions that would have banned “extremist religious associations;” increased from ten to fifty the number of members required to file for registration of a religious organization; required religious groups that seek registration to submit certification from locally elected officials that they were already active for ten years in the jurisdiction in which they sought registration; required religious organizations that seek registration to submit information about their creeds and practices, including attitudes toward family, marriage, education, and members’ health; limited the right of registration for Muslim groups to those “recommended” by the mufti’s organization; forbid missionary activities not formally declared to local authorities in advance, including charity activities conducted by citizens; prohibited giving children a religious education or bringing them to religious activities against their will; and authorized local officials to suspend the activities of religious groups that conducted a religious activity outside of the place where they are registered. See U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Kazakhstan, 106th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 2000) 1617; and U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 303.

⁴⁸Ibid.

2001.⁴⁹ Parliament approved the amendments the following year, but shortly thereafter the constitutional council ruled them unconstitutional.⁵⁰

Though the government failed to add restrictive amendments to the National Religion Law, Kazakhs still labored under several restrictions on their religious freedom between 1999 and 2001. The government set a troubling precedent when it exercised the authority granted to it by the 1994 civil code and interfered in the appointment of an Islamic mufti. The government's concern about the potential spread of religious extremism caused missionaries to continue to experience harassment and restrictions on their freedom to proclaim and communicate religious teaching. Additionally, some religious minorities began to face restrictions on their freedom to worship and their freedom of education.

1. Freedom to Appoint Leaders

Between 1999 and 2001, there was no change in the constitutional requirement that the appointment of the heads of religious associations by foreign religious centers be carried out in coordination with the government. In addition, the government had not repealed the provision of the 1994 civil code, which required state authorities to approve the appointments of directors of religious organizations operating in the country. While the government had not previously interfered with the appointment of religious leaders, in 2000 the U.S. Department of State reported credible allegations that the government

⁴⁹U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 1550.

⁵⁰U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 400.

played a significant role in the appointment of a new mufti, the head of the National Muslim Organization.⁵¹ On June 26, 2000, the Third Congress of Muslims in Kazakhstan voted to appoint Absattar Derbisaliyev the new mufti. Senior government officials, which allegedly included the Chief of Presidential Administration and the Minister of Culture, Information, and Public Accord, took part in the congress.⁵² Some Muslims alleged that government officials engineered Derbisaliyev's appointment and the resignation of his predecessor.⁵³ Derbisaliyev publicly denied that the presence of government officials at the congress influenced the votes of the congress participants and indicated that the officials were not present to take part in the vote.⁵⁴

2. Freedom to Proclaim and Communicate Religious Teaching and Freedom from Discrimination

In a January 1999 speech, Nursultan Nazarbayev, the president of Kazakhstan, spoke out against all forms of religious and ethnic bigotry.⁵⁵ Nonetheless, in a concerted effort to crack down on religious extremism and terrorism, the Kazakh government occasionally harassed Islamic and Christian groups whose members it regarded as

⁵¹U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Kazakhstan, 320.

⁵²Ibid.

⁵³Ibid., 321.

⁵⁴Ibid.

⁵⁵U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Kazakhstan, 264.

“religious extremists.”⁵⁶ Government officials frequently expressed concerns about the potential spread of religious extremism and pointed to the risk of political Islam spreading north from Afghanistan, Iran, Pakistan, Tajikistan, Uzbekistan, and other states.⁵⁷

As had been the case from 1994 to 1998, some Muslim and Orthodox citizens objected to the presence of foreign missionaries, and some missionaries complained of occasional harassment by low-level government officials.⁵⁸ In 1999 the government began to require that it accredit foreign missionaries.⁵⁹ In practice, however, many missionaries operated without accreditation. In July 2000, members of a Baptist church reported that local KNB officials and police incited a crowd to threaten and burn the literature of a group preaching Christianity.⁶⁰ A group of eight men severely beat one member of the Baptist church after he refused to convert to Islam.⁶¹ Government officials

⁵⁶U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Kazakhstan, 1616; and U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1419.

⁵⁷*Ibid.*

⁵⁸U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Kazakhstan, 263; U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1421; and U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 1551.

⁵⁹U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Kazakhstan, 1617.

⁶⁰U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1421.

⁶¹*Ibid.*

declined to comment on this incident.⁶² In December 2000 police arrested and detained for one day two Jehovah's Witness missionaries for proclaim and communicate religious teaching.⁶³ The police confiscated the missionaries' documents but returned them three days later; police did not file any charges.⁶⁴ In 2001 Evangelical Protestants who did not register as missionaries with the government and who worked in schools, hospitals, and other social service institutions alleged government hostility toward their efforts to proclaim and communicate religious teaching.⁶⁵ In 2000 and 2001, some foreign missionaries encountered visa problems.⁶⁶ Though the government annulled those laws that regulated the registration process of foreign missionaries in 2001, this step to remove government interference in proclaiming and communicating religious teaching actually worsened the situation of religious freedom.⁶⁷ The absence of regulation lead to widespread reports of inconsistency in the rules applied to foreign missionaries and allowed government officials greater opportunity to extract bribes or harass foreign

⁶²Ibid.

⁶³Ibid.

⁶⁴Ibid.

⁶⁵U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 305.

⁶⁶U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Kazakhstan, 320; U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1419; and U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 1551.

⁶⁷U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 108th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 2004) 366.

missionaries from “nontraditional” religions.⁶⁸ Because the state respected the provisions of the 1998 Agreement, Catholic foreign missionaries, unlike other “nontraditional” religious missionaries, did not report discrimination or difficulties in obtaining visas.

3. Freedom to Worship

While religious communities in Kazakhstan worshiped largely without government interference between 1999 and 2001, concerns about regional security threats from alleged religious extremists led the government to encourage local officials to limit the practice of religion by certain “nontraditional” groups, including Jehovah’s Witnesses, Hare Krishnas, some Protestants, and Muslim groups independent of the mufti. Even though Catholics and Jews are among the “nontraditional” religious groups in Kazakhstan, they did not report government restrictions on their freedom to worship during this three year period.

Of the “nontraditional” religious groups in Kazakhstan, the Jehovah’s Witness community and a single group of Muslims independent of the mufti faced the most severe restrictions on their freedom of worship between 1999 and 2001. Jehovah’s Witnesses claimed that city officials in Astana, Almaty, Shymkent, Ust-Kamenogorsk, Kostanay, Karaganda, and Aktubinsk sometimes blocked the group from renting stadiums or other large public and/or private sites for religious meetings.⁶⁹ In March 2000, for example,

⁶⁸U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 107th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 2002) 400.

⁶⁹U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1420; U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 1550; U.S. Department of State, *Annual Report on*

Jehovah's Witnesses alleged that the director of a facility in Almaty told them that city officials had given him instructions not to rent space to Jehovah's Witnesses.⁷⁰

Government officials also disrupted the services of the Jehovah's witness community. In June 2001 government officials raided a prayer house belonging to a registered community of Jehovah's Witnesses and confiscated religious literature and other documents.⁷¹ After complaints from representatives of the Jehovah's Witness community, the director of the Committee for National Security ordered local government officials to return the seized documents.⁷² On October 1, 2001, a group of officials from the KNB, the Ministry of Internal Affairs, and the oblast⁷³ prosecutor's office raided a Bible study meeting in a Jehovah's Witness leader's apartment.⁷⁴

A group of Muslims independent of the mufti also reported government interference in their freedom to worship. In July 1999 more than one hundred armed special forces and police raided the group's private religious study retreat and detained

International Religious Freedom 2001, Kazakhstan, 304.

⁷⁰U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1420.

⁷¹*Ibid.*, 1421.

⁷²*Ibid.*

⁷³An oblast is a province or region. See *The Oxford English Dictionary*, 2nd ed., 1991, s.v. "Oblast."

⁷⁴U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 305.

and beat the participants.⁷⁵ The police found no weapons or politically subversive literature at the camp and freed the detainees within two months.⁷⁶

In addition to these restrictions on freedom of worship, beginning in 1999 certain “nontraditional” religious groups reported difficulties in registering with the government. The 1992 National Religion Law required religious organizations, including churches, to register with the Ministry of Justice in order to receive legal status.⁷⁷ While the law does not require religious organizations to register, without registration religious organizations cannot buy or rent real property, hire employees, obtain visas for foreign missionaries, or engage in any other legal transactions.⁷⁸ Registration requires the religious organization to have at least ten members who have reached the age of eighteen and to submit a charter to the Ministry of Justice.⁷⁹ Religious organizations still could carry out their work

⁷⁵U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Kazakhstan, 1617.

⁷⁶*Ibid.*

⁷⁷Закон Республики Казахстан от 15 января 1992 года О свободе вероисповедания и религиозных объединениях, art. 9. See also U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Kazakhstan, 1616.

⁷⁸U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Kazakhstan, 1616.

⁷⁹Закон Республики Казахстан от 15 января 1992 года О свободе вероисповедания и религиозных объединениях, art. 9. The charter presented for registration must include “the religious associations name, location, and region of activity, the religious affiliation, goals, purposes, and basic form of activity, the structure and administration of the given religious association, the procedure for acceptance into the religious association and withdrawal from it, the rights and duties of the association, capital and property relations and the liquidation procedure, the procedure for making additions and amendments to the charter, the religious association’s attitude toward the Republic’s constitution and legislation.” See Закон Республики Казахстан от 15

legally without registering with the government, but, in practice, many local officials insisted that they register.⁸⁰ Even though the national government designed the registration process to be quick and simple, Jehovah's Witnesses, some Korean Protestant groups, and Muslims with no allegiance to the mufti, and Russian Orthodox groups independent of the archbishop complained about difficulties in registering.⁸¹ Although the government did not prohibit the activities of any religious group whose registration application it denied in 1999,⁸² in 2000 and 2001 the government disrupted the religious services of some unregistered groups.⁸³ The government went even further in 2000 when a district court ordered an unregistered Baptist church to close down altogether until it registered.⁸⁴

января 1992 года О свободе вероисповедания и религиозных объединениях, art. 8. See also U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 108th Cong. 1st Sess. (Washington, DC: U.S. Government Printing Office, 2003) 348.

⁸⁰U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Kazakhstan, 1616.

⁸¹U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Kazakhstan, 1616-1617; U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1419; and U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 1549.

⁸²U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Kazakhstan, 1617.

⁸³U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1419-1420; and U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 1549.

⁸⁴U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1419-1420.

In February 2001 the Kazakh government enacted an administrative code that allowed local and national authorities to suspend the activities or fine leaders of any unregistered religious organization.⁸⁵ This code contradicts the National Religion Law, which permits religious organizations to carry out their activities without registration.⁸⁶ Legal experts disagreed on whether the 2001 administrative code superceded the National Religion Law on the obligation of religious groups to register with the government.⁸⁷ Government officials also had varying interpretations of the discrepancy between the 2001 administrative code and the National Religion Law.⁸⁸

There were two instances in 2001 where local courts employed the provision in the new administrative code and suspended the activities of two unregistered religious organizations in two different cities.⁸⁹ The first instance occurred on March 14, 2001, when a city court in Kyzyl-Orda suspended the activities of a local congregation of Jehovah's Witnesses.⁹⁰ The group did not have the required ten adult members needed to

⁸⁵Кодекс об административных правонарушениях, 2001, art. 374, sec. 1 and 375. See also U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 303.

⁸⁶U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 303.

⁸⁷U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 1355.

⁸⁸*Ibid.*

⁸⁹U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 303.

⁹⁰*Ibid.*

file for registration.⁹¹ The second instance occurred on May 2, 2001, when a local prosecutor in Kulsary ordered the Iman Kazakhstani Baptist Church to stop meeting until it registered.⁹² Church representatives claimed they did not have the required ten adult members needed to file for registration.⁹³ Both religious groups appealed, and the court of appeals upheld the suspensions in each instance.⁹⁴

4. Freedom of Education

In 1999 the government enacted a law on education that forbids the activities of educational institutions, including religious schools, that have not registered with the Ministry of Education.⁹⁵ However, the government took no action that year to close unregistered schools. Despite the fact that the law on education had no provision for the licensing of religious schools, religious rights activists reported that local law enforcement officials inspected religious schools and asked for licenses.⁹⁶ In most cases law enforcement officials took no further action against unregistered schools.⁹⁷ However, in December 2000 the Almaty district prosecutor's office closed a Protestant seminary

⁹¹Ibid., 304.

⁹²Ibid.

⁹³Ibid.

⁹⁴Ibid.

⁹⁵U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1419.

⁹⁶U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 305.

⁹⁷Ibid.

because it was operating without a license.⁹⁸ The seminary presented a letter from the Ministry of Education, which stated that there was no requirement for the licensing of religious schools. Nonetheless, the letter did not change the decision of the district prosecutor's office.⁹⁹ That same year the Ministry of Justice requested that Jehovah's witnesses amend their charter to eliminate education as a religious activity.¹⁰⁰ The Jehovah's Witnesses complied, and the government took no further action on the matter.¹⁰¹

In an effort to "protect Kazakhstan against religious extremism," an education ministry official announced in September 2000 that the Foreign Ministry would "recall" all Kazakh students studying in religious institutions outside Kazakhstan.¹⁰² This announcement violated Article 12 of the 1998 Agreement, by which Kazakhstan had pledged to work with the Catholic Church in assisting Kazakh students who desired to study abroad in ecclesiastical educational institutions and research centers.¹⁰³ The government, however, took no action to recall any students.

⁹⁸Ibid.

⁹⁹Ibid.

¹⁰⁰U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Kazakhstan, 1420.

¹⁰¹U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Kazakhstan, 1551.

¹⁰²Ibid.

¹⁰³Agreement between the Holy See and the Republic of Kazakhstan on Mutual Relations, art. 12, *AAS* 92 (2000), 323.

E. John Paul II's Visit to Kazakhstan 2001

John Paul II delivered an address to the new Ambassador of Kazakhstan to the Holy See just before his trip to the country. The address celebrated the diversity of Kazakhstan and congratulated the country on ten years of independence. The pope praised the 1998 Agreement, “which guarantees the rights and duties of the Catholic community resident in Kazakhstan as well as the state’s obligations to it.”¹⁰⁴ In a state founded on the respect for the rights of man, “religious freedom is a precious good,” the Holy Father told the new Ambassador.¹⁰⁵ Religious freedom is “an expression of the fundamental dignity of the human person who freely chooses, according to his conscience, the religion to which he belongs.”¹⁰⁶ Religious freedom benefits the state in that it “invites people and religious communities to contribute to the common good, with respect for one another and within the framework of the countries laws.”¹⁰⁷

John Paul II visited Kazakhstan at the official invitation of the President Nursultan Nazarbayev on September 22-25, 2001.¹⁰⁸ During his brief trip to the region, John Paul II

¹⁰⁴John Paul II, “Address of the Holy Father to the New Ambassador of Kazakhstan to the Holy See,” *L’Osservatore Romano* English edition (Vatican City), September 26, 2001. See also BBC Worldwide Monitoring: Central Asia, “Kazakh Envoy in Vatican Presents Credentials to Pope,” *Kazakhstan Today Web site* (Almaty, Kazakhstan), September 18, 2001.

¹⁰⁵*Ibid.*

¹⁰⁶*Ibid.*

¹⁰⁷*Ibid.*

¹⁰⁸President Nazarbayev extended the invitation to John Paul II to come to Kazakhstan when the president met with the pontiff in the Vatican. See John Paul II, “Visit in Kazakhstan: Arrival in Astana,” *L’Osservatore Romano* English edition

actively pursued the four diplomatic strategies described in chapter one: promotion of respect, promotion of dialogue, enshrinement of religious freedom in law, and efforts to ensure the survival of religious minorities in the country. He met with government officials, diplomats, leading clerics, and academics.¹⁰⁹

(Vatican City), September 26, 2001.

¹⁰⁹A lot of work went into the preparations of the pope's first trip to Central Asia. To ensure that all who wished to attend the pope's public Mass could, the nunciature in Kazakhstan worked with Catholics in Uzbekistan to organize a trip for 260 Catholics on Uzbek Airways to Astana. Kazakhstan's national railway prepared additional passenger trains to carry more than 6,000 pilgrims from Almaty, Shymkent, Taraz, Pavlodar, Shcherbakty, Petropavlovsk, Tayynshy, Kokshetau, and Karaganda to Astana. See BBC Worldwide Monitoring: Central Asia, "Uzbek Catholics Flying to Kazakh Capital to Attend Mass Said by Pope," *Pravda Vostoka* (Tashkent, Uzbekistan), September 14, 2001; and "Kazakhstan Prepares Additional Trains for Pope Visit," *Hotline Kazakhstan WWW* (Almaty, Kazakhstan), September 20, 2001. Additionally, much work went into planning and providing the security of the pope during his trip to Kazakhstan. Typically the host country is responsible for providing the security. However, the events of September 11, 2001, heightened the need for security. The Bush administration reportedly promised the pope it would not begin military retaliations during the pope's trip to Central Asia and the Italian government closed the airspace around the town of Frosinone near Rome and deployed almost 4,000 people including police, and security teams to protect John Paul II on his first trip outside Vatican territory since the attacks on the United States. See Su Yan, "When Will US Open Fire?" *Zhongguo Tongxun She* (Hong Kong) September 22, 2001; and BBC Worldwide Monitoring: Asia Pacific, "Vatican Warned of Possible Suicidal Attack by Filipino Faction," *ABC Web site* (Madrid, Spain) September 17, 2001.

Kazakhstan warmly welcomed John Paul II on his first trip to Central Asia.¹¹⁰

Although Kazakh President Nazarbayev normally meets high-ranking officials at his residence, he personally greeted John Paul II at Astana airport.¹¹¹ In his arrival speech,

¹¹⁰Astana Kazakh TV1 noted that the public reception of the pontiff was positive. See “FYI – Pope Calls for Unity Between Christians, Muslims,” *Astana Kazakh TV1*, (Nationwide, state-owned channel) (Astana, Kazakhstan), September 1, 2003. See also “Pope’s Visit to Kazakhstan Promises to be a Crowd-puller,” *Kazakhstan Today Web site* (Almaty, Kazakhstan), September 17, 2001. However, not everyone in Kazakhstan was delighted with the pope’s visit. A Kazakh newspaper, *Megapolis*, ran an article prior to the pope’s visit which said John Paul II’s visit to Kazakhstan could signal the Catholic Church’s attempted “soft expansion” in the former Soviet Union. The paper opined that the pope’s visit was part of a political move by Kazakh leadership to show that the world had recognized the young state’s merits. The paper also described the lack of opposition to the pontiff’s visit on the part of Kazakhstan’s religious leaders as “the ostrich stance.” See BBC Worldwide Monitoring: Central Asia, “Kazakh Paper Sees Catholic ‘Expansion’ in Pope’s Visit,” *Megapolis* (Kazakhstan), September 12, 2001. The Kazakh newspaper *Argumenty I Fakty Kazakhstan*, also reported that Kazakh authorities viewed the pope’s visit as a chance to restore Kazakhstan’s international image and to assert its position as a dominate player on the Central Asian stage. The paper hinted that Kazakh religious leaders may have some misgivings about the visit, as there was some friction between the Catholic and Orthodox Churches and some irritation among Muslim leaders at the prospect of conversions to Catholicism. See “Pope’s Visit Seen as Chance to Restore Kazakhstan’s International Image,” *Argumenty I Fakty Kazakhstan* (Almaty, Kazakhstan), September 12, 2001. The Russian press, *Vremya MN* also voiced skepticism regarding the visit questioning John Paul II’s motives in traveling to Kazakhstan given the small number of Catholics in the country. See BBC Worldwide Monitoring, “Russian Press Review for 22 September,” *Vremya MN* September 22, 2001. Metropolitan Krill of the Russian Orthodox Church publically disapproved of the visit, reminding people that Kazakhstan is in the canonical territory of the Russian Orthodox Church and that the pope had not asked his permission to visit. Although the pope’s trip displeased the Russian Orthodox Church, the visit reportedly left the local Orthodox clergy “unfazed.” Representatives of the Russian Orthodox Church told the press that the president invited John Paul II and the four percent of the Republic’s residents who are Catholic “have every right to meet the head of their Church.” See BBC Monitoring, “Russian Press Review for 25 September,” *Caversham* September 25, 2001; and “Russian Church Lambasts Pope for Visiting Kazakhstan,” *Interfax* (Moscow, Russia), September 18, 2001.

¹¹¹BBC Worldwide Monitoring: Former Soviet Union, “Kazakh Leader Welcomes Pope in Astana,” *NTV International Television* September 22, 2001.

the pontiff again praised Kazakhstan as “a land where different traditions and cultures come together and coexist.”¹¹² The pontiff made a special point to greet respectfully Islamic leaders and their faithful, and to note that they “boast a long religious tradition” in this region.¹¹³ Since the pope’s visit occurred only a few weeks after the September 11, 2001, attacks on the United States, he was fully aware that the United States and Islamic militants appeared to be headed for confrontation. From the steppes of Central Asia, the pope appealed to Muslims to join Christians in rejecting violence and hatred to build a “civilization of love.”¹¹⁴ He begged God to prevent war and condemned acts of terrorism carried out in the name of religion.¹¹⁵ The Kazakh government seemed to embrace the pope’s message.¹¹⁶ During this trip the pontiff celebrated an outdoor Mass attended by 50,000 persons, including many Muslims, which aired on national television and radio

¹¹²John Paul II, “When in a Society Citizens Accept One Another in Their Religious Beliefs,” *Origins* 31 (October 4, 2001), 288.

¹¹³Ibid. The chief mufti of Kazakhstan’s Muslims, Absattar-kazhy Derbisali, as well as the head of Kazakhstan’s Russian Orthodox Church, Father Aleksi, attended the welcoming ceremony. See “Kazakhstan Welcomes the Pope,” *Khabar Television* (Almaty, Kazakhstan), September 22, 2001.

¹¹⁴John Paul II, “Do Not Use Religion as a Reason for Conflict,” *Origins* 31 (October 4, 2001), 287; and John Paul II, “Christianity’s Commitment to the Tasks of This World,” *Origins* 31 (October 4, 2001), 290.

¹¹⁵John Paul II, “Do Not Use Religion as a Reason for Conflict,” 287.

¹¹⁶While greeting John Paul II, the Kazakh president noted the pope’s contribution to world peace and efforts to strengthen relations between Christianity, Judaism, and Islam. The Kazakh president acknowledged that Catholicism in Kazakhstan “has existed for a long time” and said that various confessions, including the Catholic Church, contributed to the success of reforms in Kazakhstan. See “Kazakhstani Leader Welcomes Pope in Astana,” *Interfax* (Moscow, Russia), September 22, 2001.

channels.¹¹⁷ In a speech following the Mass, President Nazarbayev highlighted the religious diversity of the country and remarked that “we should not link terrorism with a nation or a religion.”¹¹⁸

¹¹⁷According to FIDES Agency 90% of the people who requested tickets for the pope’s public Mass in Astana were Muslims. See John Paul II, “Sunday Angelus: 9 September: Pray for Success of Apostolic Journey,” *L’Osservatore Romano* English edition (Vatican City), September 12, 2001. The Kazakh chief mufti, Absattar Derbisali, said that “[a] visit to our country by the head of a different religion does not run counter to Islam” in an interview broadcast on Kazakh *Khabar* TV’s weekly round-up program, *Seven Days*. However, when the program’s hosted asked him if it was right that many Muslims planned to attend John Paul II’s public Mass in Astana’s main square that morning, Derbisali said: “It should be noted that Muslim children and brethren will not take part in their [Christian] Masses since we have different religions.” The chief mufti went on to recite a relevant verse from the Koran and added in conclusion that “Muslim children and Muslim citizens will not take part in their liturgies.” See “Kazakhstan: Pope’s Visit ‘Does Not Run Counter to Islam,’ Says Chief Mufti,” *Khabar Television* (Almaty, Kazakhstan), September 23, 2001. The government allowed the Mass to be televised live on a big screen set up in Republic Square in Almaty. See BBC Worldwide Monitoring: Central Asia, “Residents of Kazakh Town to Watch Pope’s Mass Live on Big Screen,” *Kazakhstan Today* (Almaty, Kazakhstan), September 22, 2001; and BBC Worldwide Monitoring: Central Asia, “Pope in Kazakhstan Seeks to Unite Christians and Muslims,” *Khabar Television* (Almaty, Kazakhstan), September 23, 2001.

¹¹⁸U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 403. In a live televised meeting at his official residence, President Nazarbayev thanked the pontiff for coming to Kazakhstan and stressed that terrorism has no national affiliation. The president agreed with the John Paul II and reiterated that terrorism is not connected with a certain nation or religion: “I listened attentively to the Mass you conducted from start to finish. . . . I side with you when you say that civilizations should follow the path of agreement and trust. . . . I absolutely agree with you when you say that we should not link terrorism with a nation or a religion. And this must not lead to a confrontation between civilizations. A terrorist has no nationality, and may be of any nationality, and we must combat both the existence of terrorism and those who it comes from.” See BBC Worldwide Monitoring: Central Asia, “Kazakhstan: President Welcomes Pope, Stresses Stance Against Terrorism,” *Khabar Television* (Almaty, Kazakhstan), September 23, 2001. See also BBC Worldwide Monitoring: Former Soviet Union, “Nazarbayev Says Kazakhstan Ready to Join Coalition Against Terrorism,” *Itar-tass* (Moscow, Russia), September 23, 2001.

Throughout his apostolic voyage, the pope made a concerted effort to demonstrate the Catholic Church's genuine respect for Islam and the Muslim community in Kazakhstan.¹¹⁹ When addressing the leaders of culture, art, and sciences at Congress Hall in Astana, John Paul II noted that he himself comes before those in attendance "in full respect for the search that other people of good will are engaged in along different paths."¹²⁰ John Paul II also reaffirmed the Catholic Church's respect for "authentic Islam: the Islam that prays [and] that is concerned for those in need."¹²¹ To further demonstrate his esteem for the Islamic faith and its followers, he included in his addresses, speeches, and homilies during this trip numerous quotations from and references to Kazakh Muslim poets.¹²² In addition, the pontiff highlighted the beliefs and values common to Jews, Christians, and Muslims.¹²³

Besides showing respect for Muslims and those of other religious traditions and promoting such respect among religious communities in Kazakhstan, John Paul II

¹¹⁹"Pope Stresses Vatican's Respect for Islam," *Interfax* (Moscow, Russia), September 24, 2001; and "Pope in Kazakh Capital Expresses Respect for Islam, Denounces Terrorism," *Khabar Television* (Almaty, Kazakhstan), September 24, 2001.

¹²⁰John Paul II, "Address to Leaders of Culture, Art and Science," *Origins* 31 (October 4, 2001), 293.

¹²¹*Ibid.*

¹²²John Paul II, "When in a Society Citizens Accept One Another in Their Religious Beliefs," 288; John Paul II, "Christianity's Commitment to the Tasks of This World," 289; John Paul II, "What Makes a Human Being Great: Address to Youth," *Origins* 31 (October 4, 2001), 291; and John Paul II, "Address to the Leaders of Culture, Art and Science," 293.

¹²³John Paul II, "Christianity's Commitment to the Tasks of This World," 289.

encouraged dialogue and cooperation among religions. Addressing the Ordinaries of Central Asia, he urged respect for and dialogue by Catholics with the Muslim community, the Orthodox community, other religions, and nonbelievers.¹²⁴ In his homily at Mass in Astana's Homeland Square, the Holy Father prayed for continued cooperation among Christians and Muslims in Kazakhstan "committed day by day, side by side, in the effort to fulfill God's will."¹²⁵ During a Mass with priests, religious, and seminarians of Kazakhstan, John Paul II quoted a Kazakh sage and *Novo Millennio Ineunte* and reminded those present that the Catholic Church does not seek to impose her faith on others but instead seeks in a spirit of respect and dialogue to share her faith with others.¹²⁶ In his farewell address, John Paul II once again encouraged respect and dialogue among peoples of all religions and assured his listeners of the Church's solidarity with the Kazakh people.¹²⁷

During his four-day visit, the Holy Father also spoke of the need for effective guarantees of the right to religious freedom, presumably guarantees in law. The pope told his audience in Kazakhstan that they must see to it that their country commits to safeguarding the inalienable right of religious freedom. In his address to the leaders of

¹²⁴John Paul II, "Visit in Kazakhstan: Apostolic Nunciature, Astana," *L'Osservatore Romano* English edition (Vatican City), September 26, 2001.

¹²⁵John Paul II, "Christianity's Commitment to the Tasks of This World," 290.

¹²⁶John Paul II, "Astana, Kazakhstan: 24 September 2001 Homily at the Holy Eucharist with Priests, Religious, and Seminarians," *Pro Dialogo* 108 (2001), 317.

¹²⁷John Paul II, "On the Occasion of the Parting Ceremony," *Pro Dialogo* 108 (2001), 318.

culture, art and science, he said even in “the context of a soundly secular state” there is a need to guarantee the public or social right to religious freedom. The right to religious freedom should not be restricted only to the private sphere as the social nature of individuals requires that they give external expression to their internal acts of religion.¹²⁸ Focusing on the positive, the pope then took the opportunity to praise Kazakhstan for permitting the building of numerous houses of worship which have “risen up” throughout Kazakhstan “a promise for their future,”¹²⁹ and he showed his pleasure at the recent completion of a new Catholic seminary in Karaganda, Kazakhstan.¹³⁰

Because John Paul II knew the Kazakh government was growing increasingly wary of its religious minorities, he took great pains during his trip to assure both the Kazakh government and its people that there was no reason to fear religious minorities, especially Catholics, and that respect for the religious freedom of all Kazakh citizens would benefit the common good. The pope told his Kazakh audience: “[r]espect for each one’s rights, even when that person has different personal beliefs, is the foundation of all truly human harmony.”¹³¹ He encouraged his audience at a Mass in Astana to work toward the common good and to show special concern for the weakest and most

¹²⁸John Paul II, “Address to Leaders of Culture, Art and Science,” 293.

¹²⁹Ibid.

¹³⁰John Paul II, “Visit in Kazakhstan: Apostolic Nunciature, Astana,” *L’Osservatore Romano* English edition (Vatican City), September 26, 2001.

¹³¹John Paul II, “Christianity’s Commitment to the Tasks of This World,” 290.

disadvantaged.¹³² In his address to the president of Kazakhstan, John Paul II expressed his hope that the Catholics in Kazakhstan “may be able to contribute to the common good.”¹³³ He stressed that even though Catholics are “a restricted group, a minority” they “can and will contribute - to the best of their ability - to the common good of Kazakhstan.”¹³⁴ In his farewell address, the Holy Father reaffirmed his fervent hope that the Catholic Church will work in close cooperation with other religious communities and all men and women of good will to build a “common home which is ever more open and welcoming.”¹³⁵

During the course of his visit, John Paul II also highlighted several of the key elements of his teaching on religious freedom. Addressing the youth of Kazakhstan, he said he had come a great distance to remind them that each person is of unique worth and this unique worth should prompt them to respect each other’s convictions and search for truth.¹³⁶ He continued informing them that a person’s unique dignity is grounded in God: “what makes a human being great is the stamp of God that each of us bears. According to

¹³²Ibid.

¹³³John Paul II, “Visit to the President,” *L’Osservatore Romano* English edition (Vatican City), September 26, 2001.

¹³⁴Ibid.

¹³⁵John Paul II, “On the Occasion of the Parting Ceremony,” 318.

¹³⁶John Paul II, “What Makes a Human Being Great: Address to Youth,” 291. Kazakh Khabar Television carried a live 120 minute broadcast of Pope John Paul II’s visit to Gumilev Eurasian University in Astana, including his address to the youth. See “Kazakhstan: Pope Calls on Students to Work for ‘Single and Undivided World,’” *Khabar Television* (Almaty, Kazakhstan), September 23, 2001.

the Bible, a human being is created ‘in the image and likeness of God.’”¹³⁷ Respect for this right, he said, enables citizens to “accept one another in their respective religious beliefs” and consequently makes it “easier to foster among them the effective recognition of other human rights and an understanding of the values on which a peaceful and productive coexistence is based.”¹³⁸

F. Religious Freedom in Kazakhstan 2002-2005

After Pope John Paul II’s visit, respect for religious freedom in Kazakhstan began to improve considerably. Following the terrorists attacks on the World Trade Center and the Pentagon on September 11, 2001, the United States called on states like Kazakhstan to aid the responding to the war in nearby Afghanistan. Despite increasing concerns over religious extremism, the Kazakh government sought to advance religious freedom in the country. Every year between 2002 to 2005, the government continued to exempt registered religious organizations from taxes on collections and income from government specified religious activities.¹³⁹ The government also continued to donate buildings and provide other assistance for the construction of new mosques and Eastern Orthodox

¹³⁷Ibid.

¹³⁸John Paul II, “When in a Society Citizens Accept One Another in Their Religious Beliefs,” 288.

¹³⁹U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 400; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Kazakhstan, 108th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 2004) 1356; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 349; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 366; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 367.

churches.¹⁴⁰ Beginning in 2002 the government donated buildings and provided other assistance to construct synagogues.¹⁴¹ For the first time, the president invited leaders of the Catholic and Jewish religions to participate in some official events along with Muslim and Russian Orthodox leaders.¹⁴² By 2003 the president extended this same invitation to leaders of the Baptists, Seventh Day Adventists, and other “nontraditional” religious groups.¹⁴³

In February 2003 President Nursultan Nazarbayev launched an initiative called “Peace and Harmony” to open dialogue between religions and cultures. He then traveled to the Vatican to ask for the pope’s blessing on the congress scheduled for September of that year and to invite personally Cardinal Angelo Sodano, the Holy See Secretary of State, to Kazakhstan. John Paul II gave his blessing and voiced his support for

¹⁴⁰U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 400; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 349; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 366; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 367.

¹⁴¹*Ibid.*

¹⁴²U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Kazakhstan, 108th Cong. 1st Sess. (Washington, DC: U.S. Government Printing Office, 2002) 1420; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Kazakhstan, 1356; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 349; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 366; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 367.

¹⁴³U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 349 and 352; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Kazakhstan, 1356; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 366; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 367.

Nazarbayev's initiative; Cardinal Sodano accepted the invitation and informed the Kazakh president that he planned to visit Kazakhstan in May.¹⁴⁴

As promised, Cardinal Sodano paid an official visit to Kazakhstan in May 2003 and met with Nazarbayev to discuss the forthcoming interfaith congress.¹⁴⁵ During the briefing following the talks, Sodano indicated that the meeting went well and the main topic of their discussion was the upcoming interfaith congress.¹⁴⁶ Sodano also visited an Orthodox church and the central mosque in Astana and announced John Paul II's decision to elevate the apostolic administration of Astana to the status of an archdiocese, a decision which upset the Russian Orthodox Church.¹⁴⁷

¹⁴⁴BBC Worldwide Monitoring: Central Asia, "Kazakh President Gets Pope's Blessing to Hold Interconfessional Forum," *Interfax-Kazakhstan* (Almaty, Kazakhstan), February 7, 2003.

¹⁴⁵BBC Worldwide Monitoring: Central Asia, "Kazakh President, Vatican's State Secretary Discuss Religious Issues," *Interfax-Kazakhstan* (Almaty, Kazakhstan), May 17, 2003; BBC Worldwide Monitoring: Central Asia, "Kazakh Leader Receives Vatican's Secretary of State," *Interfax* (Moscow, Russia), May 17, 2003; and BBC Worldwide Monitoring: Central Asia, "Kazakh Leader, Vatican's Secretary of State to Discuss Forum of World Religions," *Interfax* (Moscow, Russia), May 14, 2003.

¹⁴⁶BBC Worldwide Monitoring: Central Asia, "Kazakh President, Vatican's State Secretary Discuss Religious Issues," *Interfax-Kazakhstan* (Almaty, Kazakhstan), May 17, 2003.

¹⁴⁷*Ibid*; and BBC Worldwide Monitoring: Central Asia, "Kazakh President Calls for Civilized Dialogue Between Religions," *Khabar Television* (Almaty, Kazakhstan), May 17, 2003. The Russian Orthodox Church voiced upset over the Catholic Church's decision to establish dioceses in Kazakhstan and expressed its concern over Catholic efforts to proclaim and communicate its own religious teaching in Kazakhstan. See BBC Worldwide Monitoring: Former Soviet Union, "Russian Orthodox Patriarch Reproaches Vatican Envoy," *Ren TV* February 22, 2004; BBC Worldwide Monitoring: Former Soviet Union, "Patriarch Calls on Vatican to Stop Proselytizing in Russia," *Interfax* (Moscow, Russia), October 3, 2004; BBC Worldwide Monitoring: Former Soviet Union, "Russian

By September 2003 the Kazakh government had successfully organized the interfaith congress, “Congress of the World and Traditionally National Religions,” in Astana. The president invited to the congress heads of state from throughout the region, international Muslim, Catholic, and Jewish leaders, and representatives of many of Kazakhstan’s religious faiths. In addition, more than a dozen international religious delegations attended, including a delegation from the Holy See.¹⁴⁸ John Paul II personally sent a message to the congress via the head of the Holy See’s delegation to the meeting, Cardinal Josef Tomko. Convinced that in the spirit of Assisi the congress would, “help promote respect for human dignity, the defense of the religious freedom and the growth of mutual understanding among peoples” because “religion, properly understood, shows itself to be a solid instrument for the promotion of peace,” the pope expressed the

Patriarch's Statement on Refusal to Meet Pope,” *Interfax* (Moscow, Russia), December 30, 2003; BBC Worldwide Monitoring: Former Soviet Union, “Russian Patriarch Rules Out Meeting With Pope Without Vatican Policy Change,” *Itar-tass* (Moscow, Russia), November 20, 2003; BBC Worldwide Monitoring: Former Soviet Union, “Russian Patriarch Hopes for Mutual Understanding with Vatican,” *Interfax* (Moscow, Russia), October 29, 2003; BBC Worldwide Monitoring: Former Soviet Union, “Russian Orthodox Church Slams Catholic Expansion in Kazakhstan,” *Interfax* (Moscow, Russia), May 19, 2003; BBC Worldwide Monitoring: Former Soviet Union, “Russian Patriarch Hits at Vatican ‘Expansion,’” *Itar-tass* (Moscow, Russia), October 5, 2001; and BBC Worldwide Monitoring: Former Soviet Union, “Russian Patriarch Says Vatican Expands into Orthodox Territories,” *Itar-tass* (Moscow, Russia), November 20, 1999.

¹⁴⁸The head of the Holy See’s delegation was Cardinal Josef Tomko. Archbishop Rento R. Martino, President of the Pontifical Council for Justice and Peace, was also a member of the Holy See’s delegation. For the full text of Archbishop Martino’s address to the congress see Rento R. Martino, “At the World Congress: Astana, Kazakhstan, 23-24 September,” *L’Osservatore Romano* English edition (Vatican City), October 8, 2003.

commitment and support of the Catholic Church for “every sincere effort in favor of a genuine peace based on truth, justice, love, and freedom.”¹⁴⁹

The congress condemned violence in the name of religion and encouraged interreligious dialogue and cooperation.¹⁵⁰ At the conclusion of the congress, the participants drew up a “declaration,” which recognized the “right of each human person to freely be convinced, choose, express, and practice his/her religion” and acknowledged “interreligious dialogue as one of the most important instruments for ensuring peace and harmony among peoples and nations.”¹⁵¹ The congress determined it would convene once every three years, and it has met in 2003, 2006, and 2009.¹⁵²

¹⁴⁹John Paul II, “For the Religious Congress at Astana,” *L’Osservatore Romano* English edition (Vatican City), October 8, 2003.

¹⁵⁰U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 352; and John Paul II, “Astana, Kazakhstan: Interreligious Meeting, 23-24 September 2003,” *Pro Dialogo* 114 (2003), 399-400.

¹⁵¹“Declaration of the First Congress of Leaders of World and Traditionally National Religions,” *L’Osservatore Romano* English edition (Vatican City), October 8, 2003. The interfaith congress had a profound effect on many of its participants. One participant in particular, Dr. Somaiya, the founder of a Hindu University in Mumbai, was so impressed with the meeting in Astana that he organized a meeting in Mumbai of Christians, Hindus, and Muslims. See Michael Fitzgerald, “Interreligious Dialogue and Peace,” *Origins* 34 (May 5, 2005), 746.

¹⁵²For more information on the September 2003 congress, including President Nazarbayev’s remarks see BBC Worldwide Monitoring: Central Asia, “Kazakh Leader Urges World to Unite Against Global Threats,” *Khabar Television* (Almaty, Kazakhstan), February 14, 2003; and BBC Worldwide Monitoring: Central Asia, “Kazakhstan is Link Between Asia and Europe – President,” *Khabar Television* (Almaty, Kazakhstan), September 23, 2003. For more information on the Congress in general as well as the 2003, 2006, and 2009 in particular see Congress of World and Traditional Religions, http://www.religions-congress.org/component/option,com_frontpage/Itemid,1/lang,english/ (accessed April 25, 2010).

By 2004 Kazakhstan had emerged as a leader in the former Soviet Union for its encouragement of religious tolerance and its respect for the rights of religious minorities.¹⁵³ In a 2004 address to an international religious conference in Brussels, the Chief Rabbi of Kazakhstan said that in his ten years of living in Kazakhstan, he never faced a single case of anti-Semitism, and he praised the government for its proactive protection of the Jewish community.¹⁵⁴ Following this address, the Ministry of Internal Affairs invited the Chief Rabbi to give seminars to its police officers on sensitivity to religious minorities.¹⁵⁵ Several other religious leaders also praised the role the government played in ensuring their right to peaceful practice of their religious beliefs.¹⁵⁶

Despite these positive improvements, the government added restrictive amendments to the National Religion Law in 2005. Between 2002 and 2005, the president and other senior government officials had remained concerned with the presence of what they considered to be religious extremists organizations in Kazakhstan.¹⁵⁷ In an effort to combat this religious extremism, the government had submitted to parliament in November 2001 restrictive draft amendments to the National

¹⁵³U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 369.

¹⁵⁴*Ibid.*

¹⁵⁵*Ibid.*

¹⁵⁶U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 369.

¹⁵⁷U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 400.

Religion Law.¹⁵⁸ Although the parliament had passed these restrictive amendments in January 2002, four months later the constitutional council had ruled the entire set of amendments unconstitutional.¹⁵⁹ Specifically, the constitutional council ruled that the provision requiring the Muslim Spiritual Association (a national Muslim organization) to approve the registration of any Muslim group violated the principle of separation of church/mosque and state.¹⁶⁰ The council also noted more broadly that the amendments as a whole restricted the constitutional right to express religious beliefs freely.¹⁶¹ President Nazarbayev did not challenge the council's ruling; such a challenge would have required the council to uphold its ruling by a two-thirds vote.¹⁶² Instead, two years later, the government submitted to parliament a new set of draft amendments to the National Religion Law, dubbed the National Security Amendments, designed to counteract all forms of extremism.¹⁶³ In July 2005 the parliament passed the National Security Amendments, which placed new restrictions on religious freedom.¹⁶⁴ Several provisions

¹⁵⁸Ibid.

¹⁵⁹Ibid.

¹⁶⁰Ibid.

¹⁶¹U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Kazakhstan, 1420.

¹⁶²U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 400.

¹⁶³U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 367.

¹⁶⁴U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 364-365.

in the new legislation appear to violate the constitutional guarantee of separation of church/mosque and state; however, the government did not refer the amendments to the constitutional council for review prior to their passage.¹⁶⁵ As amended the National Religion Law explicitly requires religious organizations and missionaries to register with the government and gives government officials the authority to suspend the activities of unregistered religious groups.¹⁶⁶ The National Security Amendments also give the government broad latitude in identifying and designating a group as an extremist organization, banning a designated group's activities, and criminalizing membership in a banned organization.¹⁶⁷

Although the government's success in adding restrictive amendments to the National Religion law in 2005 was a definite setback, respect for religious freedom generally improved between 2002 and 2005. Unlike previous years, Kazakhstan generally respected the freedom to appoint leaders, the freedom from discrimination, the freedom to proclaim and communicate religious teaching, and the freedom to worship, which John Paul II included as standards for assessing the state of religious freedom in a country. The government did not actually interfere with the appointments of any directors of religious organizations even though the 1994 law requires state authorities to approve such appointments. This four year period also saw a steady decrease in reports of harassment and government interference in the freedom to proclaim and communicate

¹⁶⁵Ibid., 364.

¹⁶⁶Ibid., 365.

¹⁶⁷Ibid., 366.

religious teaching as well as a marked decline in the restrictions “nontraditional” religious groups faced on their freedom to worship. Furthermore, religious groups did not report problems in registering with the Ministry of Education during these years. It is also significant to note that Kazakhstan continued to respect all twelve of the concrete religious freedom metrics for its Catholic and Jewish communities.

1. Freedom to Appoint Leaders

Between 2002 and 2005, the constitution still required that the appointments of the heads of religious associations by foreign religious centers be carried out in coordination with the government. Moreover, the provision of the 1994 civil code that requires state authorities to approve the appointments of directors of religious organizations operating in the country remained in effect. Nevertheless, during this four year period the government did not interfere with the appointments of any directors of religious organizations operating in Kazakhstan.

2. Freedom to Proclaim and Communicate Religious Teaching and Freedom from Discrimination

Between 2002 and 2005, local officials occasionally attempted to limit the practice of some “nontraditional” religions. However, local government officials’ harassment of religious organizations decreased each year as high level officials or courts often intervened to correct such attempts when they occurred.¹⁶⁸ In 2001 the government

¹⁶⁸U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 347; U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Kazakhstan, 109th Cong., 1st (Washington, DC: U.S. Government Printing Office, 2005) 1326; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 364.

annulled the laws that regulated the registration process of foreign missionaries.¹⁶⁹ The absence of regulations between 2001 and 2003 led to widespread reports of inconsistency in the rules applied to foreign missionaries.¹⁷⁰ Government officials often required foreign missionaries to produce lengthy documentation regarding their affiliated church in order to obtain visas.¹⁷¹ Because this requirement was nebulous, many foreign missionaries entered the country on tourist visas to avoid the hassle and frustrations of this unregulated process.¹⁷² As a result, travel agencies began to report difficulties in obtaining tourist visas for persons the government suspected might enter the country to conduct missionary work.¹⁷³ The duration and cost of temporary visas granted to foreign missionaries also varied by jurisdiction.¹⁷⁴ For example, in 2002 officials in Southern Kazakhstan oblast refused to grant a visa extension to Sayid Bukhari, a foreign missionary with the Akhmadi Muslim community. Bukhari stayed in the country with an uncertain status until government officials finally granted him a three-month visa in January 2003. When his three-month visa expired, local authorities threatened not to renew his visa. The Akhamdis community reported that local officials eventually

¹⁶⁹U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 366.

¹⁷⁰U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 400.

¹⁷¹*Ibid.*, 402.

¹⁷²*Ibid.*

¹⁷³*Ibid.*

¹⁷⁴*Ibid.*

received orders from their superiors to grant Bukhari a longer-term visa.¹⁷⁵ During this three year period, there were also some reports that authorities harassed missionaries or extracted bribes for their registration.¹⁷⁶

Beginning in 2003 national and regional officials became more proactive in stopping local government officials' harassment of religious groups.¹⁷⁷ Several cases illustrate this trend, including an intervention by the Ministry of Justice on behalf of a delayed Jehovah's Witness' application for registration in Northern Kazakhstan oblast, a Zharminskiy prosecutor's decision to drop criminal charges against a Baptist pastor who did not pay a fine levied on him for failure to register his congregation, and government action to assure that the legitimate missionary activities of Nurbay Arystanov in Arys could continue.¹⁷⁸ In the last of these cases, the offending officials apologized to the group they had harassed.¹⁷⁹

On July 17, 2003, the government enacted a new regulation intended to standardize the procedures used by local authorities to register missionaries.¹⁸⁰ However,

¹⁷⁵U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 368.

¹⁷⁶*Ibid.*

¹⁷⁷U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 351.

¹⁷⁸*Ibid.*, 351-352.

¹⁷⁹*Ibid.*, 352.

¹⁸⁰U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Kazakhstan, 1356.

the new regulation was unclear on whether it required missionaries to register.¹⁸¹ Despite the new regulation, some foreign missionaries continued to complain of occasional harassment by low level government officials.¹⁸² Evangelical Protestants working in schools, hospitals and other social service activities alleged government obstruction of their efforts to proclaim and communicate religious teaching.¹⁸³ Hizb ut-Tahrir, an Islamic organization, also alleged restrictions on its efforts to “proselytize.” Authorities maintain that Hizb ut-Tahrir is an extremist group.¹⁸⁴ Although Hizb ut-Tahrir claims to be committed to non-violence, its strongly anti-Semitic and anti-Western literature calls for secular governments, including the government of Kazakhstan, to be replaced with a worldwide Islamic government called a caliphate.¹⁸⁵ The Kazakh government does not consider Hizb ut-Tahrir to be a religious organization and characterizes the handing out of pamphlets by Hizb ut-Tahrir members as “incitement for political and terrorist purposes.”¹⁸⁶ In June 2002 police arrested two alleged members of Hizb ut-Tahrir for distributing Hizb ut-Tahrir leaflets and charged them with “participating in the activities

¹⁸¹Ibid.

¹⁸²U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 350.

¹⁸³Ibid.

¹⁸⁴Ibid., 351; and U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 368.

¹⁸⁵U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 368.

¹⁸⁶Ibid.

of an illegal organization” and “inciting social, national, tribal, race, or religious hatred.”¹⁸⁷ Eight months later the court referred the cases back to police for additional investigation.¹⁸⁸ Both men denied the charges against them and maintained that the KNB manufactured the cases. One man further alleged in a complaint filed with the Almaty prosecutor that KNB officials had beaten him.¹⁸⁹ On July 7, 2003, a district court in Almaty convicted the two alleged members of Hizb ut-Tahrir and sentenced them to three years in prison.¹⁹⁰ On August 19, 2003, the Almaty city court denied their appeal.¹⁹¹ Courts convicted at least two other alleged members of Hizb ut-Tahrir of similar crimes in 2004.¹⁹² In 2004 there were no reported cases of government officials harassing observant Muslims under the guise of combating Hizb ut-Tahrir activities, other than those actively engaged in pamphleteering.¹⁹³ On March 28, 2005, the Hizb ut-Tahrir

¹⁸⁷U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 351; and U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 368.

¹⁸⁸U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 368.

¹⁸⁹*Ibid.*, 368-369.

¹⁹⁰*Ibid.*, 368.

¹⁹¹*Ibid.*, 369.

¹⁹²*Ibid.*

¹⁹³*Ibid.*, 368.

political movement was the first organization to be banned under the Extremist Law (part of the National Security Amendments).¹⁹⁴

In 2004 national and regional government officials regularly intervened to prevent local government officials from harassing “nontraditional” religious groups, interventions which contributed to a climate of greater respect for religious freedom. National and regional officials actively took steps to end long-standing conflicts between “nontraditional” religious groups and local authorities.¹⁹⁵ The government established an oblast-level commission in early 2004 to improve the treatment of a Hare Krishna commune in Almaty.¹⁹⁶ Since then Krishna followers at the commune said that there has been no government harassment.¹⁹⁷ There were no reports of government officials requiring missionaries to register, and no religious groups reported that their missionaries encountered difficulties with authorities that year.¹⁹⁸

Amendments to the National Religion Law in 2005, which the government claimed helped control religious extremists and terrorist groups, mandated annual registration for missionaries, and required missionaries to be sponsored by a registered

¹⁹⁴U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 366.

¹⁹⁵U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 369.

¹⁹⁶*Ibid.*

¹⁹⁷*Ibid.*

¹⁹⁸U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Kazakhstan, 1356; and U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 368-369.

religious organization. Pursuant to the registration process, missionaries must submit to the Ministry of Justice copies of all materials to be used in proclaiming and communicating religious teaching. Despite these new restrictions, the number of foreign missionaries grew from 262 in 2001 to 334 in 2005, a 27 % increase.¹⁹⁹ Nevertheless, a number of religious groups reported difficulties in registering and obtaining visas in 2005.²⁰⁰ Catholic missionaries did not report such problems as the state continued to respect the provisions of the 1998 Agreement.

3. Freedom to Worship

In January 2002 Jehovah's Witnesses reported six instances of interfaith violence directed at them.²⁰¹ In one of these cases, government authorities forced a Jehovah's Witness to renounce his faith and attend regular services at a local mosque.²⁰² The situation improved and Jehovah's Witnesses reported no religious violence directed at them from 2003 to 2005. While Jehovah's Witnesses reported that they could practice their religion generally without government interference in 2005, they still reported

¹⁹⁹U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 399; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 365.

²⁰⁰U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 368-369.

²⁰¹U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 403.

²⁰²*Ibid.*

isolated problems with local officials during this four year period.²⁰³ Namely, from 2002 to 2005 the National Jehovah's Witness Religious Center claimed city officials in Astana, Almaty, Ust-Kamenogorsk, Kostanay, Karaganda, Aktubinski, and Shymkent sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings.²⁰⁴ No other religious group reported similar problems. In 2002 and 2003, local KNB officials disrupted some meetings in private homes of unregistered groups of Jehovah's Witnesses, Protestants, Adventists, Baptists, and other "nontraditional" religious groups throughout the country.²⁰⁵ In keeping with the improving climate of religious tolerance, there were no reports that local authorities, the Committee for National Security (KNB), or police officials disrupted meetings in private homes in 2004 and 2005.²⁰⁶

²⁰³U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Kazakhstan, 109th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 2006) 1362.

²⁰⁴U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 401; U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Kazakhstan, 1421; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 349; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 367; and U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Kazakhstan, 1362-1363.

²⁰⁵U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 401; U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Kazakhstan, 1421; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Kazakhstan, 1356; and U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 349.

²⁰⁶U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 367; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 368.

Neither the National Religion Law nor the 2001 administrative code grants local officials the authority to register religious groups. Only the Ministry of Justice, which has branches at the national and oblast levels, may legally register religious groups.²⁰⁷ In practice, however, local officials in 2002 and 2003 often insisted that religious organizations register at the local level.²⁰⁸ In 2002 law enforcement officials conducted inspections of religious groups throughout the country under the guise of preventing the development of religious extremism and ensuring that religious groups pay taxes.²⁰⁹ The inspections provided authorities with information about the registration status of groups, which in some cases led authorities to suspend the activities of unregistered groups pending registration.²¹⁰ In 2002 there were several court cases against unregistered Jehovah's Witness congregations throughout the country. Courts typically ruled that the unregistered groups violated the 2001 administrative code and issued warnings, levied

²⁰⁷U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Kazakhstan, 1420; and U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 348.

²⁰⁸*Ibid.*

²⁰⁹U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Kazakhstan, 1420.

²¹⁰*Ibid.*; and U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 349.

finances, or suspended the activities of the group.²¹¹ Appeals courts overturned most of these decisions.²¹²

In April 2002 regional authorities raided an unregistered farm run by the Society for Krishna Consciousness in the village of Yettay.²¹³ Leaders of the Krishna Center registered in Almaty alleged that authorities arrived for the April inspection with television crews and subsequently ordered the television stations to report on the raid.²¹⁴ One television report described Krishnas as extremists and criminals.²¹⁵ In the course of the raid, police confiscated the passports of fifteen foreign members of the Krishna community. After a May 2002 court hearing at which the prosecution did not state any charges and the court did not permit the lawyers for the accused to speak, the court sentenced five of the fifteen Krishna members to deportation.²¹⁶ Shortly after the raid, the government finally approved the Krishna's application for registration; the application had been delayed for eight-months.²¹⁷ Although the law specifies a maximum of thirty

²¹¹U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 401.

²¹²*Ibid.*

²¹³*Ibid.*, 403.

²¹⁴*Ibid.*

²¹⁵*Ibid.*

²¹⁶*Ibid.*

²¹⁷*Ibid.*

days for authorities to complete the registration process,²¹⁸ in 2002 and 2003 a few other “nontraditional” religious groups reported delays of several months.²¹⁹ When the government refuses or significantly delays the registration of religious groups, it typically claims that the religious groups’ charters do not meet the requirement of the law.²²⁰ Often authorities cite discrepancies between Russian and Kazakh language versions of groups’ charters or refer the charters for expert examination.²²¹

In 2003 prosecutors brought cases against unregistered religious groups to the courts less often than in previous years, and courts were less willing to sanction unregistered religious groups.²²² Specifically, the number of court cases against unregistered Jehovah’s witness and Baptist congregations declined.²²³ In addition, there were no reports that year of authorities suspending the activities of unregistered groups as had been the case in previous years.²²⁴

²¹⁸U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 399.

²¹⁹U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Kazakhstan, 1420; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Kazakhstan, 1355; and U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 348.

²²⁰U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 367.

²²¹*Ibid.*

²²²U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 352.

²²³*Ibid.*, 349.

²²⁴U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Kazakhstan, 1356.

In 2004 the Ministry of Justice designed and implemented a new one-step registration process. As a result, religious groups noted that registration became more efficient.²²⁵ Unlike previous years, there were no reports in 2004 that law enforcement authorities conducted intrusive inspections of religious groups throughout the country.²²⁶ There was only one known court case brought against a unregistered religious group in 2004.²²⁷ The Union of Evangelical Baptists reported a court case against a churchgoer for allegedly participating in the activities of an unregistered group.²²⁸ In late April 2004, the Karaganda city court acquitted him of the charge.²²⁹ Government authorities did not sanction a single religious group in 2004 for being unregistered. The decline reflected new court precedent that eliminated the requirement that religious groups register and new legislation that simplified the now optional registration process.²³⁰

In 2005 the government enacted amendments to the National Religion Law, which required religious groups to register with the national government and the local governments in which they had congregations. In practice, however, most religious

²²⁵U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 366.

²²⁶U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 367.

²²⁷*Ibid.*, 369.

²²⁸*Ibid.*, 367.

²²⁹*Ibid.*

²³⁰*Ibid.*; and U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Kazakhstan, 1327.

groups chose to register and did so without difficulties.²³¹ There were no reports that local law enforcement officials conducted intrusive inspections of religious organizations that year.

4. Freedom of Education

Kazakh law prohibits religious groups from engaging in the education of children unless the groups register with the Ministry of Education.²³² Registration requires religious groups to submit an application along with a copy of their charter, but Ministry officials can refuse and delay the registration by citing differences between the Russian and Kazakh language versions of the charter or referring the charter for lengthy expert examinations.²³³ Between 2002 and 2005, no religious group reported problems registering with Ministry of Education.

G. Conclusion

Between 1991 and 1998, Kazakhstan generally respected religious freedom. Among the twelve standards for assessing the state of religious freedom proposed by John Paul II only three were not completely met during this eight year period: the freedom to appoint leaders, the freedom to proclaim and communicate religious teaching, and the freedom from discrimination.

²³¹U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Kazakhstan, 1362.

²³²U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 367; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 367.

²³³U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 367.

The 1994 civil code's requirement that state authorities approve the appointment of the director of any religious organization operating in Kazakhstan directly contradicted the freedom of religious confessions to have their own hierarchy or equivalent ministers freely chosen by their own communities according to their own constitutions. While the 1994 civil code somewhat restricted religious freedom in theory, in practice the Kazakh government did not interfere with the appointment of the directors of any religious organization during this time period. Foreign missionaries faced occasional harassment from some low-level government bureaucrats during these eight years. Beginning in 1998 the government began cracking down on foreign missionaries believed to be associated with religious extremism or terrorism. While the Catholic and Jewish communities were spared from harassment, the Kazakh government began to grow wary of nontraditional religious groups.

The 1998 Agreement between the Holy See and the Republic of Kazakhstan on Mutual Relations commits both Kazakhstan and the Holy See to abide by the principle of "mutual freedom in the exercise of their rights and powers."²³⁴ Although articles two through twelve deal with different contentious issues in public ecclesiastical law, each article commits the Catholic Church to adhere to Kazakh law and Kazakhstan to respect canon law. It is through this mutual respect for each party's law that the Catholic Church and its members in Kazakhstan secure respect for several facets of their religious freedom. The 1998 Agreement was as much reactive as proactive. While the

²³⁴convention *Inter Apostolicam Sedem et Rem Publicam Cazakistanam*, art. 1, AAS 92 (2000), 320.

Catholic Church and its members seemed to have no significant problems with the free exercise of religion in the years prior to the agreement, the Church was concerned its missionaries might soon face the harassment and deportation, which missionaries of other minority religious groups in Kazakhstan had already endured. The Holy See was also aware that the government of Kazakhstan, concerned with the rise of religious extremism and terrorism, was growing increasingly wary of “nontraditional” religious groups, especially non-Orthodox Christian groups and Muslims not under the mufti. Thus, the 1998 Agreement was reactive in that it effectively settled two contentious issues in public ecclesiastical law: the freedom of the Catholic Church to appoint leaders, and the freedom of the Catholic foreign missionaries from harassment and discrimination. First, it ensured that members of the Catholic Church from abroad appointed for service in the particular churches or other institutions would be granted residence permits for the whole period of their assignment. Second, it guaranteed the Catholic Church’s right to appoint ecclesiastical ministers freely, provided it inform competent state authorities of its selection. The two parties consented to include this provision in the agreement in reaction to the 1994 Kazakh civil code which required state authorities to approve the appointment of the director of any religious organization operating in Kazakhstan.

The 1998 Agreement was proactive in that it gave legal recognition to several of John Paul II’s practical standards of assessing the state of religious freedom that were not at issue in Kazakhstan prior to the conclusion of the agreement. The agreement achieved substantial progress toward ensuring that the Catholic Church and her members did not face restrictions on their religious freedom. While other religious minorities reported

problems, such as harassment and trouble with visas for religious missionaries in the years following the agreement (1998-2005), the Catholic Church did not report any such difficulties. Moreover, while the government played a significant role in the appointment of the head of the National Muslim Organization in 2000, the government did not attempt to intervene in the appointment of any other religious leader in Kazakhstan.

Although the Catholic Church and its members did not face restrictions on their religious freedom, there were some setbacks between 1999 and 2001 when the general situation of religious freedom in Kazakhstan deteriorated in large part due to the increasing concern over religious extremism and terrorism. “Nontraditional” groups bore the brunt of the restrictions on religious freedom. Following the pope’s 2001 visit that followed the September 11 attacks, the government seemed to heed John Paul II’s call for respect and dialogue among religions. Instead of increasing restrictions on religious freedom in the name of preventing religious extremism and terrorism, the government worked hard to promote religious harmony. The result was a marked increase in religious freedom every year from 2002 to 2005. By 2004 Kazakhstan had emerged as a leader in the former Soviet Union for its respect for the rights of religious minorities.

By 2005 Kazakhstan adhered to all of John Paul II’s practical standards for assessing the extent to which a state respects religious freedom for Catholics and all but two for other religious groups in Kazakhstan. Some “nontraditional” religious groups continued to face restrictions on their freedom to proclaim and communicate religious teaching and foreign missionaries continued to face harassment and difficulties in obtaining visas. The Kazakh government has not interfered in the appointment of

directors of religious organizations since 2000, but it also has not repealed the provision in the 1994 Kazakh civil code which allows the government to do so. Thus, the government still could legally interfere in the appointment of a director of a religious organization. The National Security Amendments signed into law in 2005 are stark reminders that the government remains wary of “nontraditional” religions. While some restrictions on religious freedom remained in the years following the agreement and papal visit, the more important fact is that the Kazakh government made great strides to reach out to religious minority groups and promote interreligious dialogue and religious freedom even though the post September 11 political climate provided an easy excuse to further restrict religious freedom.

III. Republic of Côte d’Ivoire

A. Introduction

The Republic of Côte d’Ivoire, informally known as the Ivory Coast, has had close ties to its former colonizer, France, since its independence in 1960. Although cocoa exports and foreign investment made Côte d’Ivoire one of the most prosperous states in sub-Saharan Africa for a time, political turmoil erupted in 1999 after a military coup overthrew the government. In September 2002, Ivorian dissidents and disaffected members of the military launched another coup attempt, which failed. Despite their failure to overthrow the government this time, rebel forces claimed the northern half of the country. In January 2003 the president and rebel leaders signed the Linas-Maroussis Peace Accord, creating a “government of national unity,” which has proven extremely unstable. The central government has yet to exert control over the northern regions and

tensions remain high. Several thousand French and West African troops remain in Côte d'Ivoire to maintain peace and facilitate the disarmament, and demobilization process. This political situation provides the backdrop for understanding the situation of religious freedom in Côte d'Ivoire.

In Côte d'Ivoire political and religious affiliations tend to follow ethnic and geographic lines. Muslims constitute 35-40% of the population and reside in the greatest numbers in the northern half of the country, although they increasingly live in cities outside the northern region as well due to increasing international emigration, intrastate migration, and inter-ethnic marriages.²³⁵ Practitioners of traditional indigenous religions make up 25-40% of the population and largely live in rural areas. Christians, the majority of whom are Catholics, make up 20-30% of the population.²³⁶ Catholics live mostly in the southern, central, and eastern portions of the country, while Protestants are concentrated in the central, eastern, and southwest regions. Côte d'Ivoire also has a vast array of smaller religious groups, including Seventh-day Adventists, Mormons, Southern Baptists, Methodists, Evangelicals, and syncretists who practice a hybrid of Christianity and indigenous religion. In general, Muslims predominate in the north, while Christians

²³⁵Central Intelligence Agency "Côte d'Ivoire," *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/iv.html> (accessed March 25, 2010).

²³⁶*Ibid.* According to the most recent national census conducted in 1998, Catholics constitute 19.4% of the population. There are fifteen dioceses in the Côte d'Ivoire, including four archdioceses.

and traditional religious groups predominate in the south.²³⁷ The majority (70%) of the foreign migrant workers are Muslim, but 20% are Christians.²³⁸

B. Religious Freedom in Côte d'Ivoire 1978-1999

For more than three decades after its independence, Côte d'Ivoire was conspicuous for its religious harmony. From 1978 to 1999, the United States State Department reported that the country enjoyed virtually complete freedom of religion. There were no reported impediments to religious expression and no official favoritism for any particular faith. The state permitted the open practice of religion and did not restrict religious ceremonies or teaching.²³⁹ Although a 1939 French law required religious

²³⁷U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Côte d'Ivoire, 26.

²³⁸Central Intelligence Agency "Côte d'Ivoire," *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/iv.html> (accessed March 25, 2010).

²³⁹U.S. Department of State, *Country Reports on Human Rights Practices 1978*, Côte d'Ivoire, 95th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 1978) 54; U.S. Department of State, *Country Reports on Human Rights Practices 1979*, Côte d'Ivoire, 96th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 1980) 95; U.S. Department of State, *Country Reports on Human Rights Practices 1980*, Côte d'Ivoire, 97th Cong., 1st Sess. (Washington, DC: U.S. Government Printing Office, 1981) 124; U.S. Department of State, *Country Reports on Human Rights Practices 1981*, Côte d'Ivoire, 97th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 1982) 121; U.S. Department of State, *Country Reports on Human Rights Practices 1982*, Côte d'Ivoire, 98th Cong., 1st Sess. (Washington, DC: U.S. Government Printing Office, 1983) 149; U.S. Department of State, *Country Reports on Human Rights Practices 1983*, Côte d'Ivoire, 98th Cong. 2nd Sess. (Washington, DC: U.S. Government Printing Office, 1984) 174; U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Côte d'Ivoire, 99th Cong. 1st Sess. (Washington, DC: U.S. Government Printing Office, 1985) 159; U.S. Department of State, *Country Reports on Human Rights Practices 1985*, Côte d'Ivoire, 99th Cong. 2nd Sess. (Washington, DC: U.S. Government Printing Office, 1986) 152; U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Côte d'Ivoire, 100th Cong. 1st Sess. (Washington, DC: U.S. Government Printing Office,

groups to register with the government, the authorities did not impose penalties on groups which failed to register, and groups did not report complaints of arbitrary registration procedures during this time period.²⁴⁰ Registration often brought several advantages, however, including public recognition, invitations to official ceremonies and events, publicity, gifts, and school subsidies. Some violations of religious freedom began to be reported in 1994 when some segments of the Muslim community complained that their religious or ethnic affiliation made them targets of government discrimination with regard to employment and renewal of national identity cards.²⁴¹

1987) 86; U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Côte d'Ivoire, 100th Cong. 2nd Sess. (Washington, DC: U.S. Government Printing Office, 1987) 80; U.S. Department of State, *Country Reports on Human Rights Practices 1988*, Côte d'Ivoire, 101st Cong. 1st Sess. (Washington, DC: U.S. Government Printing Office, 1989) 91; U.S. Department of State, *Country Reports on Human Rights Practices 1989*, Côte d'Ivoire, 101st Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 1990) 94; U.S. Department of State, *Country Reports on Human Rights Practices 1990*, Côte d'Ivoire, 102nd Cong., 1st Sess. (Washington, DC: U.S. Government Printing Office, 1991) 98; U.S. Department of State, *Country Reports on Human Rights Practices 1991*, Côte d'Ivoire, 102nd Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 1992) 97; U.S. Department of State, *Country Reports on Human Rights Practices 1992*, Côte d'Ivoire, 103rd Cong., 1st Sess. (Washington, DC: U.S. Government Printing Office, 1993) 68; U.S. Department of State, *Country Reports on Human Rights Practices 1993*, Côte d'Ivoire, 103rd Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 1994) 71; U.S. Department of State, *Country Reports on Human Rights Practices 1994*, Côte d'Ivoire, 62; U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Côte d'Ivoire, 69; U.S. Department of State, *Country Reports on Human Rights Practices 1996*, Côte d'Ivoire, 70; U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Côte d'Ivoire, 87; and U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Côte d'Ivoire, 113.

²⁴⁰U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Côte d'Ivoire, 32.

²⁴¹U.S. Department of State, *Country Reports on Human Rights Practices 1994*, Côte d'Ivoire, 62; U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Côte d'Ivoire, 69; U.S. Department of State, *Country Reports on Human Rights*

During this twenty-one-year period (1978-1999), the government actively encouraged religious freedom. Catholics, Muslims, and Protestants had their own religious programs on national television and radio. Public schools could teach religion and often did so after normal class hours when Islamic, Catholic, and Protestant groups typically provided the instruction.²⁴² Although no government-sponsored forum for interreligious dialogue existed, the government often invited leaders of various religious traditions to attend official ceremonies and to sit on deliberative and advisory committees.²⁴³

While Côte d'Ivoire largely enjoyed religious freedom during these years, the Roman Catholic Church for historical and ethnic reasons benefitted from a position of privilege despite its status as a minority religion. Missionaries had established numerous Catholic schools in Côte d'Ivoire in the early 1900s. Since Catholic priests who taught at these schools often had a better education than leaders of other religions during this period, the citizens who attended these schools generally received a superior education and came to make up a disproportionately large part of the state's elite. As a result, Catholic Church leaders tended to have a much stronger voice in government than the percentage of Catholics in the population would support.

Practices 1996, Côte d'Ivoire, 70; U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Côte d'Ivoire, 87; U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Côte d'Ivoire, 114; and U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Côte d'Ivoire, 34.

²⁴²U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Côte d'Ivoire, 34.

²⁴³*Ibid.*

Several senior government officials, including heads of state, have been Catholics. This advantage put the Catholic Church in a position unique for a minority religion in a Muslim-majority state, but prompted complaints of informal favoritism from some non-Catholic Ivorians.²⁴⁴ In 1980 the government began financing the construction of a Catholic Cathedral. It was not until early 1994 that the government began financing the construction of buildings for groups other than the Catholic Church.²⁴⁵ In 1999 the government began constructing a mosque in Abidjan and made plans to build a church for the state's Protestant denominations.²⁴⁶

C. John Paul II's Visits 1980, 1985, and 1990 and the 1989 and 1992

Conventions

These favorable conditions enabled Pope John Paul II to pay three visits to Côte d'Ivoire: May 10-12, 1980; August 10, 1985; and September 10, 1990. During these trips the pontiff met with the president of Côte d'Ivoire, priests, bishops, religious, and lay people. On his first visit to the country, he met with lepers and celebrated a Mass for Ivorian students in which he urged them to make a commitment to their nation and to Christ. He also addressed the bishops of the country during this visit and encouraged

²⁴⁴High government officials often called on Catholic leaders first when they needed advice and mediation in times of social or political discord. While members of the Catholic clergy took part in the political debate, government figures and official press organs often criticized Islamic leaders if they engaged in political debate. See *Ibid.*, 32.

²⁴⁵U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Côte d'Ivoire, 27.

²⁴⁶U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Côte d'Ivoire, 32.

them to develop relations with other Christians and with Muslims. In 1980 John Paul II blessed the first stone of the Cathedral in Abidjan. He returned in 1985 to consecrate the newly built Cathedral, paid for by taxes levied on all salaried workers in Côte d'Ivoire regardless of religious affiliation.²⁴⁷ Upon his return to Côte d'Ivoire in 1985, the Holy Father praised the country for its tradition of tolerance and expressed the Church's willingness to reach out to and cooperate with other Christian confessions as well as with other faith traditions. Catholics, Muslims, and Christians of other denominations attended the Mass he celebrated for the consecration of the new cathedral.

Five years after John Paul II blessed the Cathedral in Abidjan, President Félix Houphouët-Boigny asked him to stop in Yamoussoukro, the Ivorian capital, on the last night of his apostolic journey to Africa to bless a controversial new church, Our Lady of Peace of Yamoussoukro.²⁴⁸ John Paul II did return to Côte d'Ivoire on September 10,

²⁴⁷Ibid.

²⁴⁸Critics charged that the dictator had squandered the resources of an indebted African state to build this remote Basilica which would be the largest Roman Catholic church in Africa, rivaling Saint Peter's in Rome in size. Although the president responded by claiming that he had spent his own money on the church and that his family donated the land, Houphouët-Boigny, in practice, did not clearly separate state coffers from his own. See Hans J. Massaquoi, "An African's Gift to the Vatican: The World's Largest Church Felix Houphouet-Boigny, Basilica of Our Lady of Peace," *Ebony*, December 1, 1990; and Richard N. Ostling, "The Basilica in the Bush," *Time*, June 24, 2001. The president officially offered Our Lady of Peace of Yamoussoukro as a personal gift to John Paul II and the Catholic Church. The Vatican hesitated to accept a gift which would be burdened with high operating and maintenance costs and largely served as a symbol of scandalous extravagance by some Ivorians as well as by others abroad. See Kenneth B. Noble, "Pope to Sanctify Mammoth Basilica," *The New York Times* (New York), September 10, 1990; and Clyde Haberman, "Reporter's Notebook; Pope's Themes on Africa Trip: 'Drops of Water on a Stone,'" *Special to The New York Times* (New York), February 2, 1990.

1990, and blessed this new church.²⁴⁹ He also took the opportunity during his brief trip to Yamoussoukro to speak at a planning session for the upcoming special assembly for Africa of the Synod of Bishops. During this address he noted that preparations of the Synod focused on the Church's evangelizing mission on the African continent. He stressed the need for open and sincere dialogue with other Christians, Muslims, and adherents of African traditional and other religions.²⁵⁰

Even though the situation of religious freedom in Côte d'Ivoire had been exceptionally good when John Paul II visited the country three times prior to the 1999 coup, the pontiff still took every opportunity to employ two diplomatic strategies that stem from his teaching on religious freedom: the promotion of respect and the promotion of dialogue. He saw respect and dialogue among religions as a way to preclude interreligious violence during periods of political turmoil and to ensure that religious freedom continued to flourish. Since Côte d'Ivoire was surrounded by countries with intense and violent interreligious conflict, the Holy See eagerly agreed to two conventions with Côte d'Ivoire to protect the interests of the Catholic Church in a country where Catholics in particular and Christians in general are a minority.

²⁴⁹Despite sharp criticism, the pope agreed to accept the gift (Our Lady of Peace Yamoussoukro Basilica) and the Vatican assumed the \$1.5 million yearly cost of maintaining it. John Paul II returned to Côte d'Ivoire to bless the multimillion dollar Basilica on condition that part of the grounds would be used to provide social services to the country's poor. Although the president agreed to build a hospital and other social service facilities inside the Basilica complex, these social projects never materialized. See William D. Montalbano, "The Pope Will Visit Church of Dreams," *Los Angeles Times* (Los Angeles), March 3, 1990.

²⁵⁰John Paul II, "The African Face of the Church," *Origins* 20 (September 20, 1990), 240.

The first convention, completed in 1989, concerns the right of the Holy See to establish, install, and maintain radio stations for both national and international broadcasts.²⁵¹ Radio is the main media source in Côte d'Ivoire in part because of the country's low adult literacy rate and its lower operating costs compared to television and newspapers.²⁵² In return for governmental recognition of its freedom to use this medium, the Holy See pledged to abstain from using the airwaves to discuss political questions, but maintained the right to broadcast programs providing, "religious information, the Bible, documents and speeches of the Holy Father and other officials of the Holy See, spiritual and moral catechesis and formation, liturgy, prayer, vigils, religious songs, Church history, literacy and education regarding family life" in its broadcasts.²⁵³ The convention also stipulates that the programs broadcast by the Holy See "will develop a spirit of dialogue and true ecumenism."²⁵⁴ The convention's provisions in no way affect

²⁵¹*Convention entre le Saint Siège et la République de Côte d'Ivoire concernant les stations de radiodiffusion*, Osservatorio delle libertà ed istituzioni religiose, http://www.olir.it/ricerca/index.php?Form_Document=838 (accessed March 25, 2010).

²⁵²According to "African Broadcast Cultures: Radio in Transition" (Oxford 2000) 68% of population owned a radio and listened to it at least once a week in 1992. According to the same source 96% of the population of Abidjan owned a radio set in 1996. See BBC Worldwide Monitoring: Africa, "Côte d'Ivoire: Survey of the Country's Media Environment," June 26, 2003.

²⁵³*Convention entre le Saint Siège et la République de Côte d'Ivoire concernant les stations de radiodiffusion*, Osservatorio delle libertà ed istituzioni religiose, art. 3, http://www.olir.it/ricerca/index.php?Form_Document=838 (accessed March 25, 2010): "Information religieuse; Bible; Documents et discours du Saint-Père et du Saint-Siège; Catéchèse et formation spirituelle et morale; Liturgie, prières, veillées, chants religieux, Histoire de l'Eglise; Alphabétisation et éducation à la vie familiale."

²⁵⁴*Ibid.*, art. 3 §3: "Ces programmes développeront un esprit de dialogue et de véritable oecuménisme."

the right of the Ivorian government “to take measures which it considers necessary in order to maintain the public order”²⁵⁵ and that in such instances the Holy See “will be informed.”²⁵⁶

The 1989 Convention deals with two issues of public ecclesiastical law, which closely correlate with two of John Paul II’s practical metrics of religious freedom. First, the convention recognizes the right of the Catholic Church to use the radio to communicate to a mass audience and secures the legal recognition of the Catholic Church’s freedom of speech and of the press in its radio broadcasts. As a result of the convention, the Catholic Church began operating three radio stations in 1991,²⁵⁷ and in April 1999, Côte d’Ivoire authorized Muslims to operate a similar station.²⁵⁸ Second, the convention allows the Catholic Church in Côte d’Ivoire to operate transnationally as it guarantees the Holy See the right to publicize the documents and texts of the Magisterium to Ivorians.

The second convention concluded in 1992 did not strictly deal with any contentious issues of public ecclesiastical law, nor did it secure for the Holy See the legal recognition of any criteria of religious freedom articulated by John Paul II. Instead, the

²⁵⁵Ibid., art. 7 § 1: “Les dispositions de la présente Convention n’affectent en rien le droit du Gouvernement de prendre des mesures qu’il estimerait nécessaires pour le maintien et la sauvegarde de l’ordre public en Côte d’Ivoire.”

²⁵⁶Ibid., art. 7 § 2.

²⁵⁷U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Côte d’Ivoire, 34.

²⁵⁸U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Côte d’Ivoire, 148.

convention dealt with the Basilica of Our Lady of Peace of Yamoussoukro. John Paul II blessed the Basilica in 1990 after a promise that Côte d'Ivoire would build a hospital and other social service facilities in the Basilica complex. The main purpose of the 1992 Convention was to guarantee the conditions under which the Holy See had accepted President Félix Houphouët-Boigny's gift of the Basilica. The convention established the Our Lady of Peace of Yamoussoukro International Foundation, and Côte d'Ivoire agreed to recognize the Foundation as a juridic person that is "constituted and erected by the sovereign pontiff with canonical and civil personality in the Vatican City State and governed by its own proper statutes approved by the Holy See."²⁵⁹

The 1992 Convention twice mentions the social service facilities that President Houphouët-Boigny promised but had yet to build and that had been the condition for the Holy See's acceptance of the Basilica. The convention pledged that the social service facilities would include a medical center, a telecommunications station, and a university and that the Foundation's statutes approved by the Holy See would govern the patrimony, management of funds, and accounting for these services.²⁶⁰ The Foundation would be free to make use of the land determined in the "act of donation" and of the buildings

²⁵⁹John Paul II, *Inter Apostolicam Sedem et Rem Publicam Litoris Eburnei: de Opere fundato ab omnibus nationibus cui nomen*, art. 5, 6, and 7, *AAS* 84 (1992), 840-844. The Convention guaranteed that the Foundation would have the capacity to enter into agreements, acquire property both real and movable, to dispose of and alienate these, and to appeal [in court] for justice. See art. 1, sec. 2, *AAS* 84 (1992), 840: "La République de Côte d'Ivoire reconnaît en conséquence à Fondation la capacité de contracter, d'acquérir des biens meubles et immeubles, d'en disposer et de les aliéner, et d'ester en justice."

²⁶⁰*Ibid.*, art. 2, sec. 2, *AAS* 84 (1992), 840-841.

which are already part of the Basilica complex or would be built there for the aforementioned social service facilities.²⁶¹ To ensure the Foundation's full freedom to accomplish its mission, the convention also gave the Foundation immunity from several taxes.²⁶² It exempts the Foundation, its income, properties, and other assets from all direct taxes, customs taxes on importation of goods for official use, and national, regional and local taxes, except those for services rendered and certain taxes on the acquisition of real estate.²⁶³ The convention exempts all Foundation employees from income taxes.²⁶⁴ As a signatory to the convention Côte d'Ivoire agreed to take appropriate measures to prevent the property and assets of the Foundation, including its premises, its works, its archives, and its files,²⁶⁵ from being subjected to search, requisition, confiscation, expropriation, or seizure.²⁶⁶ The Foundation will not permit its premises to be used as a sanctuary for a criminal fugitive or another sought due to a court or deportation order.²⁶⁷ The Foundation enjoys immunity from penal, civil and administrative jurisdiction.²⁶⁸ Its

²⁶¹Ibid., art. 3, sec. 2, *AAS* 84 (1992), 841.

²⁶²Ibid., art. 5, sec. 1 and 2, *AAS* 84 (1992), 841.

²⁶³Ibid., art. 9, sec. 1 and 2, and art. 10, *AAS* 84 (1992), 842-843.

²⁶⁴Ibid., art. 11, *AAS* 84 (1992), 843. This tax exemption also includes income gained from emoluments, as well as benefits received as a result of service.

²⁶⁵Ibid., art. 6, sec. 1 and art. 8, *AAS* 84 (1992), 841-842.

²⁶⁶Ibid., art. 6, sec. 3, *AAS* 84 (1992), 841.

²⁶⁷Ibid., art. 6, sec. 6, *AAS* 84 (1992), 842.

²⁶⁸Ibid., art. 7, sec. 1, *AAS* 84 (1992), 842.

personnel including members of its Administrative Council and its Secretary General cannot be prosecuted for acts accomplished by them in carrying out their duties.²⁶⁹

D. Religious Freedom in Côte d'Ivoire 2000-2005

The situation for religious freedom in Côte d'Ivoire began to change after the military coup in December 1999 as General Robert Guei assumed power. In a last ditch effort to maintain power, President Henri Konan Bedie attempted to stir up xenophobia against Muslim northerners, including his main political rival Alassane Ouattara. Though the move did not succeed in keeping Bedie in power, it did bring to the fore interreligious divisions. As one of the goals of his transition government, Guei pledged to end the informal government favoritism toward the Catholic Church and to treat all religions equally. The Guei government, however, took no practical steps to achieve this goal.²⁷⁰ The government continued to favor the Roman Catholic Church informally, and Catholic leaders still had a stronger voice in government than their Islamic counterparts. Guei maintained his predecessor's political strategy of promoting and leveraging xenophobic attitudes against Muslim northerners and banned his main political rival, Alassane Ouattara, a Muslim, from the presidential election in 2000.²⁷¹

²⁶⁹Ibid., art. 7, sec. 2, *AAS* 84 (1992), 842.

²⁷⁰U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Côte d'Ivoire, 182.

²⁷¹BBC News, "Ivory Coast Timeline," http://news.bbc.co.uk/2/hi/africa/country_profiles/1043106.stm (accessed March 25, 2010).

In the spring and summer of 2000, Guei demanded that imams and other Muslim leaders stay out of politics.²⁷² In contrast to the previous regime, he adopted an ethnocentric message to rally the predominately Christian south against the mainly Muslim north and to distinguish between “pure Ivorians” and immigrants. Guei banned Alassane Ouattara from the 2000 presidential election, which left Laurent Gbagbo, a Catholic, as his only real opposition. Guei declared himself winner of the election, but widespread suspicion of his vote rigging briefly brought together Muslims and Christians. A popular uprising forced Guei to flee the country and Laurent Gbagbo assumed the presidency. Alassane Ouattara called for a new election, which quickly degenerated into deadly political clashes as fighting erupted between Ouattara’s mostly northern Muslim supporters and Gbagbo’s mainly southern Christian supporters. As Christians and Muslims grappled for power, interreligious violence disrupted the religious and ethnic tolerance that had long made Côte d’Ivoire the envy of other African states.²⁷³

In this tense political situation, police began more closely scrutinizing northern Muslims’ identity cards. They did not target these Muslims because of their religious beliefs but to prevent the introduction of foreign influences into the political conflict. Since northern Muslims share names, styles of dress, and customs with several of the predominantly Muslim neighbors of Côte d’Ivoire e.g. Mali and Burkina Faso,

²⁷²Ibid., 183.

²⁷³BBC News, “Ivory Coast Country Profile,” http://news.bbc.co.uk/2/hi/africa/country_profiles/1043014.stm (accessed March 25, 2010); and BBC News, “Ivory Coast Timeline,” http://news.bbc.co.uk/2/hi/africa/country_profiles/1043106.stm (accessed March 25, 2010).

government officials had to check identity cards to determine their bearers' nationality. These checks could, however, be easily perceived as harassment by Muslims. When Laurent Gbagbo, the democratic opposition leader, called for new elections, he also stirred up xenophobia, pitting Christians against Muslims, and fighting soon resumed. As tensions escalated the Ivorian government expelled Muslim immigrants from Mali and Burkina Faso.

However, in October 2001 Gbagbo, now president, set up a National Reconciliation Forum and initiated several programs to improve relations between the government and religious groups. President Gbagbo and his religious advisors attended religious events organized by a wide variety of faiths and groups, and the government invited religious leaders to attend official ceremonies and to sit on deliberative and advisory committees. In addition, the president met with Muslim leaders and traditional chiefs of indigenous religions to discuss their concerns. Despite these efforts Muslims remained targets of discrimination when they tried to renew their identification cards or sought employment.

In January 2003 a peace accord put a new government of National Reconciliation in place. Hopeful that the newly formed government would finally end the violence in Côte d'Ivoire, the pope publicly prayed for peace in the country after the February 2, 2003, angelus at the Vatican. Invoking Our Lady of Peace of Yamoussoukro's intercession for reconciliation among the people of Côte d'Ivoire, John Paul II expressed his hope that "the Catholic faithful led by their pastors know how to act so that dialogue

and respect for persons and their property may be practiced and promoted by all.”²⁷⁴ As a result of the new government, the Muslim perception of government discrimination, especially with regard to employment, lessened and by 2005 Muslims occupied several key government positions.²⁷⁵ Nevertheless, the government proved unstable, and Côte d’Ivoire descended into more violence and turmoil during the years following the 2003 peace agreement.

When John Paul II met with Côte d’Ivoire’s Ambassador to the Holy See on January 10, 2004, he called for “the complete disarmament of the different parties engaged in the fighting”²⁷⁶ and begged Ivorians to say “no” to violence and “yes” to dialogue.²⁷⁷ Unfortunately, the violence did not end. Today, Côte d’Ivoire remains divided with Muslim backed rebels occupying the northern half of the state.

Due to instability in Côte d’Ivoire during these five years since the coup (2000-2005), a mosque in Abidjan, which the government had begun constructing in 1994, still remained unfinished in 2005.²⁷⁸ The government also reduced subsidies to Christian

²⁷⁴John Paul II, “After the Angelus,” *L’Osservatore Romano* English edition (Vatican City), February 5, 2003.

²⁷⁵U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Côte d’Ivoire, 27. As of 2005, Muslims occupied the offices of Prime Minister, High Chancellor, and National Assembly President.

²⁷⁶John Paul II, “Address to the Ambassador of the Republic of Côte d’Ivoire to the Holy See,” *L’Osservatore Romano* English edition (Vatican City), January 28, 2004.

²⁷⁷*Ibid.*

²⁷⁸U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Côte d’Ivoire, 27.

schools and cut subsidies to Muslim schools completely during the period of 2000-2005.²⁷⁹ In 2001 some Muslim leaders began complaining that Christian programming dominated many state institutions, particularly television and radio stations, including broadcasts of Catholic Masses, choir performances, religious services, and Christian music.²⁸⁰ Muslim community leaders questioned why Catholics had more than ten radio frequencies while Muslims had only one.²⁸¹ Muslims appeared on state television and have their own weekly television shows although they occupy less favorable time slots.²⁸² Despite the upheaval, the government did not prohibit links between Ivorians and their coreligionists in other countries, although it did informally discourage connections by

²⁷⁹U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Côte d'Ivoire, 20; U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Côte d'Ivoire, 24; U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Côte d'Ivoire, 26; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Côte d'Ivoire, 29; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Côte d'Ivoire, 29; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Côte d'Ivoire, 27.

²⁸⁰U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Côte d'Ivoire, 26.

²⁸¹U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Côte d'Ivoire 28. As of June 2003 local Catholic radio stations in Côte d'Ivoire included: Radio Espoir, Radio Paix Sanwi, Radio Notre Dame, and Radio Dix-Huit Montagnes. The Catholic Church also had national broadcast stations. In February 2002, Protestant radio station, Protestant Radio Vie, began broadcasting and in November 1999 Islamic radio station, Al Bayane, began broadcasting. See BBC Worldwide Monitoring: Africa, "Côte d'Ivoire: Survey of the Country's Media Environment," June 23, 2003.

²⁸²U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Côte d'Ivoire, 28.

Muslims with politically radical fundamentalist movements based in Iran and Libya.²⁸³

During this period, the United States State Department registered no complaints from any religious group about arbitrary registration procedures or problems with gaining government recognition. Nor did the state arbitrarily deny foreign missionaries identity cards, and public schools continued to offer religious instruction after normal class hours.

E. Conclusion

Côte d'Ivoire is a unique country. For more than four decades it has had strong Catholic leadership in its government despite its being a Muslim majority state. Côte d'Ivoire is also unique among African states in that it has had more than three decades of interreligious tolerance. In the sixteen year period from 1978 to 1993, Côte d'Ivoire largely met all of John Paul II's concrete metrics for assessing the level of respect for religious freedom in a country. Between 1994 and 1999, the only one of John Paul II's empirical benchmarks that Côte d'Ivoire did not fully meet was the freedom from discrimination. During this period, some Muslims complained that their religious or ethnic affiliation made them targets of discrimination in employment and some reported that government officials subjected them to petty harassment when they renewed their national identity cards.

²⁸³U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Côte d'Ivoire, 21; U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Côte d'Ivoire, 24; U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Côte d'Ivoire, 27; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Côte d'Ivoire, 29; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Côte d'Ivoire, 29; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Côte d'Ivoire, 29.

These generally favorable conditions enabled the Holy See to enter into two conventions with Côte d'Ivoire and allowed Pope John Paul II to visit the country on three occasions. The conventions fulfilled their stated objectives. In accord with the 1989 Convention, the Catholic Church has established and maintained radio stations and used them for their intended purposes without interference from the government. After Catholics began operating radio stations, the government allowed Ivorian Muslims and Protestants to operate their own radio stations. Pursuant to the 1992 Convention, the state granted juridic personality to the Our Lady of Peace of Yamoussoukro International Foundation and adhered to the agreed-upon norms, but the social service facilities which President Félix Houphouët-Boigny had promised to build on the Foundation's complex never materialized.

Even after the *coup d'état* in 1999, the situation of religious freedom in Côte d'Ivoire remained remarkably good. Despite some setbacks, largely due to the instability of the state and government concern with politically radical fundamentalist movements, the power-sharing government attempted to improve religious freedom in Côte d'Ivoire. Muslims' reports of government discrimination, especially with regard to employment, lessened. Nonetheless, the government remains unstable and political parties continue efforts to divide the state along ethnic and religious lines.

IV. The Kingdom of Morocco

A. Introduction

On March 2, 1956, Morocco, officially the Kingdom of Morocco, declared its independence from France which had imposed a protectorate over the state in 1912.

Muslims (mostly Sunni) make up 98.7% of the population, while Christians make up 1.1% and Jews 0.2% of the population.²⁸⁴ A very small number of Hindu and Baha'i adherents also live in Morocco. The Jewish, Catholic, Protestant, and Baha'i communities are located primarily in the urban centers of Casablanca and Rabat.

Since the King of Morocco claims descent from the prophet Mohammed, he is the supreme representative of Islam in Morocco and the "Commander of the Faithful."²⁸⁵ Between 1978 and 2005, Morocco has had two Kings, the late King Hassan II, who ruled for 38 years until his death on July 23, 1999, and his son, King Mohammed VI who succeeded him. Following his father's lead, King Mohammed VI has continued to uphold a tradition of respect for the various faith traditions in Morocco and to promote interfaith dialogue.

The Moroccan constitution states that Islam is the official religion.²⁸⁶ The constitution also guarantees, however, the individual's freedom of worship.²⁸⁷ Since Islam in Morocco does not differentiate between mosque and state, political, social,

²⁸⁴Central Intelligence Agency, "Morocco," *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/mo.html> (accessed March 25, 2010).

²⁸⁵Constitution of the Kingdom of Morocco 1972, Amended 1996, art. 19: "The King, Commander of the Faithful, Supreme Representative of the Nation, Symbol of its unity and guarantor of the permanence and continuity of the State, shall ensure the observance of Islam and the Constitution. He shall be the protector of the rights and liberties of citizens, social groups and collectives. He shall guarantee the independence of the Nation and the territorial integrity of the Kingdom within its authentic borders."

²⁸⁶*Ibid.*, art. 6. See also U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Morocco, 380.

²⁸⁷*Ibid.*

economic, and religious affairs are intertwined. Even though the constitution guarantees the individual's freedom of worship, authorities punish with imprisonment any individual who attempts to induce a Moroccan to convert to any faith other than Islam.²⁸⁸ The civil code does not ban conversion from Islam, but the Islamic faith and ingrained popular attitudes strongly discourage it. Although the government of Morocco generally tolerates the other religions of "The Book," Christianity and Judaism, other religious groups face greater official and unofficial suspicion and persecution. In May 1990 King Hassan II made this policy clear in an address in which he asserted that, in accord with Islamic doctrine, there are three revealed religions (Islam, Christianity, and Judaism), and that all other religions are heresies.²⁸⁹

B. Religious Freedom in Morocco 1978-1984

1. Morocco's Muslims

The state does not restrict the religious freedom of Muslims, provided they recognize the King as the "Commander of the Faithful." Morocco prohibits Muslims from espousing radical fundamentalist beliefs and joining groups which threaten to overthrow the regime. Although Islamic fundamentalism has not been as prominent in Morocco as in other Muslim states, there is a small but growing strain of fundamentalist ideology in Morocco which increasingly concerns the government.²⁹⁰ In 1984 the

²⁸⁸Moroccan Penal Code, art. 220.

²⁸⁹U.S. Department of State, *Country Reports on Human Rights Practices 1990*, Morocco, 1553.

²⁹⁰U.S. Department of State, *Country Reports on Human Rights Practices 1983*, Morocco, 1362.

government began to counteract the growth of Islamic fundamentalism by instituting a program under the Interior Ministry to oversee teaching in mosques.²⁹¹ Government personnel monitored the mosques and reported teachings which it deemed violent or a threat to the country. The King and government spokesmen also counseled the population against extremist religious philosophies and admonished religious scholars not to adopt such philosophies in their teaching and writing.²⁹² The state suppressed any Islamic group that questioned the status of the King as “Commander of the Faithful.”

2. Morocco’s Baha’is

Since many Muslims in Morocco consider the Baha’i faith a schismatic offshoot of Islam, Morocco generally tolerates it less than it does Judaism and Christianity. In 1983 the government forbade the Baha’i community to meet or hold communal activities.²⁹³ Police arrested eighteen members of the Baha’i community between December 1983 and May 1984 for “forming an illegal association which had failed to register with the authorities, attempting to convert Muslims to their faith, and constituting a threat to public order.”²⁹⁴ The government convicted and sentenced all eighteen Baha’i

²⁹¹U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Morocco, 1337.

²⁹²*Ibid.*

²⁹³U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Morocco, 1251; U.S. Department of State, *Country Reports on Human Rights Practices 1988*, Morocco, 1438; U.S. Department of State, *Country Reports on Human Rights Practices 1989*, Morocco, 1499; and U.S. Department of State, *Country Reports on Human Rights Practices 1990*, Morocco, 1553.

²⁹⁴U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Morocco, 1336.

members to three years in prison. On August 13, 1984, an appeals court dismissed the convictions of three of the eighteen defendants and reduced the sentences of thirteen others to ten months.²⁹⁵ The court left the remaining defendants to serve out their three year sentences.²⁹⁶

3. Morocco's Jews.

In general, relations between the government of Morocco and its Jewish population have been cordial. Although a significant number of Jews left the state after the 1967 Arab-Israeli war, the government continues to urge their return.²⁹⁷ The government has made a concerted effort to “protect” the Jewish minority, ensure its freedom of worship, and foster amicable relations with it. The government has not restricted the Jewish community’s links to its coreligionists worldwide, even to those in Israel.²⁹⁸ Morocco has two sets of laws and courts for marriage, inheritance, and family matters, one for Muslims and the other for Jews. Thus, both Rabbinical and Islamic authorities operate family law courts according to their respective religious laws.²⁹⁹ The

²⁹⁵Ibid.

²⁹⁶Ibid.

²⁹⁷U.S. Department of State, *Country Reports on Human Rights Practices 1983*, Morocco, 1362.

²⁹⁸Ibid., and U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Morocco, 1336.

²⁹⁹U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Morocco, 2182. Morocco applies non-Koranic sections of Muslim law on personal status to non-Muslim and non-Jewish persons.

government funds the teaching of Islam in public schools, but it also funds Jewish religious instruction in a parallel Jewish public school system.³⁰⁰

King Hassan and the government of Morocco continued to support the Jewish community throughout the 1980s. There were isolated reports of harassment in Morocco in 1982 when government officials in Casablanca reportedly delayed the processing of some Jews' citizenship claims.³⁰¹ However, after the Moroccan government announced its opposition to discrimination against the Jewish community in Morocco, the harassment ceased.³⁰² Starting in 1983, the state allowed publications in Hebrew and training of rabbis to serve the Moroccan Jewish community.³⁰³ More than twenty synagogues operated in Morocco by 1983, and the government continued to encourage the return of Jews who had left Morocco.³⁰⁴

4. Morocco's Christians

From 1978 to 1984, relations between the government and Christian churches, especially the Roman Catholic Church, have been fairly amicable.³⁰⁵ Morocco has two

³⁰⁰Ibid., 2181.

³⁰¹U.S. Department of State, *Country Reports on Human Rights Practices 1982*, Morocco, 1223-1224.

³⁰²Ibid., 1224.

³⁰³U.S. Department of State, *Country Reports on Human Rights Practices 1983*, Morocco, 1362; and U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Morocco, 1336.

³⁰⁴Ibid.

³⁰⁵U.S. Department of State, *Country Reports on Human Rights Practices 1980*, Morocco, 1054; U.S. Department of State, *Country Reports on Human Rights Practices*

Catholic Archdioceses, one centered in Rabat and the other in Tangier. As of 1981 the Catholic Church ministered to 100,000 foreign residents of Morocco. Like the Jewish community, Christian communities maintain close ties to their coreligionists abroad.³⁰⁶ Since the time of the French protectorate (1912-1956), the small foreign Christian community has opened churches, orphanages, hospitals, and schools without government restrictions or licensing requirements on the sponsoring organizations.³⁰⁷

Moroccan law prohibits Christians from attempting to induce a Muslim to convert. In 1984 official concern over “proselytism” led police to detain and question several Protestants.³⁰⁸ The police eventually released them, although they later called some individuals back in for further questioning.³⁰⁹ In May of that same year, the government closed a bookstore owned by a Protestant minister in Fez, which carried a small number of Bibles and other Christian literature.³¹⁰

1981, Morocco, 1054; U.S. Department of State, *Country Reports on Human Rights Practices 1982*, Morocco, 1223; U.S. Department of State, *Country Reports on Human Rights Practices 1983*, Morocco, 1362; and U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Morocco, 1136.

³⁰⁶U.S. Department of State, *Country Reports on Human Rights Practices 1983*, Morocco, 1362.

³⁰⁷U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Morocco, 2181.

³⁰⁸U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Morocco, 1336-1337.

³⁰⁹*Ibid.*, 1337.

³¹⁰*Ibid.*

C. The Diplomatic Exchange of Notes in 1983-1984

In 1983 diplomatic representatives of the Holy See and Morocco discussed the status of the Catholic Church in Morocco. These discussions produced a diplomatic exchange of notes between King Hassan II and Pope John Paul II. In a diplomatic letter dated December 30, 1983, King Hassan II pledged that the Catholic Church in Morocco “will continue to exercise publicly and freely its own activities, particularly those relating to worship, to teaching office, to internal jurisdiction, to the welfare of its faithful, and to religious education.”³¹¹ In this note, King Hassan II also affirmed:

The Catholic Church is represented by the superiors of ecclesiastical circumscriptions who are able to exercise, whether directly or through delegates, all acts related to the management of its patrimony. The priests, religious, and similar people who carry out their activities in the works of the Church - including institutions of assistance and education - will not be subjected to any tax since they do not receive a salary. At the same time, buildings designated for worship and religious houses will benefit from a tax exemption. In order to provide for her livelihood, the Church is made able to receive necessary aid. The law that is thus granted to the Catholic Church extends also to the right to create associations having religious, educational, and charitable purposes, as well as the right to visit prisoners who are Catholic.³¹²

³¹¹King Hassan II of Morocco, *AAS* 77 (1985), 714: “Quant au fond, l’Église catholique continuera, au Royaume du Maroc, d’exercer publiquement et librement ses activités propres, en particulier celles relatives au culte, au magistère, à la juridiction interne, à la bienfaisance de ses fidèles et à l’enseignement religieux.”

³¹²*Ibid.*, *AAS* 77 (1985), 714-715: “L’Église catholique est représentée par les supérieurs de circonscriptions ecclésiastiques qui peuvent exercer, soit directement, soit par mandataires, tous actes concernant la gestion de ses biens. Les prêtres, religieux, religieuses et assimilés qui exercent leurs activités dans les oeuvres de l’Église - y compris dans les établissements d’assistance et d’éducation - ne seront soumis à aucun impôt du fait qu’ils ne perçoivent pas de salaire. De même, bénéficieront de l’exonération fiscale les édifices du culte et les bâtiments religieux. Afin de subvenir à sa subsistance, l’Église est habilitée à recevoir l’aide nécessaire. Le statut ainsi octroyé à l’Église catholique comprend en outre le droit de créer des associations à but confessionnel, éducatif et charitable, ainsi que le droit de visite aux prisonniers de

King Hassan II conferred “legislative status” on the content of his letter to the pope,³¹³ i.e. he gave the formal consent needed to make the agreement legally binding.

In a letter dated February 5, 1984, John Paul II replied to the King’s letter. He thanked the King for his assurance that the Catholic Church in Morocco will “be able to exercise publicly and freely her spiritual mission” and “will be better able to assure her own activities - such as worship, the teaching office, internal jurisdiction, charity, religious education, and aid to prisoners - to benefit its faithful.”³¹⁴ Reiterating the words of King Hassan II, the pope wrote:

Beyond this, the possibility that will enable the superiors of ecclesiastical circumscriptions to establish associations having religious, educational and charitable purposes, to manage the patrimony, to receive the necessary help for the operations of their institutions and to benefit from certain exemptions, will permit the Church in Morocco to live always more harmoniously her faith and to testify to her spirit of service.³¹⁵

confession catholique.”

³¹³Ibid., *AAS* 77 (1985), 713: “confèrent à la teneur de la présente lettre valeur de dispositions législatives.”

³¹⁴John Paul II, *Litterae Mutuo Datae A Serenissimo Principe Hassan II, Rege Marochii, et a Ioanne Paulo II, Summo Pontifice: de Statuto Ecclesiae Catholicae in Marochio*, *AAS* 77 (1985), 713: “Ainsi assurée de pouvoir exercer publiquement et librement sa mission spirituelle, l’Église catholique sera mieux à même d’assurer ses activités propres - telles que le culte, le magistère, la juridiction interne, la bienfaisance, l’enseignement religieux et l’assistance aux prisonniers - , en faveur de ses fidèles.”

³¹⁵Ibid., *AAS* 77 (1985), 713-714: “En outre, la possibilité qu’auront les supérieurs des circonscriptions ecclésiastiques de donner naissance aux associations à but confessionnel, éducatif et charitable, de gérer le patrimoine, de recevoir les aides nécessaires au fonctionnement des institutions et de bénéficier de certaines exemptions, permettra à l’Église qui est au Maroc de vivre toujours plus harmonieusement sa foi et de témoigner de son esprit de service.”

John Paul II also pledged that the Catholic Church and all Catholics in Morocco would “conform to all the agreed-upon norms,”³¹⁶ which he and King Hassan II had laid out in the two diplomatic notes.

Since Morocco is officially an Islamic state and does not distinguish between mosque and state, the Catholic Church could not negotiate an agreement based on the principle of religious freedom as a fundamental human right, which would have provided a much more solid foundation for the Church’s autonomy and the free exercise of religion for all Catholics in Morocco. Instead, King Hassan II granted the Catholic Church in Morocco a status based upon the principle of toleration:

Thus we are sure that in creating in our country conditions of peaceful coexistence between Muslims and Christians, we do nothing but project in the Moroccan reality the spirit of extreme tolerance which characterizes Islam and has always been at the forefront of our relations.³¹⁷

Nevertheless, by this exchange of diplomatic notes the King committed the Kingdom of Morocco to respect the right of the Catholic Church to continue to exercise its own activities “publicly and freely.”³¹⁸ The Holy See took a pragmatic approach in reaching an agreement with Morocco. It was willing to accept guarantees contained in

³¹⁶Ibid., *AAS* 77 (1985), 714: “Je donne donc mon accord pour que l’Église et les catholiques dans le royaume chérifien se conforment en tout aux normes convenues, lesquelles seront dûment communiquées aux chefs spirituels concernés.”

³¹⁷King Hassan II of Morocco, *AAS* 77 (1985), 715: “Nous sommes ainsi certain qu’en créant chez Nous les conditions d’une coexistence paisible entre musulmans et catholiques, Nous ne faisons que projeter dans la réalité marocaine l’esprit d’extrême tolérance qui caractérise l’islam et qui a toujours présidé à Nos rapports.”

³¹⁸Ibid., *AAS* 77 (1985), 714: “publiquement et librement.” John Paul II also uses this exact same phrase in his diplomatic note to King Hassan II. See Ibid., *AAS* 77 (1985), 713.

the agreement, even though it would have preferred an agreement based on the human right to religious freedom rather than on a “spirit of extreme tolerance.” It is significant to note that John Paul II never mentions this “spirit of extreme tolerance” in his return diplomatic note to King Hassan II. Instead, he refers to “the tradition of welcome and understanding that, for centuries has characterized the relations of the Kingdom of Morocco with the Catholic Church.”³¹⁹

The agreed-upon norms in the diplomatic notes address at least seven issues in public ecclesiastical law, which closely correlate with six practical standards of religious freedom that John Paul II established in his September 1980 letter to the heads of state of nations who signed the Helsinki Final Act: 1) the freedom of religious access; 2) the freedom to act charitably; 3) the freedom of education; 4) the freedom to worship; 5) the freedom to organize; and 6) the freedom to appoint leaders and operate transnationally. The diplomatic notes legally guarantee Moroccan Catholics the freedom of religious access, so Catholic prisoners can receive religious assistance in places of detention. The two notes also legally guarantee the Catholic Church in Morocco the freedom to act charitably and carry out educational and social activities to practice the religious precept of love for neighbor, particularly for those most in need. Additionally, the diplomatic notes guarantee the Moroccan Catholic Church’s legal right to carry out its activities associated with its teaching office and religious education.

³¹⁹John Paul II, *A Serenissimo Principe Hassan II, Rege Marochii, et a Ioanne Paulo I I, Summo Pontifice: de Statuto Ecclesiae Catholicae in Marochio*, AAS 77 (1985), 713: “la tradition d’accueil et de compréhension qui, depuis des siècles, caractérise les relations du Royaume du Maroc avec l’Église catholique.”

Perhaps most significantly, King Hassan II guaranteed that the Catholic Church in Morocco will “be able to exercise publicly and freely her spiritual mission.”³²⁰ This single pledge has broad implications. As John Paul II noted in his diplomatic letter to King Hassan II, this pledge ensures that the Catholic Church will be better able to carry out its own activities, including its freedom to worship and its freedom to govern its own institutions. This not only ensures the Catholic Church the freedom to worship but also to organize, appoint leaders, and operate transnationally.

D. John Paul II’s Visit to Morocco 1985

During a visit to the Vatican in 1981 Morocco’s King Hassan II personally invited John Paul II to visit his country.³²¹ The pope thanked the King for the invitation but asked him what a Catholic pope could do in an Islamic kingdom. The King responded:

Your Holiness, yours is not only a religious responsibility but an educational and moral one as well. I am certain that tens of thousands of Moroccans, especially youth, would be most happy if you spoke to them about moral standards and relationships affecting individuals, communities, nations, and religions.³²²

With that commendation, John Paul II accepted the King’s invitation and visited Morocco in August 1985 as a part of a seven-country African trip that emphasized Catholic-Muslim relations. During this visit John Paul II met with Morocco’s Islamic leaders, and

³²⁰King Hassan II of Morocco, *AAS* 77 (1985), 714: “d’exercer publiquement et librement ses activités propres.”

³²¹King Hassan II was the first Islamic chief of state to visit John Paul II at the Vatican. The main purpose of the King’s visit was to discuss ways to achieve peace in the Middle East. See Associated Press, “Morocco’s King Dead at 70,” July 24, 1999.

³²²“Historic Meeting in Morocco,” *L’Osservatore Romano* English edition (Vatican City), September 9, 1985.

celebrated Mass at the Institute Charles de Foucauld. He also delivered an address to 80,000 Muslim youths, which marked the first time a pope had ever addressed a Muslim audience at the invitation of a Muslim leader.³²³

During his apostolic voyage to Morocco, John Paul II employed three of his central strategies of his religious freedom agenda. He promoted respect, encouraged dialogue, and demonstrated solidarity with the small Catholic community in Morocco. The Holy Father told the Muslim youth gathered in a Casablanca stadium that he came to meet with them as a believer and as a witness: “So it is as a believer that I come to you today, simply to give witness to what I believe, what I wish for the well-being of my brothers, mankind, and what, through experience, I consider to be useful for all.”³²⁴ He acknowledged that Muslims and Christians constitute one community of faith: “We believe in the same God, the one God, the living God, the God who created the world and brings his creatures to their perfection.”³²⁵ The pope proposed that such religious faith

³²³BBC Summary of World Broadcasts: The Middle East, Africa and Latin America, “The Pope's Visit to Morocco,” August 21, 1985. For the text of John Paul II's address see John Paul II, *Albae domi, in Marochio, ad iuvenes muslimos habita*, AAS 78 (1986), 95-104.

³²⁴John Paul II, *Albae domi, in Marochio, ad iuvenes muslimos habita*, AAS 78 (1986), 96: “Aussi est-ce en croyant que je viens à vous aujourd'hui. C'est tout simplement que je voudrais donner ici le témoignage de ce que je crois, de ce que je souhaite pour le bonheur de mes frères les hommes et de ce que, par expérience, j'estime être utile pour tous.” Translation from John Paul II, “Dialogue Between Muslims and Christians,” *Origins* 15 (August 19, 1995), 174. The Holy Father also told the Muslim youth that this meeting was in the spirit of the Second Vatican Council's Declaration on the Relationship with the Church to Non-Christian Religions, *Nostra aetate*.

³²⁵Ibid., AAS 78 (1986), 96: “Nous croyons au même Dieu, le Dieu unique, le Dieu vivant, le Dieu qui crée les mondes et porte ses créatures à leur perfection.” Trans., *Origins* 15 (August 19, 1995), 174.

was the surest ground for securing religious liberty, especially in a world which is increasingly becoming more secularized and atheistic.³²⁶ “Religious liberty,” the pope asserted, “respects both God and man.”³²⁷

The pope appealed to the Muslim youth to be a joint witness with Christians to both God and human dignity and encouraged them to dialogue with those of other faith traditions and to show respect for all human beings since they are creatures of God. “[O]bedience to God and this love of man ought to lead us to respect human rights,”³²⁸ John Paul II noted. The Holy Father then linked respect and dialogue with the need for reciprocity in what concerns fundamental human rights, especially religious freedom. Respect, dialogue, and reciprocity not only foster peace and understanding among peoples, but they help man find solutions to everyday problems.³²⁹ The pontiff told the Muslim youth that Christians are proud of their own religious tradition,³³⁰ but the Catholic Church still “respects and recognizes the quality of your religious approach, the richness of your spiritual tradition.”³³¹

³²⁶Ibid., *AAS* 78 (1986), 98.

³²⁷Ibid., *AAS* 78 (1986), 98: “liberté religieuse . . . respecte à la fois Dieu et l’homme.” Trans., *Origins* 15 (August 19, 1995), 175.

³²⁸Ibid., *AAS* 78 (1986), 99: “obéissance à Dieu et cet amour pour l’homme doivent nous amener à respecter les droits de l’homme.” Trans., *Origins* 15 (August 19, 1995), 175.

³²⁹Ibid.

³³⁰Ibid.

³³¹Ibid., *AAS* 78 (1986), 102: “L’Église catholique regarde avec respect et reconnaît la qualité de votre démarche religieuse, la richesse de votre tradition

He briefly shared with his audience considerations on beliefs Christians and Muslims hold in common and points where they differ. Aside from belief in one God, Christian and Muslim both believe in the importance of prayer, fasting, almsgiving, penitence, and pardon.³³² Additionally, he noted both Muslims and Christians believe that God will be a merciful judge to us at the end of time, and hope that after the resurrection He will be satisfied with us.³³³ Despite these commonalities, “sincerity,” the pope said, “requires that we recognize and respect our differences.” The most fundamental difference is the regard that each faith has for Jesus.³³⁴ Although he recognized that there are important differences, John Paul II challenged Muslims and Christians to accept these difference with humility and respect, in mutual tolerance,³³⁵ and to “stimulate each other in good works upon the path to God.”³³⁶ The Holy Father passionately held that Muslims and Christians can build a better world based on mutual respect, justice, forgiveness, and a willingness to work together; it was this hope that he shared with the Muslim youth of Morocco.

spirituelle.” Trans., *Origins* 15 (August 19, 1995), 176.

³³²Ibid.

³³³Ibid.

³³⁴Ibid., *AAS* 78 (1986), 102: “La loyauté exige aussi que nous reconnaissons et respectons nos différences.” Trans., *Origins* 15 (August 19, 1995), 176.

³³⁵Ibid.

³³⁶Ibid., *AAS* 78 (1986), 103: “et aussi à nous stimuler les uns les autres dans les œuvres de bien sur le chemin de Dieu.” Trans., *Origins* 15 (August 19, 1995), 176.

Although the principle purpose of his visit to Morocco was to speak to the Muslim youth, the pontiff took the opportunity to celebrate Mass for the small Catholic minority there. In his homily he reminded his fellow Catholics that the Second Vatican Council, his predecessor Pope Paul VI, and even he himself had expressed esteem for Muslims and had acknowledged the many good and holy aspects of the Islamic faith tradition. Recognizing that dialogue is not always easy, John Paul II implored Moroccan Catholics to continue to give witness to their Christian faith and engage in dialogue with their fellow Muslim citizens. Through living, working, and socializing with Muslims, Moroccan Christians have obtained a knowledge of the Islamic culture and religious tradition, which should be shared with Christians in Western countries so that they too might learn how to better dialogue with Muslims who reside in their own countries.³³⁷

E. Religious Freedom in Morocco 1985-2005

1. Morocco's Muslims

In the years following the diplomatic exchange of notes and the pope's visit, the Kingdom of Morocco continued to be concerned about growing strains of Islamic fundamentalism. In 1987 and 1989 the government imprisoned Muslim fundamentalists.³³⁸ In 1994 the government began to close mosques after Friday services

³³⁷ John Paul II, *La Messa Presso l'Istituto Charles de Foucauld a Casablanca, Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1985), 8: 491-495.

³³⁸ U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Morocco, 1251; and U.S. Department of State, *Country Reports on Human Rights Practices 1989*, Morocco, 1499.

to prevent the use of the premises for unauthorized political activity,³³⁹ and three years later it required Islamic communities to secure government authorization to construct new mosques.³⁴⁰ These measures continued as the government tried to crack down on radical Muslims who threatened to overthrow the regime.³⁴¹ While the government stopped closing mosques after Friday services in 2005, it continued to control the construction of new mosques.³⁴²

³³⁹U.S. Department of State, *Country Reports on Human Rights Practices 1994*, Morocco, 1149; U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Morocco, 1232; U.S. Department of State, *Country Reports on Human Rights Practices 1996*, Morocco, 1348; U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Morocco, 1536-1537; U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Morocco, 1766; U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Morocco, 2181; U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Morocco, 2037; U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Morocco, 2214; U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Morocco, 2061; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Morocco, 1992; and U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Morocco, 1934.

³⁴⁰U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Morocco, 1537; U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Morocco, 1766; U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Morocco, 2181; U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Morocco, 2037; U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Morocco, 2214; U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Morocco, 2061; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Morocco, 1992; and U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Morocco, 1934.

³⁴¹*Ibid.*

³⁴²U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Morocco, 1974-1975.

In addition, police occasionally subjected Morocco's converts to Christianity from Islam to rough treatment and arbitrary arrest.³⁴³ In August 1995 police arrested three men for converting to Christianity and a Muslim man for possessing Bibles.³⁴⁴ Citing *shari'a* authorities had jailed some Muslim converts to Christianity up until 1998.³⁴⁵ In the following six years, authorities did not imprison any additional Muslim converts to Christianity.³⁴⁶

³⁴³U.S. Department of State, *Country Reports on Human Rights Practices 1989*, Morocco, 1499.

³⁴⁴One of the three men arrested for converting to Christianity, Mehdi Ksara, had been a Christian convert for more than sixty years and Avant missionary. See U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Morocco, 1233 and Avant, "Brazen Faith," <http://www.avantministries.org/africa/brazen-faith> (accessed March 25, 2010).

³⁴⁵For Muslims *shari'a* is the immutable will of God and the sacred law. Its sources lie in the Koran and in Muhammad's *sunna*, his words, actions, and practices. They consider it binding on all believers. It is the way to maintain the highest quality of spiritual life for the *umma*, the worldwide community of Islam. Only about ninety verses of the Koran deal expressly with law, but the Islamic legal system has developed them into extensive codes that embody a wide range of social, economic, civil, criminal, personal, and communal laws that touches every area of life. See *The Watkins Dictionary of Religion and Secular Faiths* (2008), s.v. "Shari'a." For more on *shari'a* see Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1982); S. Abul A'la Maududi, *Islamic Law and Constitution* (Lahore, Pakistan: Islamic Publications, 1997); Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009); and Peri Bearman, Wolfhard Heinrichs, and Bernard G. Weiss, eds., *The Law Applied: Contextualizing the Islamic Shari'a: A Volume in Honor of Frank E. Vogel* (London: I.B. Tauris, 2008).

³⁴⁶U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Morocco, 626.

2. Morocco's Baha'is

Between 1985 and 2005, the Moroccan government continued to prohibit Baha'is from meeting, and conducting communal activities. From 1986 through 1989, members of the Baha'i community reported administrative harassment.³⁴⁷ In 1997 government officials also began denying Baha'is passports.³⁴⁸ This particular situation improved in the following eight years, and there were no further reports of Baha'is being denied passports.

3. Morocco's Jews.

From 1978-2005 Morocco tolerated and "protected" its small Jewish community. In the years following the papal visit, the government made significant efforts to reach out to Moroccan Jews as well as to condemn anti-Semitism. King Hassan II sent one of his sons to the Jewish community's Yom Kippur ceremony in 1985, and the government endorsed a congress of Jewish communities of Moroccan origin held in Montreal.³⁴⁹ In July 1986 King Hassan II met publicly with Israeli prime minister Shimon Peres in Northern Morocco, and, in September of the same year, he met with a delegation of Jews

³⁴⁷U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Morocco, 1244; U. S. Department of State, *Country Reports on Human Rights Practices 1987*, Morocco, 1251; U.S. Department of State, *Country Reports on Human Rights Practices 1988*, Morocco, 1438; and U.S. Department of State, *Country Reports on Human Rights Practices 1989*, Morocco, 1499.

³⁴⁸U. S. Department of State, *Country Reports on Human Rights Practices 1997*, Morocco, 1537.

³⁴⁹U.S. Department of State, *Country Reports on Human Rights Practices 1985*, Morocco, 1329.

of Moroccan origin, including a prominent Israeli political figure.³⁵⁰ A year later King Hassan II met with delegations of Jews of Moroccan origin in London.³⁵¹ These meetings reaffirmed the King's openness not only to the Jewish community in Morocco, but to the Jewish community abroad. In 1985 some Moroccan Jews held leading positions in business and government. A Moroccan Jew served as the President of the Administrative Chamber of the Supreme Court; another was a parliamentary deputy.³⁵²

In the 1990s the government not only tolerated but continued to show its support for the Jewish community. In 1994 the Ministry of Interior permitted for the first time the broadcast of Yom Kippur Services on national television.³⁵³ King Hassan II organized the first meeting of the "World Union of Moroccan Jews" in Marrekech in May 1999.³⁵⁴ Beginning in 2001 the government funded several efforts to study the cultural, artistic,

³⁵⁰U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Morocco, 1244.

³⁵¹U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Morocco, 1251.

³⁵²U.S. Department of State, *Country Reports on Human Rights Practices 1985*, Morocco, 1329.

³⁵³U.S. Department of State, *Country Reports on Human Rights Practices 1994*, Morocco, 1149.

³⁵⁴U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Morocco, 2181.

literary and scientific heritage of Moroccan Jews.³⁵⁵ Morocco has the only Jewish museum in an Arab nation.³⁵⁶

In mid-October 2000, following the outbreak of the Palestinian-Israeli violence in the Middle East, two Moroccan youths attempted to vandalize a synagogue in Tangiers.³⁵⁷ In a televised speech on November 6, 2000, King Mohamed VI publically declared that the government would not tolerate mistreatment of Morocco's Jews.³⁵⁸ A Tangiers court subsequently sentenced the two youths to one year in prison.³⁵⁹ As the Palestinian-Israeli violence worsened, the government made clear on several occasions that anti-Semitism would not be tolerated. In May 2002 when an imam affiliated with Justice and Development Party made openly anti-Semitic remarks, the press criticized him severely for not differentiating between Jews who supported Israel's treatment of the Palestinians and those who did not.³⁶⁰ In early 2002 police increased security at synagogues and

³⁵⁵U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Morocco, 472; U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Morocco, 572; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Morocco, 582; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Morocco, 624.

³⁵⁶U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Morocco, 582.

³⁵⁷U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Morocco, 472.

³⁵⁸*Ibid.*

³⁵⁹*Ibid.*

³⁶⁰U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Morocco, 575.

Jewish community facilities.³⁶¹ A year later, terrorists bombed a Jewish community center in Casablanca.³⁶² After the attack Muslims marched in solidarity with Jews to condemn terrorism and King Mohammed VI visited both the bombing sites and the victims in hospitals.³⁶³ In September 2003 authorities arrested three people for the religiously-motivated murder of a Jewish merchant.³⁶⁴

4. Morocco's Christians

Between 1985 and 2005, King Hassan II upheld his pledge to guarantee the Catholic Church's right to conduct both religious and charitable work.³⁶⁵ As a direct result of the pope's visit, the Holy See was able to establish an apostolic nunciature in Morocco in June 1986.³⁶⁶ The government also took several positive steps toward improving

³⁶¹Ibid.

³⁶²U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Morocco, 536; and U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Morocco, 1934.

³⁶³Ibid.

³⁶⁴U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Morocco, 1934.

³⁶⁵The Country Reports on Human Rights Practices from 1986-1989 specifically mentioned that Morocco upheld its agreement between John Paul II and King Hassan II. See U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Morocco, 1244; U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Morocco, 1251; U.S. Department of State, *Country Reports on Human Rights Practices 1988*, Morocco, 1438; and U.S. Department of State, *Country Reports on Human Rights Practices 1989*, Morocco, 1499. While the reports from 1990-2005 did not specifically mention that Morocco upheld the agreement, these reports also did not present evidence to the contrary.

³⁶⁶U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Morocco, 1251.

religious freedom in the years after the 1983-1984 exchange of diplomatic notes. The government began providing the promised tax benefits, land and building grants, subsidies, and customs exemptions for imports of religious goods.³⁶⁷ In 1994 in an effort to promote interreligious understanding and peaceful relations, the government organized the first annual “Fez Festival of Sacred Music,” an event whose participants include musicians who represent Islam, Christianity, and Judaism.³⁶⁸ Between 2003 and 2005, the government also invited musicians who represented Native American, Hindu, and Buddhist spiritual traditions to participate this festival.³⁶⁹

The government also organized numerous symposia among local and international clergy, priests, rabbis, imams and other spiritual leaders to examine ways to reduce religious intolerance and to promote interfaith dialogue.³⁷⁰ The government created a

³⁶⁷U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Morocco, 2181; U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Morocco, 2036; U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Morocco, 2214; U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Morocco, 2061; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Morocco, 1992; U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Morocco, 1934; and U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Morocco, 1974.

³⁶⁸U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Morocco, 582.

³⁶⁹U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Morocco, 534; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Morocco, 582; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Morocco, 624.

³⁷⁰U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Morocco, 381.

chair for the study of comparative religions at the University of Rabat in 1998.³⁷¹ Each year during the month of Ramadan the King has hosted colloquia of Islamic religious scholars to examine ways to further tolerance and mutual respect within Islam and between Islam and other religions.³⁷² In 1999 Moroccan television and radio stations began to broadcast occasionally academic and theological discussion of non-Islamic religions.³⁷³ In April and May 2000, the government hosted the first meeting of the “Traveling Faculty of the Religions of the Book” at Al Akhawayn University in Ifrane.³⁷⁴

After September 11, 2001, the King personally ordered an interfaith memorial service to be held at the Catholic Cathedral in Rabat in honor of the victims of the terrorist attacks. The Prime Minister and most of his cabinet attended the service which

³⁷¹U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Morocco, 468.

³⁷²U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Morocco, 381; U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Morocco, 468; U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Morocco, 469; U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Morocco, 572; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Morocco, 534; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Morocco, 582; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Morocco, 624-625.

³⁷³U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Morocco, 381; U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Morocco, 469; U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Morocco, 472; and U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Morocco, 574.

³⁷⁴U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Morocco, 468.

featured Muslim, Christian, and Jewish religious speakers.³⁷⁵ The government also sponsored other events to promote tolerance and dialogue.³⁷⁶ Most senior government officials including many ministers attended a government-sponsored interfaith service in the Catholic Cathedral in Rabat to commemorate the victims of the March 11, 2004, terrorist attack in Madrid, and the service again featured Muslim, Christian, and Jewish religious speakers.³⁷⁷ In 2004 the government allowed Muslim citizens to study at Christian and Jewish schools.³⁷⁸ In May 2005 Moroccans held an interfaith service at the Catholic Cathedral in Rabat to commemorate the death of Pope John Paul II.³⁷⁹ Senior government officials, including some ministers and palace advisors, attended the event. Once again, this ceremony featured Christian, Muslim, and Jewish religious speakers.³⁸⁰

Even after the exchange of diplomatic notes and the pope's visit, certain major restrictions on religious freedom remained. Most notably Morocco placed restrictions on displaying, selling, and importing Christian religious books and reading materials, including Bibles, and prohibited Christians from attempting to induce a Muslim to

³⁷⁵U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Morocco, 572.

³⁷⁶U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Morocco, 2214-2215.

³⁷⁷U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Morocco, 582.

³⁷⁸*Ibid.*

³⁷⁹U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Morocco, 627.

³⁸⁰*Ibid.*

convert. As a result, in the years following the diplomatic exchange of notes and papal visit two contentious issues in public ecclesiastical law, which closely correspond to two of the concrete metrics for accessing the state of religious freedom proposed by John Paul II, remained unsettled as Moroccan Christians, including Catholics, did not have the freedom of the press or the freedom to proclaim and communicate religious teaching.

Authorities closed a Christian bookstore in Fez which sold Bibles and other Christian literature in May 1984.³⁸¹ However, in October 1995 the Supreme Court overturned earlier administrative rulings, and the bookstore reopened.³⁸² In addition, just before Pope John Paul II's visit in the summer of 1985, police interrogated a few Moroccan Protestants, but they quickly stopped the practice.³⁸³ The government continued to restrict the display and sale of Arabic-language Bibles. Police also confiscated Bibles and Christian magazines. While the government permitted the display and sale of Bibles in French, English, and Spanish, in 1997 it began to take extra-legal action against Arabic-language Bibles; it confiscated them and refused necessary licenses to those attempting to import and sell these Bibles.³⁸⁴ After 1999 some bookstores sold

³⁸¹U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Morocco, 1377.

³⁸²U.S. Department of State, *Country Reports on Human Rights Practices 1985*, Morocco, 1329.

³⁸³*Ibid.*

³⁸⁴U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Morocco, 1537; U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Morocco, 1766-1767; and U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Morocco, 2182.

Arabic-language Bibles even though the government continued to try to confiscate them and to refuse licenses for their importation and sale.³⁸⁵ In 1998 and 1999, authorities denied entry into the country to some foreigners who had substantial quantities of Christian materials in their possession, but there were no further reports of denied entry after the year 2000.³⁸⁶ Between 2002 and 2005, police continued to question some foreign missionaries in possession of Christian materials.³⁸⁷

While the state forbade any attempt to induce a Muslim to convert, it generally left unhindered Christian missionaries who limited their efforts to proclaim and communicate religious teaching to non-Muslims and conducted their work quietly. Those whose efforts to proclaim and communicate religious teaching became public faced expulsion from the country. In October 1993 a school fired a Brazilian missionary teacher after the Ministry of Interior threatened to revoke its operating license unless the

³⁸⁵U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Morocco, 381; U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Morocco, 469; U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Morocco, 470; U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Morocco, 573; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Morocco, 535; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Morocco, 583; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Morocco, 626.

³⁸⁶U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Morocco, 1766-1767; and U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Morocco, 380.

³⁸⁷U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Morocco, 572; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Morocco, 535; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Morocco, 582-583; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Morocco, 625.

school dismissed the teacher. The teacher's offense was that he had hosted "Bible meetings."³⁸⁸ The government deported a Baptist foreign missionary in 1995 for "preaching Christianity among Muslims."³⁸⁹ In September of that same year, a court sentenced a Moroccan man to prison for breaking the Islamic fast during the holy month of Ramadan, while others reported that his real offence was speaking about Christianity in public.³⁹⁰

F. Conclusion

Between 1978 and 1984, the situation of religious freedom in Morocco varied by religion. During these seven years, the state generally tolerated Christianity and Judaism, because it considered them to be religions of "The Book." Toleration and religious freedom, however, are not the same. While authorities permitted the Christian and Jewish communities in Morocco to carry out their activities quietly, it suppressed any attempts to evangelize, proclaim and communicate religious teaching, or convert Muslims. Moreover, the government attempted to restrict Christians from buying and selling religious materials. Jews were subject to discrimination and harassment on religious grounds when they tried to obtain visas. Thus, with regard to Jews and Christians, including Catholics, Morocco did not meet at least three of John Paul II's

³⁸⁸U.S. Department of State, *Country Reports on Human Rights Practices 1993*, Morocco, 1254.

³⁸⁹U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Morocco, 1232.

³⁹⁰U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Morocco, 1232-1233.

concrete metrics of religious freedom: the freedom to proclaim and communicate religious teaching, the freedom of speech and of the press, and freedom from discrimination. Individuals were not free to proclaim and communicate religious teaching, to use the media of social communication to communicate their beliefs, and were not free from discrimination on religious grounds.

However, some Muslims faced limits on their religious freedom. Most notably, Muslims are not free to convert to another faith, a violation of John Paul II's first metric for assessing the state of religious freedom, the freedom to select one's religion. The regime's fear of political instability caused it to restrict strains of Islam that posed any sort of threat to the government. Towards that end, the government censored teachings in mosques as well as the teaching and writing of Islamic scholars in an effort to rein in fundamentalism. Thus, even Muslims did not have freedom of speech, one of the concrete metrics for assessing the state of religious freedom proposed by John Paul II.

The government severely restricted the religious freedom of the Baha'i community. Members of the Baha'i community could not legally meet or hold communal activities or proclaim and communicate religious teaching. These restrictions were far reaching. They prohibit the Baha'i community in Morocco from worshiping collectively in public or in private, from carrying out educational, charitable and social activities as a community to put into practice the religious precept of love for neighbor, and from proclaiming and communicating the teaching of their faith by either written or spoken word. These prohibitions infringed upon virtually all twelve standards of assessing the state of religious freedom articulated by John Paul II.

The exchange of diplomatic notes and John Paul II's visit to Morocco improved religious freedom in the state by securing for the Catholic Church the right to exercise its activities publicly and freely and by encouraging interreligious dialogue. In accord with the agreement, the government provided the Catholic Church in Morocco tax benefits, land and building grants, subsidies, and customs exemptions for imports. Morocco later extended this privilege to all major religious groups. The agreement also concretized three of John Paul II's criteria for assessing the state of religious freedom: the freedom of religious access, the freedom of education, and the freedom to act charitably. It ensured that Catholics in places of detention would be able to receive religious assistance, that Catholic religious authorities could freely exercise their ministry, and that the Catholic Church would be able to carry out educational, charitable and social activities. The papal trip also seemed to inspire the government to organize numerous symposiums, conferences, colloquiums, and festivals to promote interfaith dialogue. As a result of the pope's trip, the Holy See established an apostolic nunciature in Morocco to foster and strengthen relations between the Holy See and Morocco.

Despite these notable and important improvements, the modern *dhimmitude*³⁹¹ system in Morocco still relegates Catholic and non-Catholic Christians and Jews to the status of second-class citizens. Morocco continued merely to “tolerate” Christianity and Judaism. This status is less than ideal. The diplomatic exchange of notes and the papal visit did not loosen three major restrictions on the religious freedom of Christians and Jews as John Paul II defined it. Among the standards for assessing the state of religious freedom proposed by John Paul II, Morocco continued to restrict the freedom to proclaim and communicate religious teaching, the freedom of speech and of the press, and the freedom from discrimination. Non-Muslims still could not freely proclaim and communicate the teaching of their faith, Christians could not freely use print media, and Jews still faced religious discrimination.

Restrictions on religious freedom placed on Morocco’s Baha’is or Muslims did not lessen in the years following the diplomatic notes and papal visits. Morocco did not adhere to any of the concrete metrics for assessing the state of religious freedom proposed by John Paul II for its Baha’i community. Morocco continued to prohibit or deny outright the Baha’i community from meeting or holding communal activities. Moroccan Muslims

³⁹¹The arabic word “*dhimmi*” translates as “protected.” The term “*dhimmi*” refers to non-Muslims, who are “People of the Book” (i.e., Jews and Christians), and connotes an obligation of the state to “protect” the individual’s life, property and freedom to worship. In return for this “protection,” the individual must be loyal to the state and pay a tax known as the *jizya*. *Dhimmi* have fewer legal and social rights than Muslims, but more rights than other non-Muslim citizens. The term “*Dhimmitude*” refers to this condition assigned to Christians and Jews by Muslim teaching. The conversion of a *dhimmi* to Islam is typically easy and generally emancipates the new convert from the legal impairments of his or her *dhimmi* status. For a more in-depth treatment of *dhimmi* status see Ye’or, *The Dhimmi: Jews and Christians Under Islam*, 43-156.

could not choose to convert from Islam to another religion, and continued to face censorship of teachings in mosques and scholarly publications.

V. Arab Republic of Egypt

A. Introduction

Egypt, officially the Arab Republic of Egypt, declared its independence from the United Kingdom on February 28, 1922. The state of religious freedom in modern day Egypt reflects centuries of conflict, tension, and interaction among the Islamic, Christian, and Jewish communities.³⁹² The establishment of the state of Israel in 1948 and post-World War II conditions in the region further complicated the relationship between the Islamic and Jewish communities, encouraging Jewish migration to the region and prompting allegations that Egypt's Jews were not loyal to the Egyptian state. As a result, Jews who remained in Egypt faced intensified economic and political difficulties along with social isolation.

Although the Egyptian constitution guarantees religious freedom, the government recognizes only Islam, Judaism, and Christianity.³⁹³ In 1978 and 1979 President Anwar

³⁹²For a history of the relationship of Muslims and Christians in Egypt see Byron L. Haines and Frank L. Cooley, *Christians and Muslims Together: An Exploration by Presbyterians* (Philadelphia, PA: The Geneva Press, 1987) 83-90; Sana S. Hasan, *Christians versus Muslims in Modern Egypt: The Century Long Struggle for Coptic Equality* (Oxford: Oxford University Press, 2003) 17-56; Abdullahi Ahmed An-Na'im, "Religious Freedom in Egypt: Under the Shadow of the Islamic Dhimma System," in *Religious Liberty and Human Rights in Nations and in Religions* edited by Leonard Swidler (Philadelphia, PA: Ecumenical Press, 1986) 43-59; Ye'or, *The Decline of Eastern Christianity: From Jihad to Dhimmitude*, 271, 314-321, and 380-383; and Ye'or, *Islam and Dhimmitude: Where Civilizations Collide*, 173-182.

³⁹³Constitution of The Arab Republic of Egypt, art. 46.

El Sadat and government officials publically emphasized the need for religious tolerance, but in 1980 Sadat declared himself the Muslim leader of an Islamic state that “protects” all other religions.³⁹⁴ Under the Egyptian constitution, Islam is the official state religion and the primary source of its legislation.³⁹⁵ The state prohibits religious practices that conflict with *shari’a*, Islamic law. However, the government permits Christians, namely Orthodox and Catholics, to follow their respective religious law in most matters of family law, including marriage, divorce, alimony, and child custody. The government also permits Jews to follow rabbinical law in the same areas. In cases of conflict among these family laws, as can occur when a Christian woman marries a Muslim man, *shari’a* prevails. The children of such marriages must be raised as Muslims. Muslim women cannot marry Christian men, and Muslim female heirs receive half the amount of a male heir’s inheritance, while Christian widows of Muslims have no inheritance rights.

Egypt has the largest Muslim population of any Arab state, but it also has the largest number of Christians. The vast majority of Egyptians are Muslim (90%, mostly Sunni), 9% are Coptic Christians, and 1% are non-Coptic Christians.³⁹⁶ The largest Christian community in Egypt is the Coptic community, which includes both Orthodox and Catholic Copts. Approximately 95% of the Christians in Egypt are Coptic Orthodox

³⁹⁴U.S. Department of State, *Country Reports on Human Rights Practices 1980*, Egypt, 966-967.

³⁹⁵Constitution of The Arab Republic of Egypt, art. 2.

³⁹⁶Central Intelligence Agency, “Egypt,” *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html> (accessed March 25, 2010).

and an estimated 2.5% are Coptic Catholic; less than one quarter of one percent of Egyptians are Coptic Catholics.³⁹⁷ While Coptic Orthodox and Coptic Catholics are two distinct religious groups, the Egyptian government and Egyptian Muslims often conflate the two groups and simply refer to both as Copts. Even the Coptic Orthodox Pope Shenouda III has played down the distinction, referring to the separation between the two groups as “semantics . . . of little importance,”³⁹⁸ and Pope John Paul II consistently grouped Catholic and Orthodox Copts together in his public outreach and prayers as well as in his diplomatic advocacy.³⁹⁹ Two other Oriental Orthodox Churches are represented in Egypt, the Armenian Apostolic Church and the Syriac Orthodox Church. Seven Catholic rites are represented in Egypt: Coptic, Melkite, Latin, Maronite, Syriac, Armenian, and Chaldean.⁴⁰⁰ There is also a small number of adherents of the Anglican,

³⁹⁷Betty Jane Bailey and J. Marin Bailey, *Who Are the Christians in the Middle East?* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2003), 145.

³⁹⁸Zenit, “Daily Dispatch,” February 16, 2000: “Coptic Pope Shenouda III, the ‘Successor of St. Mark,’ actively seeks Christian unity, and calls the separation largely semantic. ‘To the Coptic Church, faith is more important than anything, and others must know that semantics and terminology are of little importance to us.’” See also The Coptic Network, “The Christian Coptic Orthodox Church of Egypt,” *Encyclopedia Coptica*, <http://www.coptic.net/EncyclopediaCoptica/> (accessed March 25, 2010).

³⁹⁹See for example, John Paul II, “New Ambassador to the Holy See: Arab Republic of Egypt,” *L’Osservatore Romano* English edition (Vatican City), September 29, 2004; John Paul II, “New Ambassador to the Holy See: Arab Republic of Egypt,” *L’Osservatore Romano* English edition (Vatican City), September 13, 2000; Zenit, “John Paul II Appeals for Respect of Christians’ Rights in Egypt: Reaffirms Need for Interreligious Dialogue to Build Peace,” September 19, 2004; and BBC Summary of World Broadcasts: Egypt: In Brief, “Foreign Minister’s Meeting with the Pope,” *Middle East News Agency*, September 16, 1981.

⁴⁰⁰As of 2000 there were approximately 200,000 Coptic Catholics; 7,000 Melkite Catholics; 7,000 Latin Catholics; 20,000 Maronite Catholics; 2,000 Syrian Catholics; 2,000 Armenian Catholics; and 1,000 Chaldean Catholics in Egypt. See “Catholics in

Brethren, Free Methodist, Pentecostal, Seventh-day Adventist churches and of the Church of God, and the Churches of Christ.⁴⁰¹ While Christians live throughout the country, they reside primarily in upper Egypt and in some sections of Cairo and Alexandria. Shi'a Muslims constitute less than one percent of the population. The Baha'i and the Jewish communities are also extremely small.

B. Religious Freedom in Egypt 1978-1998

1. Egypt's Muslims

Since Islam is the state religion and Sunni Muslims make up the vast majority of the population, Sunnis face the fewest restrictions on their religious freedom. Since 1980 the government has required Islamic societies to register with the Ministry of Social Affairs.⁴⁰² In an effort to keep religion and politics separate, the government barred overt political activity by organizations such as the Muslim Brotherhood in 1982.⁴⁰³ Two years later, however, Egyptians elected members of the Muslim Brotherhood to positions in the government and, to the dismay of many Christians, the government has tolerated the group. The Muslim Brotherhood, also known as The Society of the Muslim Brothers and

Egypt Reflect Church's Rich and Varied Traditions," *L'Osservatore Romano* English edition (Vatican City), March 1, 2000.

⁴⁰¹Bailey and Bailey, 144-145.

⁴⁰²U.S. Department of State, *Country Reports on Human Rights Practices 1980*, Egypt, 967.

⁴⁰³U.S. Department of State, *Country Reports on Human Rights Practices 1982*, Egypt, 1119. The Muslim Brotherhood is one of the largest and best organized political religious group; its primary goal is the implementation of *shar'ia* in all social, political and legislative aspects of life.

founded in Egypt in 1928 by Hassan al-Banna, is Egypt's largest Islamist organization. The organization calls for a return to *shar'ia* law, the overthrow of secular governments, and the restoration of a theocratic state. It has been linked to political violence and terrorism. Although the Muslim Brotherhood is based in Egypt, its networks include branches in many countries of the Near and Middle East.⁴⁰⁴

The government tries to control the Islamic faith in Egypt. It pays the salaries of imams, and, though the government maintains that it does not censor sermons of Islamic religious figures, it has detained Muslim prayer leaders for delivering allegedly “inflammatory declarations” in their mosques. The Ministry of Awqaf (Ministry of Religious Endowments) has also substituted “safe” imams for “troublesome preachers” at mosques under its control and has taken over the administration of some privately run mosques that it considers “centers of anti-government activity.”⁴⁰⁵ Since the government

⁴⁰⁴For more information on the Muslim Brotherhood see Barbara Zollner, *The Muslim Brotherhood: Hassan al-Hudaybi and Ideology* (New York, NY: Routledge, 2009); Christina Phelps Harris, *Nationalism and Revolution in Egypt: The Role of the Muslim Brotherhood* (Stanford, CA: Mouton, 1964); and The Muslim Brotherhood's Official English Website, <http://www.ikhwanweb.com/> (accessed March 25, 2010).

⁴⁰⁵U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Egypt, 1142; U.S. Department of State, *Country Reports on Human Rights Practices 1988*, Egypt, 1320; U.S. Department of State, *Country Reports on Human Rights Practices 1989*, Egypt, 1373; U.S. Department of State, *Country Reports on Human Rights Practices 1990*, Egypt, 1417; U.S. Department of State, *Country Reports on Human Rights Practices 1991*, Egypt, 1382; U.S. Department of State, *Country Reports on Human Rights Practices 1992*, Egypt, 995; U.S. Department of State, *Country Reports on Human Rights Practices 1993*, Egypt, 1172; U.S. Department of State, *Country Reports on Human Rights Practices 1994*, Egypt, 1072; U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Egypt, 1147; U.S. Department of State, *Country Reports on Human Rights Practices 1996*, Egypt, 1251; U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Egypt, 1434; and U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Egypt, 1654.

announced in 1995 a plan to bring all “unauthorized” mosques under its control, it has taken over tens of thousands of mosques and has closed some unauthorized mosques.⁴⁰⁶ These government takeovers of the administration of private mosques and attempts to control all “unauthorized” mosques is inconsistent with two of the concrete metrics for assessing the state of religious freedom articulated by John Paul II: the freedom of religious communities to organize, and the freedom to select their own ministers.

Founded in 969, al-Azhar University is the oldest university in the Muslim world. A Supreme Council, which forms general policy, and a Grand Imam known as “sheikh al-Azhar,” run the university in Cairo.⁴⁰⁷ In 1961 the president of Egypt nationalized al-Azhar and the university became an arm of the government and a publicly-funded institution. Nevertheless, many Sunni Muslims still consider al-Azhar to be the most prestigious school of Islamic law and its scholars the most respected scholars in the Muslim world. Al-Azhar has an Academy of Islamic Research that issues some of the most authoritative legal pronouncements, *fatwas*,⁴⁰⁸ in the Sunni world. The Islamic

⁴⁰⁶Ibid.

⁴⁰⁷The title *sheikh* covers a fairly wide range of meanings that include patriarch, elder, and chief. Various official posts bear the title *sheikh* whether they be heads of religious orders, Koranic scholars, jurists, or those who direct worship in the mosque. The *sheikh* generally must have considerable knowledge of *urf*, customary law, and the ability to offer hospitality on a large scale. The office of *sheikh* is not hereditary; an individual can gain or lose the office. See *The Oxford English Dictionary*, 2nd ed., 1991, s.v. “Sheikh”; and *The Watkins Dictionary of Religion and Secular Faiths* (2008), s.v. “Sheikh.”

⁴⁰⁸A *fatwa* is a legal pronouncement or opinion offered on a point of law. It is usually issued by a mufti whose opinion a judge requests. Since there is no centralized priestly hierarchy in Islam there is much argument as to who has the right to issue a *fatwa*. Muftis issue the overwhelming majority of *fatwas* on every day matters. See *The*

Center at al-Azhar University has legal authority to censor all publications dealing with the Koran and Islamic religious texts. In practice the Islamic Center has passed judgment on the suitability of non-religious books as well as artistic productions.⁴⁰⁹ The extraordinary prestige of the institution gives its views and opinions such influence that some consider it to be the center of the Sunni Muslim world. Besides the Cairo-based University, al-Azhar's educational system also includes thousands of elementary, intermediate, and secondary schools spread out across Egypt. Al-Azhar University and al-Azhar's elementary, intermediate, secondary schools are strictly Muslim institutions and do not admit non-Muslim students.⁴¹⁰

2. Egypt's Baha'is

Roughly 2,000 adherents of the Baha'i faith live in Egypt.⁴¹¹ A presidential decree in 1960 banned Baha'i institutions and community activities and stripped them of all legal recognition. The government confiscated all properties of the Baha'i community, including Baha'i centers, libraries, and cemeteries. The government has not

Watkins Dictionary of Religion and Secular Faiths (2008), s.v. "Fatwa." For more information on *fatwas* see Knut Vikør, *Between God and the Sultan: A History of Islamic Law* (Oxford: Oxford University Press, 2005); Noel James Coulson, *A History of Islamic Law* (Edinburgh: University Press, 1964); and Mehdi Mozaffari, *Fatwa: Violence and Discourtesy* (Charlottesville, VA: Aarhus University Press, 1998).

⁴⁰⁹U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Egypt, 423.

⁴¹⁰For an in-depth examination of the influence of al-Azhar see Mark Badrawi, *Al-Azhar and the Arab World: Molding the Political and Ideological Consciousness* (London, U.K.: Routledge, 2009).

⁴¹¹U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Egypt, 559.

rescinded this ban.⁴¹² As a result, members of the Baha'i faith have for decades faced personal and collective hardship. Not only did Baha'is face severe restrictions on their freedom to worship, police continually harassed and even jail them.⁴¹³ Egypt did not adhere to any of the concrete metrics for assessing the state of religious freedom proposed by John Paul II with regard to its Baha'i community.

3. Egypt's Jews

Since the establishment of the state of Israel, the Jewish population in Egypt has declined from approximately 80,000 in 1948 to about 1,200 (mostly elderly people) by 1978.⁴¹⁴ Relations between the Jewish community and the government were generally cordial in the 1980s and 1990s as the government largely allowed Egypt's tiny Jewish community to practice its faith without restriction or harassment.⁴¹⁵ In the mid-to-late

⁴¹²U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Egypt, 348.

⁴¹³U.S. Department of State, *Country Reports on Human Rights Practices 1985*, Egypt, 1214; U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Egypt, 1139; and U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Egypt, 1141.

⁴¹⁴U.S. Department of State, *Country Reports on Human Rights Practices 1978*, Egypt, 344.

⁴¹⁵U.S. Department of State, *Country Reports on Human Rights Practices 1978*, Egypt, 344; U.S. Department of State, *Country Reports on Human Rights Practices 1982*, Egypt, 1119; U.S. Department of State, *Country Reports on Human Rights Practices 1983*, Egypt, 1234; U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Egypt, 1210; U.S. Department of State, *Country Reports on Human Rights Practices 1985*, Egypt, 1214; U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Egypt, 1138; U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Egypt, 1141; U.S. Department of State, *Country Reports on Human Rights Practices 1988*, Egypt, 1319; U.S. Department of State, *Country Reports on Human Rights Practices 1989*, Egypt, 1372; U.S. Department of

1980's, the government routinely provided synagogues police protection.⁴¹⁶ By 1995 the Jewish community in Egypt numbered less than fifty people.⁴¹⁷

4. Egypt's Christians

Between 1978 and 1998, Egyptian Christians knew that the regime merely tolerated their religion. Both Orthodox and Catholic Copts voiced increasing concern that the resurgence of Islam might eventually undermine minority rights and reduce non-Muslims to second class citizens (*dhimmis*). Their concerns stemmed from legislation introduced into the People's Assembly which would have replaced the existing civil code with *shari'a*, several court rulings which appeared to reduce the standing of religious minorities, and the strong emphasis by successive presidents of Egypt on the country's Islamic heritage.

State, *Country Reports on Human Rights Practices 1990*, Egypt, 1416; U.S. Department of State, *Country Reports on Human Rights Practices 1991*, Egypt, 1381; U.S. Department of State, *Country Reports on Human Rights Practices 1992*, Egypt, 995; U.S. Department of State, *Country Reports on Human Rights Practices 1993*, Egypt, 1171; U.S. Department of State, *Country Reports on Human Rights Practices 1994*, Egypt, 1071; U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Egypt, 1146; U.S. Department of State, *Country Reports on Human Rights Practices 1996*, Egypt, 1250; U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Egypt, 1433; and U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Egypt, 1652.

⁴¹⁶U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Egypt, 1138; U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Egypt, 1141; and U.S. Department of State, *Country Reports on Human Rights Practices 1988*, Egypt, 1319.

⁴¹⁷U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Egypt, 1146; U.S. Department of State, *Country Reports on Human Rights Practices 1996*, Egypt, 1250; U.S. Department of State, *Country Reports on Human Rights Practices 1997*, Egypt, 1433; and U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Egypt, 1652.

During this twenty year period, the regime maintained several principal restrictions on the religious freedom of Egyptian Christians incongruent with John Paul II's metrics for assessing the state of religious freedom. The government prohibits Christians from proclaiming and communicating the teaching of their faith, persecutes Muslims who convert to Christianity, and restricts Christians' ability to build and maintain churches. Christians also face considerable discrimination in employment and university admissions.

a. Freedom to Appoint Leaders

The situation of Christians in Egypt became precarious when inter-communal violence erupted in 1980. Islamic fundamentalists and Coptic Christians clashed, mainly in upper Egypt. After the violence subsided, Egypt's president accused the Coptic leadership of "activities incompatible with clerical status."⁴¹⁸ He coupled his criticism of the Coptic leadership with a strong denunciation of sectarianism and pledged that the government would not tolerate communal strife.⁴¹⁹ Shortly thereafter, police arrested forty prominent Muslim and Coptic religious personalities on charges of "fomenting or exacerbating such strife."⁴²⁰ Responding to pressure from an Islamic political movement, the government also withdrew its recognition of the Coptic Patriarch, Pope Shenouda III. The president then appointed a "papal committee" composed of five leading Coptic

⁴¹⁸U.S. Department of State, *Country Reports on Human Rights Practices 1980*, Egypt, 967.

⁴¹⁹Ibid.

⁴²⁰U.S. Department of State, *Country Reports on Human Rights Practices 1991*, Egypt, 960.

Orthodox bishops to carry out the pope's functions⁴²¹ and forced Pope Shenouda III to live out of the public eye for more than three years in a secluded Coptic monastery.

When more violence erupted between Islamic fundamentalists and Copts in June 1981, the government cracked down and detained approximately 100 Copts and more than 1,400 Muslims.⁴²² A few months later in an effort to dispel any Vatican fears of discrimination against Coptic Christians in Egypt, the Egyptian President Anwar Sadat sent a confidential message to John Paul II via the Egyptian State Minister of Foreign Affairs, Dr. Butrus Ghali.⁴²³ The letter explained the circumstances surrounding the sectarian violence in Egypt and Sadat's decisions to crack down on both sides responsible for the violence.⁴²⁴ John Paul II reportedly showed understanding and expressed his keen respect for Egypt's national unity.⁴²⁵ Although John Paul II and Sadat never met, the two kept in close contact through diplomatic channels.⁴²⁶ The Egyptian president made it a

⁴²¹Cairo Radio reported that the Coptic Orthodox Church approved of President Anwar Sadat's decision to appoint this committee of five bishops to carry out Pope Shenouda's functions. See BBC Summary of World Broadcasts: The Middle East and Africa, "The Situation in Egypt," *Cairo Radio* (Cairo, Egypt), September 8, 1981.

⁴²²U.S. Department of State, *Country Reports on Human Rights Practices 1982*, Egypt, 1119.

⁴²³*United Press International* (Washington, D.C.), September 16, 1981.

⁴²⁴*Ibid.*; and *United Press International* (Washington, D.C.), October 6, 1981.

⁴²⁵BBC Summary of World Broadcasts: Egypt: In Brief, "Foreign Minister's Meeting with the Pope," *Middle East News Agency*, September 16, 1981. The Egyptian Minister also extended an invitation to John Paul II from President Sadat to take part in a celebration of laying the foundation stone of a religious compound in Sinai. The pope accepted the invitation and promised to visit if his health allowed.

⁴²⁶*United Press International* (Washington, D.C.), October 6, 1981.

practice to keep John Paul II informed of the Egyptian views on Middle East developments and the Coptic Christian question.⁴²⁷

In 1982 the government began to take steps to protect Coptic churches from violent acts by Islamic militants. Egyptian police began to protect most Coptic churches and put more than 250 people on trial for crimes directed at Copts. In October 1983 a delegation from the United States National Council of Churches visited Egypt and reported that Egypt had eased restrictions on Pope Shenouda III and that the pope had begun to regain some of his authority.⁴²⁸ By 1984 reports of persecution and physical attacks on Copts by religious extremists had decreased sharply, as the government continued to provide police protection to Coptic churches.⁴²⁹

On January 1, 1985, the president issued a decree releasing Pope Shenouda III with no restrictions on his return to public life and papal responsibilities.⁴³⁰ Pope Shenouda III publically praised the “spirit of national unity” among Egyptians and asserted that Muslim-Coptic relations had improved greatly.⁴³¹ During 1985, almost all of the other Coptic bishops and priests previously barred from public ministry by the

⁴²⁷*United Press International* (Washington, D.C.), September 16, 1981.

⁴²⁸U.S. Department of State, *Country Reports on Human Rights Practices 1983*, Egypt, 1235-1236.

⁴²⁹U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Egypt, 1212.

⁴³⁰U.S. Department of State, *Country Reports on Human Rights Practices 1985*, Egypt, 1216.

⁴³¹*Ibid.*, 1215.

government returned to their dioceses.⁴³² For the next two years inter-communal violence diminished as the government continued to crack down on sectarianism and provided police protection to religious minorities. Pope Shenouda III traveled to Alexandria and maintained contact with his dioceses without government interference.

Islamic fundamentalists and Copts resumed fighting after a three-year lull in 1987. The government again responded by condemning the sectarian violence and continuing to provide police security around churches. In response to the violence, Pope Shenouda III paid a highly publicized visit to the sheikh of al-Azhar during the month of Ramadan and the sheikh paid a return visit to the pope.⁴³³ Although Coptic-Muslim relations were generally good in 1988 and 1989, sectarian violence flared up again in 1990. When Islamic extremists attacked Copts and destroyed their property in several cities and villages in upper Egypt in the spring of that year, human rights activists and Copts claimed that security forces were slow to protect Copts and their property.⁴³⁴ In May of the same year, security forces broke up a peaceful demonstration following the funeral of six slain Copts. Police arrested twenty-three Copts but released them three weeks later.⁴³⁵ As a result of the government's continued crack down on sectarianism and its provision

⁴³²Ibid.

⁴³³U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Egypt, 1142.

⁴³⁴U.S. Department of State, *Country Reports on Human Rights Practices 1990*, Egypt, 1416.

⁴³⁵Ibid.

of police protection to the Copts, there was little sectarian violence between Islamic fundamentalists and Copts during the next eight years.

b. Freedom to Proclaim and Communicate Religious Teaching

The government prohibits the “proselytizing” of Muslim Egyptians. It does not authorize foreign missionaries to enter Egypt in order to proclaim and communicate religious teaching. Even though Egypt does not specifically ban missionary work, the government prosecutes those who engage in “proselytizing” Muslim Egyptians for “degrading or disdaining any of the holy religions or any or its religious sects” with “the intention of harming national unity and social peace” under Article 98f of the penal code, or under the broad terms of the law on national unity.⁴³⁶ Throughout the 1990's there were several instances of Christians detained and jailed for “proselytizing.” Three foreigners faced deportation in 1990 after being charged with spreading Christianity and involvement in sectarian strife between Muslims and Copts, and police arrested an Egyptian Christian for “preaching and converting.”⁴³⁷ After the situation attracted international attention, police released all three individuals without explanation.⁴³⁸ Security forces harassed, detained, and tortured Egyptian Christians for “proselytizing”

⁴³⁶U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Egypt, 1138.

⁴³⁷U.S. Department of State, *Country Reports on Human Rights Practices 1990*, Egypt, 1416.

⁴³⁸U.S. Department of State, *Country Reports on Human Rights Practices 1990*, Egypt, 1416; and U.S. Department of State, *Country Reports on Human Rights Practices 1991*, Egypt, 1381.

Muslims in 1992.⁴³⁹ A year later, authorities detained four foreigners for more than two months and deported them for “proselytizing” Muslims.⁴⁴⁰ Police also arrested a Christian man for printing or photocopying booklets containing testimonies of Muslims who had converted to Christianity.⁴⁴¹ In 1994 and 1995, authorities detained at least five Christians for “proselytizing” but released all of them after these Christians spent several weeks in prison. The following year police detained at least one Christian for “proselytizing.”⁴⁴²

c. Freedom to Select Religion

Under Egyptian law, conversion from Islam is not illegal and authorities cannot legally penalize converts. However, since both the government and societal pressure strongly discourage conversion, conversions are rare. In 1986 police arrested six Christian converts from Islam and accused them of “despising Islam.”⁴⁴³ A court later ordered their release on the ground that the existing law did not prohibit conversion from

⁴³⁹U.S. Department of State, *Country Reports on Human Rights Practices 1992*, Egypt, 995.

⁴⁴⁰U.S. Department of State, *Country Reports on Human Rights Practices 1993*, Egypt, 1171.

⁴⁴¹*Ibid.*

⁴⁴²U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Egypt, 1146; and U.S. Department of State, *Country Reports on Human Rights Practices 1996*, Egypt, 1250.

⁴⁴³U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Egypt, 1139.

Islam.⁴⁴⁴ In response, the Islamic opposition newspaper argued that apostasy should be treated as seriously as treason and urged the People's Assembly to pass a law prohibiting conversion from Islam.⁴⁴⁵ Later that year police arrested four non-Egyptian (two Moroccans and two Tunisians) Christian converts from Islam and charged them with violations of the law of national unity.⁴⁴⁶ After several court appeals, the authorities released all of these converts.⁴⁴⁷ Since then, Article 98f of the penal code, which prohibits any person from "degrading or disdaining any of the holy religions or any of its religious sects" with "the intention of harming national unity and social peace," has been interpreted as forbidding conversions of Muslims and, therefore, as making conversion from Islam punishable by imprisonment.⁴⁴⁸ In the 1990's there were several reports of state security officers detaining, interrogating, and, in some cases, physically abusing, several Christians and converts in an effort to obtain information about the identities and activities of other converts.⁴⁴⁹

Not only do those who convert from Islam have to deal with harassment and possible imprisonment, but they also cannot secure changes in the religion category on

⁴⁴⁴Ibid.

⁴⁴⁵Ibid.

⁴⁴⁶Ibid.

⁴⁴⁷Ibid.

⁴⁴⁸U.S. Department of State, *Country Reports on Human Rights Practices 1992*, Egypt, 995.

⁴⁴⁹U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Egypt, 1146; and U.S. Department of State, *Country Reports on Human Rights Practices 1996*, Egypt, 1250.

their national identity cards and other legal documentation. This law has been continually upheld since a 1980 court decision.⁴⁵⁰ As a consequence, a Muslim man who converts to another religion must still register his children as Muslims, as the law still regards him as a Muslim.⁴⁵¹ Police detained at least four individuals in 1994 and 1995 for attempting to change their names and religious affiliation on their national identity card.⁴⁵²

There are also restrictions on interreligious marriages which affect Christians' rights regarding conversion. Since there is no civil marriage in Egypt, a non-Muslim man who wishes to marry a Muslim woman must first convert to Islam. A Muslim man may marry a non-Muslim woman without a change of religion by either party. However, the children born into such a union must be raised as Muslims.

d. Freedom to Worship: Building and Maintenance of Churches

Under a 1856 Ottoman-era decree, non-Muslims must obtain numerous official permits to build or renovate churches, while the decree exempts Muslims religious buildings from this requirement. Obtaining these permits can take years, and the authorities often deny them. Even if authorities grant a permit, Christians often encounter

⁴⁵⁰U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Egypt, 1146.

⁴⁵¹U.S. Department of State, *Country Reports on Human Rights Practices 1992*, Egypt, 995. See also U.S. Department of State, *Country Reports on Human Rights Practices 1993*, Egypt, 1171; and U.S. Department of State, *Country Reports on Human Rights Practices 1994*, Egypt, 1071.

⁴⁵²U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Egypt, 1146.

difficulties in starting construction, since the government imposes multiple other conditions. For example, a church may not be built near a mosque, even though a mosque may be built near a church. This restriction is more odious than it may appear. Fundamentalist Muslims frequently respond to a church permit petition by quickly converting a property near the proposed Church's site into a mosque. The Christians then must find a new location on which to build the church.⁴⁵³ Security forces have also blocked churches from utilizing permits that the government had already issued.⁴⁵⁴ In order to construct a new church, Egypt also requires that a minimum number of Christians already live in the surrounding community of the proposed building site, and the new church must be within a certain proximity of other churches. Egypt attempts to actively constrain its country's Christian population from expanding geographically and potentially gaining new converts. Because of these building restrictions, some Christians must use private buildings and apartments for religious services instead of churches.⁴⁵⁵

From January 1981 to December 1990, Copts obtained only thirty-six building permits, ten of which authorized building new churches and the rest authorized repairing existing churches. Egypt granted forty-four permits to other Christian denominations

⁴⁵³U.S. Department of State, *Country Reports on Human Rights Practices 1991*, Egypt, 1382.

⁴⁵⁴U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Egypt, 1146.

⁴⁵⁵U.S. Department of State, *Country Reports on Human Rights Practices 1992*, Egypt, 995.

during this same period.⁴⁵⁶ In the 1980s Egypt issued an average of five building permits per year to Christian communities. From 1992 to 1997, the government quadrupled the number of building permits issued to Christian communities to an average of more than twenty a year. However, most of these permits only allowed existing churches to repair their facilities and long delays in issuing permits persisted.

Egypt also closed already existing Coptic churches and arrested individuals repairing churches without permits. In 1994 the government closed two buildings used by Coptic Evangelical Christians for church activities. The police also arrested a Coptic Christian who protested the closures but released him after a ten-day detention when he signed a statement binding him not to discuss the closures in public.⁴⁵⁷ In January 1995 police arrested three more Christians for making unauthorized repairs to a bathroom in their church.⁴⁵⁸ While Christian and Muslim reformers continually urged the abolition of the Ottoman decree, Islamic fundamentalists, who oppose the spread of Christianity in Egypt, defended the building restrictions.

e. Freedom from Discrimination

Christians served in the government and the military despite discrimination. Christians seeking government positions or university admissions, especially in medicine,

⁴⁵⁶U.S. Department of State, *Country Reports on Human Rights Practices 1991*, Egypt, 1381.

⁴⁵⁷U.S. Department of State, *Country Reports on Human Rights Practices 1994*, Egypt, 1072.

⁴⁵⁸U.S. Department of State, *Country Reports on Human Rights Practices 1995*, Egypt, 1146.

faced a notable amount of discrimination. Consequently, Christians are under-represented in government and fields that require higher education. The government also continually denied requests to establish a Coptic University, and universities blocked Christian professors from becoming chairmen of certain departments and holding other administrative positions.⁴⁵⁹

C. The 1998 Agreement

The Permanent Committee of al-Azhar for Dialogue with Monotheistic Religions established an Islamic-Catholic Liaison Committee in 1995. Recognizing the historic role of al-Azhar and the considerable prestige it enjoys, the Holy See set up a parallel committee for dialogue. At the initiative of al-Azhar, the Pontifical Council for Interreligious Dialogue, a dicastery of the Holy See, and the Permanent Committee of al-Azhar for Dialogue with Monotheistic Religions, part of the nationalized al-Azhar University, signed an agreement establishing a joint committee on May 28, 1998. Although international law does not clearly recognize the 1998 Agreement between the Pontifical Council for Interreligious Dialogue and the Permanent Committee of al-Azhar for Dialogue with Monotheistic Religions, the agreement does indirectly influence relations between the Vatican and Egypt and helps facilitate dialogue on both theological and practical matters.

⁴⁵⁹U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Egypt, 1211; U.S. Department of State, *Country Reports on Human Rights Practices 1985*, Egypt, 1214; and U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Egypt, 1140.

The joint committee is to “engage in the research of common values, the promotion of justice and peace, and the promotion of respect for religions.”⁴⁶⁰ The committee also must “foster exchanges on subjects of common interest such as the defense of human dignity and human rights” and “promote mutual understanding and respect between Catholics and Muslims through the exchange of necessary information.”⁴⁶¹ The joint committee meets at least once a year with meeting sites alternating between Cairo and Rome.⁴⁶² At the end of each meeting, the committee publishes a joint press release.⁴⁶³

The day after the two sides signed the agreement, John Paul II met with Cardinal Francis Arinze, then President of the Pontifical Council for Interreligious Dialogue, and members of a delegation from the Permanent Committee of al-Azhar for Dialogue between the Monotheistic Religions. In addressing this group, the pontiff expressed his pleasure at the creation of the joint committee for dialogue and labeled its establishment as a positive step towards building stronger and more friendly relations between Christians and Muslims. He stressed that dialogue is more necessary than ever, and this

⁴⁶⁰Agreement Between The Pontifical Council for Interreligious Dialogue (Vatican City) and The Permanent Committee of al-Azhar for Dialogue with Monotheistic Religions (Cairo) for the Creation of a Joint Committee for Dialogue, May 28, 1998, art. 6. This agreement was significant enough to be reported in the *Annual Report on International Religious Freedom*. See U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Egypt, 349.

⁴⁶¹Ibid.

⁴⁶²Ibid., art. 10.

⁴⁶³Ibid., art. 11.

dialogue must be “marked by mutual respect, knowledge, and acceptance.”⁴⁶⁴ The pope recognized that throughout history relations between Christians and Muslims “has had its lights and its shadows,” but he maintained that their remains “a spiritual bond which unites us and which we must strive to recognize and develop.”⁴⁶⁵

D. John Paul II's Visit to Egypt 2000

As part of his jubilee pilgrimage, Pope John Paul II visited Egypt on February 24-26, 2000. In an interview with the daily television program “Good Morning Egypt,” presidential political advisor Osama el-Baz noted that the pope’s visit comes in response to President Hosni Mubarak’s visit to the Vatican in 1994 and in recognition of Egypt’s role as a country of forgiveness and tolerance. El-Baz then highlighted the Holy See’s role in the Middle East peace process and its recent diplomatic agreement with the Palestine Liberation Organization (PLO).⁴⁶⁶ While there is no doubt that the Holy See’s broader Middle East policy impacted the pope’s credibility and influence in a country like Egypt, John Paul II’s trip to the region primarily sought to promote Christian unity and interreligious harmony in Egypt.⁴⁶⁷ In his first speech upon arrival at Cairo International

⁴⁶⁴John Paul II, “Dialogue is More Necessary than Ever,” *L’Osservatore Romano* English edition (Vatican City), June 3, 1998.

⁴⁶⁵*Ibid.*

⁴⁶⁶“Egypt’s el-Baz Underlines Significance of Pope’s Visit,” *MENA* (Cairo, Egypt), February 25, 2000. For the full text of the Holy See’s agreement with the PLO see *Basic Agreement between the Holy See and the Palestine Liberation Organization*, February 15, 2000: *AAS* 92 (2000), 853-856.

⁴⁶⁷“Pope Returns From Egypt, Anticipates Holy Land Visit,” *ANSA* (Rome, Italy) February 27, 2000. The Holy See’s position on the Palestinian cause, its willingness to separate the Holy See’s diplomacy from that of Western states, and its insistence that the

Airport, the pontiff specifically addressed Egyptian President Mubarak, Pope Shenouda III, Coptic Catholic Patriarch Stephanos, Grand Sheikh Mohammed Sayed Tantawi, and the Egyptian people. After reminding the political and religious leaders of Egypt that they must continually respect the rights of all, John Paul II firmly declared that “violence and conflict in the name of religion are a terrible contradiction and a great offence against God.”⁴⁶⁸ He also informed his audience that his visit to Saint Catherine’s Monastery at the foot of Mount Sinai, the last stop of his voyage in Egypt, would be “a moment of intense prayer for peace and interreligious harmony.”⁴⁶⁹

During the first day of his pilgrimage to Egypt, John Paul II paid a visit to al-Azhar University and met with Grand Sheikh Mohammed Sayed Tantawi.⁴⁷⁰ In his message to the grand sheikh, the pope asserted his conviction that “the future of the world

real Islam and terrorism are not linked gave John Paul II and the Holy See credibility in states like Egypt and the Arab world in general. See “Egypt’s el-Baz Underlines Significance of Pope’s Visit,” *MENA* (Cairo, Egypt), February 25, 2000; BBC Worldwide Monitoring: Middle East, “Shaykh of Egyptian al-Azhar Mourns Pope John-Paul II,” *MENA* (Cairo, Egypt), April 3, 2005; BBC Worldwide Monitoring: Middle East, “Political Mufti of Egypt Mourns Pope for His ‘Strong Support for Arab Causes,’” *MENA* (Cairo, Egypt), April 4, 2005; “Egypt: Three-day Mourning at Death of Vatican’s Pope,” *InfoProd* April 5, 2005; and “Egypt: Muslim Leaders Shower Praise on Late Pope,” *InfoProd* April 7, 2005.

⁴⁶⁸John Paul II, “Pilgrimage to Mount Sinai: Arrival in Cairo,” *L’Osservatore Romano* English edition (Vatican City), March 1, 2000.

⁴⁶⁹*Ibid.*

⁴⁷⁰“Al-Azhar Grand Imam Receives Visiting Pope,” *MENA* (Cairo, Egypt), February 24, 2000.

depends on the various cultures and on interreligious dialogue.”⁴⁷¹ He praised “those who are developing Islamic culture” and expressed his gratitude to them for working to maintain dialogue with Christian culture.⁴⁷² Al-Azhar Ulema Front and some ranking al-Azhar scholars issued a statement on the occasion of John Paul II’s visit to Egypt and the al-Azhar Institute, confirming Islam’s tolerance toward non-Muslims, particularly Christians, and called for holding dialogue with them. The statement also condemned the Western media’s stance on Islam and its equation of Islam with terrorism as well as objecting to Western media reports about the persecution of Copts in Egypt. In addition, the statement demanded each side take practical steps to make Muslim-Christian dialogue more effective.⁴⁷³

On the second day of his trip, John Paul II celebrated Mass at an indoor stadium in Cairo.⁴⁷⁴ In his homily he expressed his deep respect for the Coptic Orthodox Church and prayed that dialogue and reconciliation could develop fraternal relations and produce full communion between Catholics and Orthodox Copts.⁴⁷⁵ John Paul II also noted that both

⁴⁷¹ John Paul II, “The Pope Visits Grand Sheikh Mohammed Sayed Tantawi,” *L’Osservatore Romano* English edition (Vatican City), March 1, 2000.

⁴⁷² Ibid.

⁴⁷³ “Political Islam: AUH Issues Statement on Pope’s Visit; Shukri Welcomes Pope,” *Al-Sha’b* (Cairo, Egypt), February 25, 2000.

⁴⁷⁴ Approximately 25,000 Catholics attended the Mass, broadcast live by world television networks. See BBC Worldwide Monitoring: Middle East, “Egypt: Pope John Paul II Sends Peace Message, Leaves Following Visit,” (Cairo, Egypt), February 26, 2000.

⁴⁷⁵ John Paul II, “Pilgrimage to Mount Sinai: Holy Mass with Catholics of Egypt Concelebrated in the Cairo Sports Stadium,” *L’Osservatore Romano* English edition

the Coptic and Latin Catholics desired to foster friendly relations with Muslims, so Christians and Muslims can not only understand each other but work together to promote social justice, moral values, peace, respect and freedom.⁴⁷⁶ Christians and Muslims, while respecting each other's differences, should "place their skills at the service of the nation, at every level of society."⁴⁷⁷

Later that day John Paul II met with Pope Shenouda III, Patriarch Stephanos, and other bishops and dignitaries of the Christian churches and ecclesial communities of Egypt. Recalling the meeting between Pope Paul VI and Pope Shenouda III in 1973 and the common christological declaration that they signed,⁴⁷⁸ John Paul II expressed his hope that the Joint International Commission for the Theological Dialogue between the Roman Catholic and the Coptic Orthodox Church would once again work to clarify certain fundamental ecclesiological questions. He also renewed his invitation to all Church leaders and their theologians to engage with him in a "patient and fraternal dialogue" on

(Vatican City), March 1, 2000.

⁴⁷⁶"Pope Celebrates Mass in Cairo," *ANSA* (Rome, Italy) February 25, 2000.

⁴⁷⁷*Ibid.*

⁴⁷⁸In 1973, Pope Shenouda III was the first Coptic Orthodox pope to visit the Vatican in over 1500 years. During this visit, both Pope Shenouda III and Pope Paul VI signed a common declaration on the issue of christology, containing amongst other things, a confession of common faith in the mystery of the Word Incarnate, and an agreement to establish joint commissions for dialogue on unity. See *Joint Declaration by His Holiness Pope Paul VI and His Holiness Shenouda III, Pope of Alexandria and Patriarch of the See of Saint Mark of Alexandria*, May 10, 1973: *AAS* 65 (1973), 299-301.

the primacy of the bishop of Rome.⁴⁷⁹ On the last day of his pilgrimage, Pope John Paul II visited the Greek Orthodox monastery at the foot of Mount Sinai as he had promised and where he prayed for interreligious harmony and peace.⁴⁸⁰

Six months after his visit to Egypt, addressing the new ambassador of the Arab Republic of Egypt to the Holy See, John Paul II promised that the Catholic Church would continue to defend human dignity, work toward strengthening harmony and solidarity, and promote effective action in favor of the common good.⁴⁸¹ John Paul II fondly recalled his meeting with the Grand Sheikh Mohammed Sayed Tantawi and their mutual expression of desire for a new era of religious and cultural dialogue between Christians and Muslims.⁴⁸² He also recalled his meeting with Pope Shenouda III and representatives of the Churches of Egypt and reaffirmed the Catholic Church's desire to continue to work together with the Coptic Orthodox Church.⁴⁸³

⁴⁷⁹ John Paul II, "Dimensions of a Necessary Ecumenism," 613. See also John Paul II, *Ad nationum Legatos apud Sedem Apostolicam, ineunte anno 1979*, AAS 71 (1979), 1000-1001; and John Paul II, *Ut Unum Sint*, AAS 87 (1995), 977-978.

⁴⁸⁰ John Paul II, "On Pilgrimage to Mount Sinai," *Origins* 29 (March 9, 2000), 609, 611-612.

⁴⁸¹ John Paul II, "New Ambassador to the Holy See: Arab Republic of Egypt," *L'Osservatore Romano* English edition (Vatican City), September 13, 2000. Specifically, John Paul II noted the essential role al-Azhar plays in the Muslim world and how it provides an opportunity for interreligious dialogue especially between Christians and Muslims.

⁴⁸² Ibid.

⁴⁸³ Ibid.

In his 2004 address to the new Ambassador of the Arab Republic of Egypt accredited to the Holy See, the pope demonstrated his respect for al-Azhar University.⁴⁸⁴ Noting the necessity of developing a better mutual knowledge of the traditions and mentalities of the two religions, of their role in history, and their responsibilities in the contemporary world, John Paul II encouraged meetings between religious leaders and between peoples and communities in cities and villages.⁴⁸⁵ Assuring the envoy that Catholics in Egypt are “pleased to play an active role in their country’s development and are constantly concerned to establish peaceful relations with their compatriots,”⁴⁸⁶ the Holy Father told the envoy that he knew he “could count on the vigilance of the Egyptian authorities to ensure in particular to all citizens the principle of the freedom of worship and religion” and condemn violence in the name of religion.⁴⁸⁷

E. Religious Freedom in Egypt 1998-2005

1. Egypt’s Muslims

Between 1999 and 2005, the situation of religious freedom for Egyptian Muslims largely remained the same as it had been in the twenty plus years prior to the 1998 Agreement and the 2000 papal visit. The government continued to try and keep the Islamic faith in Egypt under its control, and the government still paid the salaries of

⁴⁸⁴John Paul II, “New Ambassador to the Holy See: Arab Republic of Egypt,” *L’Osservatore Romano* English edition (Vatican City), September 29, 2004.

⁴⁸⁵*Ibid.*

⁴⁸⁶*Ibid.*

⁴⁸⁷*Ibid.*

imams. Although the government still maintained that it did not censor sermons of Islamic religious figures, authorities continued to detain and question Muslim prayer leaders for delivering allegedly “inflammatory declarations” in their mosques. Moreover, the government continued to bring all “unauthorized” mosques under its control.⁴⁸⁸

Beginning in 1999 the government occasionally prosecuted members of religious groups whose practices deviated from mainstream Islamic beliefs and whose activities allegedly jeopardized communal harmony. In 1999 courts convicted fourteen persons of heresy against Islam and police arrested another fifty on the same charges.⁴⁸⁹ Police arrested another seventy individuals in 2001 on suspicion of extremist religious beliefs and practices.⁴⁹⁰ Authorities charged several writers with expressing “extremist” religious beliefs and practices in 2002 and 2003; arrested, detained, and questioned eight

⁴⁸⁸U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Egypt, 2043; U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Egypt, 1860-1861; U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Egypt, 2029; U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Egypt, 1896; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Egypt, 1836-1837; U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Egypt, 1783-1784; and U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Egypt, 1801 and 1804.

⁴⁸⁹U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Egypt, 2043.

⁴⁹⁰U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Egypt, 2030-2031.

Shi'a Muslims in 2003 over concerns about their religious beliefs;⁴⁹¹ and prosecuted several more individuals in 2005 for holding similar beliefs.⁴⁹²

2. Egypt's Baha'is

Between 1999 and 2005, the situation of religious freedom of Egyptian Baha'is remained the same as it had been in the twenty plus years prior to the 1998 Agreement and the 2000 papal visit. The 1960 presidential decree, which banned Baha'i institutions and community activities and stripped members of the Baha'i faith of all legal recognition, remained in full effect during these six years. Egyptian Baha'is continued to face personal and collective hardship. Not only did their freedom to worship remain severely restricted, but they continued to face harassment. The government denied birth and death certificates as well as marriage licenses to members of the Baha'i community.⁴⁹³ Egypt's refusal to give legal recognition to Baha'i marriages affects a whole range of family issues. As a result, Baha'i individuals had no legal recourse with regards to inheritance, pension, alimony, child custody, and divorce issues.

⁴⁹¹U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Egypt, 1896; and U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Egypt, 1837.

⁴⁹²U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Egypt, 1837; and U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Egypt, 1804.

⁴⁹³U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Egypt, 532.

In 2004 the Ministry of Interior began to upgrade its automation of civil records, including national identity cards.⁴⁹⁴ Egypt already deprived its Baha'i population any right to organize as a religious community, but this move compounded Egyptian Baha'is' problems. The government claimed that its new software requires all citizens to be categorized as Muslims, Christians, or Jews. Since Baha'is do not fit into any of these categories, the new law either forced them to misrepresent themselves as members of one of these religions or go without identity cards. The law requires identity cards; and without them individuals cannot get or maintain a legal job, receive an education, access medical and financial services, or exercise their freedom of movement and security of property.⁴⁹⁵

3. Egypt's Jews

Between 1999 and 2005, the situation of religious freedom of Egyptian Jews remained unimproved from the way it had been for the twenty plus years prior to the 1998 Agreement and the 2000 papal visit despite their radically dwindling population. In 1999, anti-Semitic statements appeared in both the independent press and Egyptian government press.⁴⁹⁶ Though the government criticized anti-Semitism and advised journalists and

⁴⁹⁴Ibid., 529 and 532; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Egypt, 559-560.

⁴⁹⁵Ibid., 529 and 532; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Egypt, 559-560.

⁴⁹⁶U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Egypt, 350.

cartoonists to avoid it,⁴⁹⁷ anti-Semitism in the government press increased in late 2000 and 2001 following the outbreak of violence in Israel and the Occupied Territories. The government repeated its advisory to journalists and cartoonists,⁴⁹⁸ but instances of anti-Semitism continued to appear in government-supported media in 2002 and 2003. Nevertheless, by 2004 representatives of the state's very small and shrinking Jewish community reported generally satisfactory security measures and cooperation with different agencies of the government.⁴⁹⁹

4. Egypt's Christians

In the years following the 1998 Agreement and the 2000 papal trip to Egypt, Islamic groups and police occasionally assaulted and brutalized Christians. Most significantly, a financial dispute between a Muslim and a Christian in 2000 escalated to bloody inter-religious clashes dubbed the El Kosheh attacks that lasted into the following year.⁵⁰⁰ Christians continued to charge the government with not doing enough to protect Christian lives and property.⁵⁰¹

⁴⁹⁷U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Egypt, 350.

⁴⁹⁸U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Egypt, 423

⁴⁹⁹U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Egypt, 537.

⁵⁰⁰BBC News, "Egyptian Court Orders Clashes Retrial," July 30, 2001.

⁵⁰¹U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Egypt, 1652-1653; U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Egypt, 1897; and U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Egypt, 1805.

These years saw some improvements in relations between Christians and the state including the introduction of Coptic and Byzantine history into the curricula of all government schools,⁵⁰² increased coverage of Christian subjects in the mass media,⁵⁰³ and the establishment of Coptic Christmas as a national holiday.⁵⁰⁴ In November 2000 Egyptian voters elected three Christians to the People's Assembly, the first Christians to be elected to parliament in ten years. That same year the president also appointed an additional four Christians to the People's Assembly.⁵⁰⁵ Following the terrorist attacks in the United States in 2001, the Grand Imam of al-Azhar, Sheikh Tantawi, and Pope Shenouda participated in several joint public events promoting national unity.⁵⁰⁶ In

⁵⁰²U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Egypt, 348; U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Egypt, 532; U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Egypt, 426; U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Egypt, 529; and U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Egypt, 494.

⁵⁰³Beginning in 1999 government owned television and radio stations gradually increased the amount of time allotted to Christian programming. By 2002 broadcasts included Christmas and Easter services, excerpts from Pope Shenouda's weekly public addresses, documentaries on Egypt's monasteries, the travels of the Holy Family, and discussions between Christians and Muslims. See U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Egypt, 529; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Egypt, 494; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Egypt, 537; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Egypt, 564.

⁵⁰⁴U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Egypt, 493.

⁵⁰⁵U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Egypt, 426.

⁵⁰⁶U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Egypt, 528; U.S. Department of State, *Annual Report on International Religious*

March 2002, when Pope Shenouda laid the cornerstone for the first Coptic Orthodox church in south Sinai province, several government officials, sheikhs from al-Azhar, and a representative of the Holy See attended the ceremony. Two months later, Sheikh Tantawi visited the Coptic Bishop of Sohag and gave a speech on the strong bond between Christians and Muslims.⁵⁰⁷ From 2002 to 2005, the government also began taking more prompt action to quell incidents of sectarian violence.⁵⁰⁸

a. Freedom to Appoint Leaders

Between 1999 and 2005, the government did not interfere with the freedom of Christian communities to freely chose their own hierarchy or equivalent ministers according to their own constitutional norms. The government also did not interfere during these six years in the freedom of religious authorities to freely exercise their ministry, ordain priests or ministers, appoint individuals of their choosing to ecclesiastical offices, and communicate and have contacts with those belonging to their religious denomination. This marked a real improvement from the previous twenty-one years.

Freedom 2003, Egypt, 493; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Egypt, 536; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Egypt, 564.

⁵⁰⁷U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Egypt, 528-529.

⁵⁰⁸*Ibid.*, 528; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Egypt, 493; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Egypt, 537; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Egypt, 564.

b. Freedom to Proclaim and Communicate Religious Teaching

During the six years under evaluation, the government continued to prohibit the “proselytization” of Muslim Egyptians and banned foreign missionaries from entering the country. Those convicted of “proselytizing” faced imprisonment. Egypt implemented these laws, actively refusing entry into the country and punishing individuals suspected of “proselytizing.”⁵⁰⁹ The government detained Christians who engaged in “proselytizing” activities in 1999 and 2000.⁵¹⁰ In 2001 police held and questioned three Christian men suspected of inducing a young Muslim woman to run away from home.⁵¹¹ They later released the three men without charge.⁵¹²

c. Freedom to Select Religion

Although not illegal under Egyptian law, conversion from Islam remained rare since both the government and societal pressure strongly discourage it. Every year from 2002 to 2005, Muslim men allegedly forced Coptic girls to marry them and convert to Islam. Observers, including human rights groups, could not get access to the married girls to determine if these cases truly involved coercion. Although the law prohibits girls under the age of sixteen from marrying and requires the approval and presence of her

⁵⁰⁹U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Egypt, 554.

⁵¹⁰U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Egypt, 2042; and U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Egypt, 1860..

⁵¹¹U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Egypt, 2029.

⁵¹²*Ibid.*

guardian at the wedding for those between ages sixteen and twenty-one, the authorities failed in at least some documented cases to uphold the law in cases of marriage between underage Christian girls and Muslim men.⁵¹³

In other cases, Muslim men allegedly forced Coptic girls to convert to Islam prior to marriage. Although the law requires that the girl must meet with her family, her priest, and the head of her Church before she can convert, authorities overlooked this requirement in practice. Once she has converted to Islam whether willingly or not, the girl's Christian family loses guardianship, which transfers to a Muslim custodian who grants approval for the marriage. The law is silent on the matter of the acceptable age of conversion.⁵¹⁴ Families of the Coptic girls had no real legal recourse, even though they claimed their daughters had been kidnaped and raped. For instance, in April 2002, a court ruled on a case of a seventeen year old girl who had "disappeared" (been "kidnaped," according to her family) in 1999, reportedly converted to Islam the same year, and married in 2000. The girl's father, alleging that authorities had issued her a falsified identity card which indicated she was twenty-two at the time of her marriage,

⁵¹³U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Egypt, 1897; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Egypt, 1838; U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Egypt, 1784; and U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Egypt, 1804.

⁵¹⁴U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Egypt, 1898; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Egypt, 1838; U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Egypt, 1784-1785; and U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Egypt, 1804.

sued for custody and abolition of the marriage. However, the court ruled that the father had lost custody of his daughter when she converted to Islam.⁵¹⁵

The law still prevents Coptic men from marrying Muslim women. The Egyptian government does not recognize interreligious marriages between Coptic men and Muslim women even when contracted abroad, and the state can charge a Muslim woman with apostasy and deny her custody of any children from such a marriage. The government's interpretation of *shari'a* allows such children to be assigned to the physical custody of a male Muslim guardian.⁵¹⁶

Those who converted to Islam continued to have trouble returning to their original religion as they were unable to change their religious status on their national identity cards to a religion other than Islam. The state classifies minor children of converts to Islam, and in some cases adult children, as Muslims regardless their spouses' religious affiliation. The government holds that this automatic classification is in accordance with *shari'a* which recognizes "no jurisdiction of a non-Muslim over a Muslim."⁵¹⁷

Since converts to Christianity have no legal means to register a change in their religious status, they often seek illicit identity papers by submitting fraudulent documents or bribing government officials who process the documents. On occasion, authorities

⁵¹⁵U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Egypt, 1898.

⁵¹⁶U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Egypt, 1804.

⁵¹⁷U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Egypt, 1836.

charged converts with forgery. In 2002 police arrested three Christians for falsifying their religion on documents.⁵¹⁸ Police arrested another twenty converts in 2003, including new and returning Christian converts.⁵¹⁹ In 2005 at least forty-nine individuals who converted to Islam sought to recover their original Christian identities. Eight of the forty-nine succeeded, although the Ministry of Interior appealed two of the eight to the Supreme Administrative Court. Police also harassed those who converted from Islam.⁵²⁰

d. Freedom of Worship: Building and Maintenance of Churches

After the 1998 Agreement and the 2000 papal visit, Egypt significantly improved the state of permit restrictions imposed upon Christians who desired to build or repair church facilities. In response to strong criticism of the Ottoman decree, the president in 1998 delegated to governors the authority to approve permits for the repair of churches.⁵²¹ In December 1999, the president issued a new decree making the repair of all places of worship subject to a 1976 civil construction code, a change which placed churches and mosques on equal footing before the law.⁵²² In 1998 churches obtained thirty permits for

⁵¹⁸U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Egypt, 1869.

⁵¹⁹*Ibid.*, 1836-1837.

⁵²⁰U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Egypt, 1802.

⁵²¹U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Egypt, 1653.

⁵²²U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Egypt, 2043.

construction and 207 permits for repairs, a marked increase from previous years.⁵²³ Egypt issued a similar number of permits to the Christian community every following year.⁵²⁴

Despite the president's actions, the process for obtaining permits remained time-consuming and not sufficiently responsive to the needs of the Christian community. Local government officials continued to prevent new churches from being built by delaying the issuing of permits or refusing to enforce permits already issued. These delays can last for years. In 2005 local authorities continued to close unlicensed buildings where religious communities gathered for worship.⁵²⁵

e. Freedom from Discrimination

The government continued to discriminate against Christians between 1999 and 2005. While the government tolerates Christians who engage in education and social and development work, no Christian has served as a governor, police commissioner, city mayor, university president, or dean, and few Christians worked in the upper ranks of the security services and armed forces. The Egyptian government discriminated against

⁵²³U.S. Department of State, *Country Reports on Human Rights Practices 1998*, Egypt, 1653.

⁵²⁴U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Egypt, 2043; U.S. Department of State, *Country Reports on Human Rights Practices 2000*, Egypt, 1860; U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Egypt, 2029-2030; U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Egypt, 1896; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Egypt, 1837; U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Egypt, 1783; and U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Egypt, 1802.

⁵²⁵U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Egypt, 1802.

Christians in public sector employment and staff appointments to public universities. The government refused to admit Christians into public university training programs for Arabic language teachers that involved study of the Koran (with a single exception in 2002). The government continued to pay Muslim imams through public funds but not Christian clergy.⁵²⁶

F. Conclusion

The Holy See established diplomatic relations with Egypt in 1947. Since this time the Holy See's diplomatic *modus operandi* in Egypt has been described as "quiet and patient relations."⁵²⁷ Under John Paul II's direction, the Holy See's approach to diplomatic relations with Egypt was very top-down rather than grassroots-led; the Holy See's strategy is often top-down in countries where Catholics constitute a small minority of the populace, democratic institutions are weak or absent altogether, and the local church and episcopal conference cannot make any substantive gains because of their weak position in dealing with their governments.⁵²⁸

⁵²⁶U.S. Department of State, *Country Reports on Human Rights Practices 2002*, Egypt, 1897; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Egypt, 1837-1838; U.S. Department of State, *Country Reports on Human Rights Practices 2004*, Egypt, 1784; and U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Egypt, 1805.

⁵²⁷Tahseen M. Basheer, "Egypt's Diplomatic Relations with the Holy See," *The Vatican, Islam, and the Middle East*. Kail C. Ellis, ed. (Syracuse, NY: Syracuse University Press, 1987), 190.

⁵²⁸Several diplomats of the Holy See and Dominican Friars at the Dominican Institute for Oriental Studies confirmed this during interviews with the author.

A significant aspect of the Holy See's diplomacy in Egypt between 1978 and 2005 was its interactions with Egyptian institutions outside the government or institutions that are arms of the government. During John Paul II's pontificate, the Holy See worked with these institutions to promote ecumenical and interreligious dialogue with the hope that it would, in turn, impact official relations between the Holy See and Egypt. The Pontifical Council for Interreligious Dialogue's Agreement with the Permanent Committee of al-Azhar for Dialogue with Monotheistic Religions is just one example of how the Holy See moves through semi-official diplomatic channels. John Paul II strengthened relations with the Coptic Orthodox Church as well as relations with Muslims and the government of Egypt.

The 1998 Agreement and the pope's 2000 visit to Egypt do not seem to have had the same far-reaching effect as similar initiatives in the other countries evaluated. The overall assessment of the state of religious freedom in Egypt in the aftermath of these initiatives remained abysmal and basically unchanged. The religious freedom of Muslims, Jews, and Baha'is in Egypt remained virtually the same throughout the entire twenty-seven year period (1978-2005), while the religious freedom of Egyptian Christians saw only modest improvements.

The government continued to keep mosques, imams, and Islamic scholars under their control. These restrictions contradicted John Paul II's understanding that religious freedom includes the freedom to organize and to proclaim and communicate the teaching of faith. The Baha'i community still endured severe discrimination and remained unable to hold meetings. With regard to the Baha'i community, the state infringed upon all

twelve practical standards of religious freedom established by John Paul II. Judaism, like Christianity, remained a merely “tolerated” religion. Blatant anti-Semitism in government-supported news papers continued while the government decried the anti-Semitic work of journalists and cartoonists until 2004. Thus, Egypt did not realize another of John Paul II’s metrics of religious freedom: the freedom from discrimination.

Egyptian Christians experienced modest improvements in religious freedom in the years following the 1998 Agreement and the 2000 papal visit. However, it is difficult to see a direct correlation between either the 1998 Agreement or the 2000 papal visit and these changes. Since the Egyptian government had already stopped interfering in the ability of Christian ministers to exercise their ministry freely and allowed Christian communities to choose their own internal hierarchy or equivalent ministers in 1990, it is impossible to attribute the 1998 Agreement and the 2000 papal visit as having directly effected the initiation of these two improvements in religious freedom.

Following the 1998 Agreement and the 2000 papal visit Christians increasingly could have churches or places of worship according to the needs of their communities. While Egypt restricted their ability to build and maintain churches and places of worship, the restrictions proved slightly less onerous than they had been prior to the 1998 Agreement and the 2000 papal visit. However, one cannot credit the Holy See’s diplomacy with this particular improvement.

Egyptian Christians still labored under the other three main restrictions on the religious freedom incongruent with John Paul II’s concept of religious freedom present

prior to the 1998 Agreement. As of 2005 Christians could not freely communicate the teaching of their faith, hold or not hold a particular faith and join a corresponding confessional community, or generally live free from discrimination on religious grounds in all aspects of life. Nevertheless, the agreement and papal visit did have some positive impact. They led to the establishment of the joint committee for dialogue to improve relations between Christians and Muslims in Egypt. This joint committee provides a forum for communication to highlight issues of importance and areas of agreement between Catholics and Muslims. John Paul II's visit prompted the newly-created joint committee to study the significance of the pope's visit, which determined that Egyptians approved of John Paul II's visit to al-Azhar and highly appreciated his recognizing the institute as welcoming and moderate.. The joint committee designated February 24, the date of the papal visit to al-Azhar, as dialogue day for its annual meeting and committed to continue its collaboration with the University of St. Thomas Aquinas, Rome.⁵²⁹

The joint committee made many other positive contributions to Christian-Muslim relations between its creation in 1998 and 2005. For example, after the terrorist attacks in the United States in 2001, the joint committee issued a declaration condemning the attacks. It emphasized that the true basis for peace is justice and mutual respect.⁵³⁰ In

⁵²⁹“Catholic-Muslim Dialogue Holds Third Meeting in Rome,” *L'Osservatore Romano* English edition (Vatican City), April 19, 2000.

⁵³⁰Joint Committee of the Permanent Committee of al-Azhar for Dialogue with The Monotheistic Religions and the Pontifical Council for Interreligious Dialogue, “Declaration of the Joint Committee of the Permanent Committee of al-Azhar for Dialogue with the Monotheistic Religions and the Pontifical Council for Interreligious Dialogue” *Pro Dialogo* 108 (2001), 332-333.

2003 the joint committee discussed terrorism and the responsibility of religions to confront it. It condemned recourse to war as means of resolving conflicts between nations. The Muslim members of the committee welcomed the pope's clear policy and efforts in favor of peace. In a similar fashion, the Catholic members of the committee expressed their appreciation for the grand sheikh al-Azhar and other Muslim leaders who have spoken out in defense of peace.⁵³¹ After its annual meeting in 2004, the joint committee appealed to all people to "avoid generalizations in judging people and to allocate responsibility only to those who have committed transgressions and not to blame innocent people for the misdeeds of others."⁵³²

In 2005 the theme of the joint committee's annual meeting was "*Da'wah* and Mission." The inaugural meeting's theme highlighted the importance of respectfully proclaiming and communicating religious teaching to individuals, termed "*da'wah*" for Muslims and "mission" for Catholics, to dignified inter-religious encounters.⁵³³ After the meeting the participants issued a joint statement to note their agreement on six points.

⁵³¹Joint Committee of the Permanent Committee of al-Azhar for Dialogue with The Monotheistic Religions and the Pontifical Council for Interreligious Dialogue, "War, Proof that Humanity Has Failed," *Origins* 32 (March 13, 2003), 646-647.

⁵³²Joint Committee of the Permanent Committee of al-Azhar for Dialogue with The Monotheistic Religions and the Pontifical Council for Interreligious Dialogue "Islamic-Catholic Committee's Joint Statement Original Text," March 8, 2004, <http://www.zenit.org> (accessed April 8, 2004).

⁵³³The concept of *da'wah*, or invitation to Islam, corresponds to the concept of mission in Christianity. For more information on *da'wah* see Asghar Ali Engineer, "Da'wah or Dialogue," *Journal of Ecumenical Studies* 39 (2002), 26-31; and Larry Poston, *Islamic Da'wah in the West: Muslim Missionary Activity and the Dynamics of Conversion to Islam* (New York, NY: Oxford University Press, 1992).

First, the joint committee recognized the importance of the role of religious educational institutions that specialize in the formation and training of graduates who will engage in *da'wah* and mission.⁵³⁴ Second, both parties agreed that each person's freedom of belief should be respected, need and ignorance should not be exploited, and financial or social advantages should not be used to attract people to embrace a particular religion.⁵³⁵ Third, both parties affirmed the right of every person to seek truth and to follow it according to his or her conscience without fear of incurring punishment.⁵³⁶ Fourth, both parties acknowledged the importance of coordination between the two sides during international colloquia and meetings, while accepting the possibility of maintaining different positions.⁵³⁷ Fifth, both parties recognized that terrorism has no religion and agreed to appeal to the international community not to link religion and terrorism and affirmed that both Christianity and Islam call for peace, fraternity and love among all human beings.⁵³⁸ Finally, in order to achieve a deeper understanding between Christians and Muslims, both parties agreed that historians from each side should study jointly conflicts that took place in the past, especially the Crusades.⁵³⁹

⁵³⁴Joint Committee of the Permanent Committee of al-Azhar for Dialogue with The Monotheistic Religions and the Pontifical Council for Interreligious Dialogue, "Press Release: Results of Islamic-Catholic Dialogue," *L'Osservatore Romano* English edition (Vatican City), March 2, 2005.

⁵³⁵Ibid.

⁵³⁶Ibid.

⁵³⁷Ibid.

⁵³⁸Ibid.

⁵³⁹Ibid.

It may be too early to evaluate the effectiveness of John Paul II's visit to Egypt, the 1998 Agreement, and especially the work of the joint committee for dialogue which the 1998 Agreement created. Still, Christian-Muslim relations in Egypt have seen some positive steps forward. The joint committee's mutual recognition of respect for freedom of belief and the freedom to seek and follow the truth are especially encouraging steps in the promotion of religious freedom. It remains to be seen if John Paul II's and his papal diplomats' gestures of respect, efforts to initiate dialogue, and support of Christian minorities in Egypt will have any lasting effect in the country.

VI. Conclusion

The four Islamic majority states studied in this chapter have diverse histories, cultures, and political systems, but the Holy See's diplomatic policies under the direction of John Paul II largely focused on advancing the same four theologically-derived goals: the promotion of respect, the promotion of dialogue, securing the right to religious freedom in legal agreements, and ensuring the survival of religious minorities. As chief diplomat, the pontiff's understanding of religious freedom and the universal character of the Church influenced his policy statements, particularly those during his papal trips. With this global perspective in mind, John Paul II pursued a highly-consistent, systematic, and pragmatic foreign policy towards these four Islamic majority states.

The pope generally made an effort during his apostolic visits to Muslim majority states to meet with Muslims.⁵⁴⁰ In his addresses to Muslims and even in his addresses to

⁵⁴⁰In Morocco John Paul II addressed the country's Muslim youth in a Casablanca Stadium. In Egypt the pope met with Muslims leaders at his arrival ceremony and at Al-

the Catholic minorities in these countries, the pope proclaimed the Church's respect and esteem for Muslims and their religious tradition. He reached out to Muslims in ways that were once impossible and even deemed heretical. While representing the figure of Christ and the Gospel message, John Paul II made it known that the pope and the Catholic Church are friends of Islam not its enemies.⁵⁴¹

The pope emphasized the many commonalities between Catholicism and Islam while recognizing that differences remain. John Paul II highlighted the shared values of Christians and Muslims as brothers in Abraham and explained that faith in God calls us to meeting and dialogue.⁵⁴² While the pope brought increased attention to Christian-

Azhar University in Cairo. In Kazakhstan the pope greeted and addressed Muslim leaders during his arrival ceremony in Astana. In addition, 90 percent of the attendees at John Paul II's public Mass in Astana's homeland square were Muslims. The one exception is Côte d'Ivoire where John Paul II did not meet with explicitly Muslim leaders or groups. See John Paul II, "Visit in Kazakhstan: Arrival in Astana," *L'Osservatore Romano* English edition (Vatican City), September 26, 2001; John Paul II, "Sunday Angelus: 9 September: Pray for Success of Apostolic Journey," *L'Osservatore Romano* English edition (Vatican City), September 12, 2001; John Paul II, *Albae domi, in Marochio, ad iuvenes muslimos habita*, AAS 78 (1986), 95-104; John Paul II, "Cairo: Visita Di Cortesia Al Grande Sceicco Di Al-Azhar Sua Eccellenza Mohamed Sayed Tantawi," February 24, 2000, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 2000), 23: 252; and John Paul II, "Cairo: Cerimonia Di Benvenuto All'Aeroporto Internazionale," February 24, 2000, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 1985), 23: 248-250.

⁵⁴¹ John Paul II, "Address to Leaders of Culture, Art and Science," 293-294; John Paul II, "Visit in Kazakhstan: Apostolic Nunciature, Astana," *L'Osservatore Romano* English edition (Vatican City), September 26, 2001; John Paul II, *Albae domi, in Marochio, ad iuvenes muslimos habita*, AAS 78 (1986), 98; and John Paul II, "Cairo: Cerimonia Di Benvenuto All'Aeroporto Internazionale," 249.

⁵⁴² John Paul II, "On the Occasion of the Parting Ceremony," 318; John Paul II, "Visit in Kazakhstan: Arrival in Astana," *L'Osservatore Romano* English edition (Vatican City), September 26, 2001; John Paul II, "Christianity's Commitment to the Tasks of This World," 289-290; John Paul II, "Visit in Kazakhstan: Apostolic

Muslim dialogue during his visits to each of these countries, he left the bulk of the legwork to his diplomats, the Pontifical Council for Interreligious Dialogue, and locals on the ground. The Holy See's strained relations with the largest Christian denominations in Kazakhstan and Egypt, the Russian Orthodox and Coptic Orthodox respectively, complicated the Holy See's diplomacy in each country. Therefore, the Holy See simultaneously sought to foster dialogue with the Orthodox Church in these countries as well as with the Islamic majorities.⁵⁴³

There is little doubt that the Holy See's Middle East policies, particularly those which demonstrated signs of independence from Western states (e.g. the Holy See's opposition to the U.S. led invasion of Iraq, its stance on the Palestinian-Israeli conflict, its condemnation of violence regardless of political hue, and its refusal to link Islam with terrorism) and its broader initiatives (e.g. the Assisi Days of Prayer for Peace, John Paul II's seeking forgiveness and reconciliation, and the pope's entering a mosque) had a significant impact on the Holy See's relationship with these Islamic majority states,

Nunciature, Astana," *L'Osservatore Romano* English edition (Vatican City), September 26, 2001; John Paul II, "Visit in Kazakhstan: Departure from Astana," *L'Osservatore Romano* English edition (Vatican City), September 26, 2001; John Paul II, *Albae domi, in Marochio, ad iuvenes muslimos habita*, AAS 78 (1986), 95-96, and 98; John Paul II, "Cairo: Cerimonia Di Benvenuto All'Aeroporto Internazionale," 249-250.

⁵⁴³ John Paul II, "Visit in Kazakhstan: Arrival in Astana," *L'Osservatore Romano* English edition (Vatican City), September 26, 2001; John Paul II, "Visit in Kazakhstan: Apostolic Nunciature, Astana," *L'Osservatore Romano* English edition (Vatican City), September 26, 2001; John Paul II, "Dimensions of a Necessary Ecumenism," 612-614; and John Paul II, "Cairo: Concelebrazione Eucaristica Nel Palazzo Dello Sport," February 25, 2000, *Insegnamenti di Giovanni Paolo II* (Vatican City: Libreria Editrice Vaticana, 2000), 23: 256.

particularly Egypt and Morocco.⁵⁴⁴ While these actions assuredly affected the perception of the Holy See in general, it was John Paul II's visits to these countries and the diplomatic agreements concluded which appear to have had the greatest impact on the Holy See's diplomatic relations with each of the four countries and the religious freedom granted to Catholics there. In at least three of the countries under study, John Paul II's willingness to visit these Muslim majority countries and his concerted efforts to reach out and engage Muslims in a respectful manner inspired government or Muslim leaders to begin or enhance programs that provided opportunities for religious leaders to dialogue and religious communities to work together to promote peaceful relations.⁵⁴⁵ The agreements with these four Islamic majority states addressed various issues in public ecclesiastical law and in many instances improved the situation of religious freedom in the countries. John Paul II promoted religious freedom for all, but his special relationship

⁵⁴⁴See for example BBC Worldwide Monitoring: Middle East, "Political Mufti of Egypt Mourns Pope for His 'Strong Support for Arab Causes.'" *MENA* (Cairo, Egypt), April 4, 2005; "Egypt: Muslim Leaders Shower Praise on Late Pope." *InfoProd*, April 7, 2005; and "Muslims Urge Pope to Nurture John Paul II's Legacy," *Turkish Daily News* (Istanbul, Turkey) April 21, 2005.

⁵⁴⁵For example, the president of Kazakhstan, inspired by John Paul II, launched a program in February 2003 to open dialogue between religions and cultures. The Kazakh president sought Vatican assistance in the planning and implementation of this program. The Moroccan government also launched several programs, festivals, symposia, and colloquia to promote interreligious understanding and dialogue in the years after the pope's visit. Moreover, the King of Morocco ordered that interfaith memorials be held in the Catholic Church in Rabat after the September 11, 2001, and March 11, 2001, terrorist attacks. In addition, in May 2005 as a tribute to the late John Paul II and his interfaith work the King also hosted an interfaith memorial service in the pope's honor. John Paul II's visit to al-Azhar University in Egypt prompted the joint committee for dialogue to designate February 24, the date of the papal visit to al-Azhar, as dialogue day for its annual meeting.

with Catholics often advanced the religious freedom of Catholic minorities in these Muslim majority countries in particular.

Under John Paul II's direction, the Holy See demonstrated its willingness to formulate diplomatic agreements with all four states regardless of their type of regime. These regimes ranged from constitutional monarchies as in Morocco to more authoritarian regimes in Côte d'Ivoire, Kazakhstan, and Egypt. The Pontifical Council for Interreligious Dialogue even concluded agreements with semi-official institutions such as al-Azhar in Egypt. While the Holy See's agreements with all four countries had as their primary goal the legal assurance of the right to religious freedom in the country, the Holy See took a pragmatic approach to the drafting and conclusion of these agreements, an approach which emphasized concrete results.

Concerned to protect the welfare of Catholic minorities living in these Islamic-majority countries and to promote peaceful coexistence, the Holy See demonstrated a willingness to conclude various types of pacts (conventions, diplomatic exchange of notes, and agreements) and a willingness to conclude agreements that had a doctrinal justification other than the right to religious freedom as strictly articulated by John Paul II.⁵⁴⁶ The Holy See was less concerned with why the states guaranteed religious freedom than with the fact that they did. While each of the agreements guaranteed to some extent the religious freedom of Catholics and the Church, the Holy See did not invoke explicitly

⁵⁴⁶The Holy See concluded two "conventions" with Côte d'Ivoire, a "diplomatic exchange of notes" with Morocco, and an "agreement" with both Kazakhstan and The Permanent Committee of Al-Azhar for Dialogue with the Monotheistic Religions.

the human right to religious freedom in any of the agreements it concluded with Islamic majority states. The Holy See negotiated ways of expressing what the Church understands as the right to religious freedom to ensure the survival of Catholic minorities in these regions without compromising its ideals.⁵⁴⁷

Though neither the 1998 Agreement with Kazakhstan nor the diplomatic exchange of notes between King Hassan II and John Paul II explicitly recognize the right to religious freedom, both agreements enable the Catholic Church to exercise its own internal jurisdiction freely.⁵⁴⁸ Nevertheless, real differences remain between the two Islamic-majority states' approach to religious freedom for Catholics. The two states provide very different justifications for protecting religious freedom of Catholics in their agreements with the Holy See. Both guarantee the Catholic Church the free exercise of its mission in each country, but the 1998 Agreement with Kazakhstan goes much further than the agreement with Morocco and legally guarantees the Catholic Church in Kazakhstan the freedom to exercise its rights and powers in accord with the principles of respect and non-interference in internal affairs.⁵⁴⁹ Morocco only allows the Catholic Church to exercise its own activities publicly and freely in the spirit of Islam's extreme

⁵⁴⁷ Agreement between the Holy See and the Republic of Kazakhstan on Mutual Relations, preamble, *AAS* 92 (2000), 320; King Hassan II of Morocco, *AAS* 77 (1985), 713-714.

⁵⁴⁸ *Ibid.*

⁵⁴⁹ Agreement between the Holy See and the Republic of Kazakhstan on Mutual Relations, preamble, *AAS* 92 (2000), 320.

tolerance.⁵⁵⁰ The distinction reflects the permanency of each state's commitment to religious freedom. While Kazakhstan has acknowledged its respect for the freedom of the Church to exercise its mission, Morocco's commitment to merely tolerate Catholics is much more tepid and could more easily be reversed in the future.

The two conventions the Holy See concluded with Côte d'Ivoire and the agreement between the Pontifical Council for Interreligious Dialogue and al-Azhar do not have the same wide reaching effect as the diplomatic exchange of notes between King Hassan II and John Paul II and the 1998 Agreement with Kazakhstan. The agreements with Côte d'Ivoire and al-Azhar do not guarantee the Catholic Church the free exercise of its mission in broad terms. These agreements are not based on principles of respect, non-interference in internal affairs, or even a "spirit of extreme tolerance." Rather, the Holy See concluded these agreements in a spirit of cooperation and with an understanding that each party would work towards certain common goals based upon shared values. The Holy See and Côte d'Ivoire concluded both the 1989 and 1992 Conventions in a spirit of cooperation to achieve the common general goals of human development, peace, solidarity, and an education with authentic human, spiritual, and moral values.⁵⁵¹ Similarly, the Pontifical Council for Interreligious Dialogue and the Permanent Committee of al-Azhar for Dialogue with Monotheistic Religions concluded an

⁵⁵⁰King Hassan II of Morocco, *AAS* 77 (1985), 715.

⁵⁵¹*Convention entre le Saint Siège et la République de Côte d'Ivoire concernant les stations de radiodiffusion*, Osservatorio delle libertà ed istituzioni religiose, preamble, http://www.olir.it/ricerca/index.php?Form_Document=838 (accessed March 25, 2010) and John Paul II, *Inter Apostolicam Sedem et Rem Publicam Litoris Eburnei: de Opere fundato ab omnibus nationibus cui nomen*, preamble, *AAS* 84 (1992), 840.

agreement in a spirit of cooperation with the recognition that both parties wish to pursue shared goals, including the promotion of accurate knowledge of the Catholic and Islamic faiths, the encouragement of cooperation, fraternity, justice, peace, and working to combat religions fanaticism.⁵⁵²

All five of the agreements were effective in that they legally guaranteed the Catholic Church and its members in each of the four countries certain facets of the religious freedom. Of the four countries under study, it was in Kazakhstan that the diplomatic agreement and the papal visit had the most pronounced effect. The papal visit inspired the president of Kazakhstan to take practical initiatives to encourage interreligious dialogue and promote peace and harmony.⁵⁵³ The government also took concrete steps to respect the religious freedom of its religious minorities including Catholics. It donated lands for places of worship, exempted religious organizations from taxation, and settled several contentious issues in public ecclesiastical law ranging from easing the entry of foreign missionaries to removing onerous restrictions on registering

⁵⁵²Agreement Between The Pontifical Council for Interreligious Dialogue (Vatican City) and The Permanent Committee of al-Azhar for Dialogue with Monotheistic Religions (Cairo) for the Creation of a Joint Committee for Dialogue, May 28, 1998, art. 1 and 2.

⁵⁵³BBC Worldwide Monitoring: Central Asia, "Kazakh President Gets Pope's Blessing to Hold Interconfessional Forum," *Interfax-Kazakhstan* (Almaty, Kazakhstan), February 7, 2003; BBC Worldwide Monitoring: Central Asia, "Kazakh President, Vatican's State Secretary Discuss Religious Issues," *Interfax-Kazakhstan* (Almaty, Kazakhstan), May 17, 2003; BBC Worldwide Monitoring: Central Asia, "Kazakh Leader Receives Vatican's Secretary of State," *Interfax* (Moscow, Russia), May 17, 2003; and BBC Worldwide Monitoring: Central Asia, "Kazakh Leader, Vatican's Secretary of State to Discuss Forum of World Religions," *Interfax* (Moscow, Russia), May 14, 2003.

religious organizations.⁵⁵⁴ The net result was a marked improvement in the religious freedom of religious minorities in Kazakhstan.

The situation of religious freedom in Côte d'Ivoire is an anomaly when compared with other Islamic majority states in the region. Ivorians enjoyed almost complete religious freedom for several decades and, even after the *coup d'état* in 1999 and the resulting political turmoil, the Ivorian government continued to respect religious freedom. Although John Paul II visited Côte d'Ivoire three times and the Holy See concluded two conventions with the state, the impact of the papal visits and conventions were more limited in scope. It was the first convention concluded in 1989 that had the greatest impact on improving religious freedom. This convention made it possible for the Catholic Church to establish and operate freely radio stations.⁵⁵⁵ The freedom to use this medium of social communication proved especially important, because it allowed the Catholic Church in Côte d'Ivoire not only to spread the Gospel message but to more

⁵⁵⁴U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Kazakhstan, 262; U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Kazakhstan, 320; U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Kazakhstan, 303; U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Kazakhstan, 400; U.S. Department of State, *Country Reports on Human Rights Practices 2003*, Kazakhstan, 108th Cong., 2nd Sess. (Washington, DC: U.S. Government Printing Office, 2004) 1356; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Kazakhstan, 349; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Kazakhstan, 366 and 368; and U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Kazakhstan, 367.

⁵⁵⁵*Convention entre le Saint Siège et la République de Côte d'Ivoire concernant les stations de radiodiffusion*, Osservatorio delle libertà ed istituzioni religiose, http://www.olir.it/ricerca/index.php?Form_Document=838 (accessed March 25, 2010).

effectively communicate with its coreligionists in the Vatican.⁵⁵⁶ It also paved the way for Ivorian Muslims and Protestants to establish their own radio stations, further improving religious freedom in the country.⁵⁵⁷ The 1992 convention did not have such broad ranging effects as its limited purview only addressed the establishment of a foundation around a new Ivorian basilica; though the Ivorian government pledged that the foundation would provide an array of new social services, these never materialized.⁵⁵⁸

While the Catholic Church and the Jewish community in Morocco have enjoyed a relatively cordial relationship with the Moroccan government, the government merely tolerates Christians, including Catholics, and Jews.⁵⁵⁹ This toleration is certainly better than a complete restriction of religious freedom which is what Moroccan Baha'is endure, but it is far from ideal.⁵⁶⁰ The diplomatic exchange of notes between King Hassan II and

⁵⁵⁶Ibid.

⁵⁵⁷U.S. Department of State, *Country Reports on Human Rights Practices 1999*, Côte d'Ivoire, 148 and BBC Worldwide Monitoring: Africa, "Côte d'Ivoire: Survey of the Country's Media Environment," June 23, 2003.

⁵⁵⁸John Paul II, *Inter Apostolicam Sedem et Rem Publicam Litoris Eburnei: de Opere fundato ab omnibus nationibus cui nomen*, preamble, AAS 84 (1992), 840-844 and William D. Montalbano, "The Pope Will Visit Church of Dreams," *Los Angeles Times* (Los Angeles), March 3, 1990.

⁵⁵⁹See for example U.S. Department of State, *Country Reports on Human Rights Practices 1980*, Morocco, 1054; U.S. Department of State, *Country Reports on Human Rights Practices 1981*, Morocco, 1054; U.S. Department of State, *Country Reports on Human Rights Practices 1982*, Morocco, 1223; U.S. Department of State, *Country Reports on Human Rights Practices 1983*, Morocco, 1362; U.S. Department of State, *Country Reports on Human Rights Practices 1984*, Morocco, 1136; U.S. Department of State, *Country Reports on Human Rights Practices 1990*, Morocco, 1553.

⁵⁶⁰U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Morocco, 1251; U.S. Department of State, *Country Reports on Human Rights Practices*

John Paul II guaranteed the Catholic Church in Morocco the free exercise of its activities, especially those relating to teaching office, worship, internal jurisdiction, and religious education.⁵⁶¹ Morocco upheld the agreement and the Catholic Church was able to carry out its mission publically and freely under the auspices of toleration.⁵⁶² John Paul II's visit to the country did much to promote respect and encourage dialogue between Catholics and Muslims. In the years following the visit, the Moroccan government took significant steps to improve relations among the three Abrahamic faiths.⁵⁶³

1988, Morocco, 1438; U.S. Department of State, *Country Reports on Human Rights Practices 1989*, Morocco, 1499; and U.S. Department of State, *Country Reports on Human Rights Practices 1990*, Morocco, 1553.

⁵⁶¹John Paul II, *A Serenissimo Principe Hassan II, Rege Marochii, et a Ioanne Paulo I I, Summo Pontifice: de Statuto Ecclesiae Catholicae in Marochio*, AAS 77 (1985), 712-715.

⁵⁶²U.S. Department of State, *Country Reports on Human Rights Practices 1986*, Morocco, 1244; U.S. Department of State, *Country Reports on Human Rights Practices 1987*, Morocco, 1251; U.S. Department of State, *Country Reports on Human Rights Practices 1988*, Morocco, 1438; and U.S. Department of State, *Country Reports on Human Rights Practices 1989*, Morocco, 1499.

⁵⁶³U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Morocco, 381; U.S. Department of State, *Annual Report on International Religious Freedom 2000*, Morocco, 468-469; U.S. Department of State, *Annual Report on International Religious Freedom 2001*, Morocco, 469 and 472; U.S. Department of State, *Annual Report on International Religious Freedom 2002*, Morocco, 572 and 574; U.S. Department of State, *Annual Report on International Religious Freedom 2003*, Morocco, 534; U.S. Department of State, *Annual Report on International Religious Freedom 2004*, Morocco, 582; U.S. Department of State, *Annual Report on International Religious Freedom 2005*, Morocco, 624-625 and 627; and U.S. Department of State, *Country Reports on Human Rights Practices 2001*, Morocco, 2214-2215.

Likewise, the Egyptian government also merely tolerated Christians and Jews and completely restricted the religious freedom of Egyptian Baha'is.⁵⁶⁴ However, religious freedom in Egypt remained the most restricted of all the countries studied and makes the Holy See's diplomatic impact on religious freedom very difficult to observe. The agreement and papal visit did seem to foster respect and increase dialogue among Christians and Muslims albeit modestly. The pope's visit had a significant impact on the work of the joint committee for dialogue, which the agreement with al-Azhar created.⁵⁶⁵ Although there has been no discernable improvement in the situation of religious freedom on the ground, the work of the joint committee, especially its recognition of the freedom of belief and the freedom to seek and follow the truth, holds some promise for the future.⁵⁶⁶

One cannot say that the Holy See's diplomacy under John Paul II's direction saw broad and sweeping success in all cases as measured by the pope's own empirical metrics. Indeed, it is unreasonable to expect such a dramatic change in a relatively short period of time. However, it must not be missed that the Holy See's diplomacy did, if only moderately, improve the situation of religious freedom in all four countries to varying

⁵⁶⁴See for example, U.S. Department of State, *Country Reports on Human Rights Practices 1980*, Egypt, 966-967 and U.S. Department of State, *Annual Report on International Religious Freedom 1999*, Egypt, 348.

⁵⁶⁵"Catholic-Muslim Dialogue Holds Third Meeting in Rome," *L'Osservatore Romano* English edition (Vatican City), April 19, 2000.

⁵⁶⁶Joint Committee of the Permanent Committee of al-Azhar for Dialogue with The Monotheistic Religions and the Pontifical Council for Interreligious Dialogue, "Press Release: Results of Islamic-Catholic Dialogue," *L'Osservatore Romano* English edition (Vatican City), March 2, 2005.

degrees and made the situation of Christians and other religious minorities more tenable.

All four countries saw minor to significant improvements in some of the pontiff's empirical metrics; in no case did the pontiff's diplomacy leave the status of religious freedom in these countries worse off which suggests some success towards this important goal. John Paul II successfully sowed the seeds of respect and dialogue though much remains to be done to realize fully his vision of religious freedom for all people.

Conclusion

Pope John Paul II forged a new post-Vatican II diplomacy with human rights and religious freedom at its center. During his pontificate, the number of states that established formal diplomatic relations with the Holy See soared. The Holy See's untiring witness to human dignity, demonstration of respect, and continual efforts to initiate dialogue allowed the Church to begin building bridges and making inroads in the recognition of the right to religious freedom in these four Islamic majority states. John Paul II's development of the Church's understanding of the right to religious freedom and his charismatic leadership enabled him to lay the groundwork for future diplomatic success in the Islamic world.⁵⁶⁷

This dissertation argues that the Holy See's diplomatic initiatives not only stem from the four key elements of John Paul II's teaching on religious freedom, but also that the development of the Church's social teaching informed the Holy See's diplomatic strategies. John Paul II expanded its diplomatic goals to encompass much more even than the institutional rights and privileges of the Catholic Church herself and more than the rights and privileges of the Catholic communities in Islamic majority states. The pope's diplomatic initiatives focused on respect for the inherent dignity of all mankind which demands religious freedom. John Paul II's stressed the recognition of the right to religious freedom as the source and synthesis of all human rights and as a universal and

⁵⁶⁷Pope Benedict XVI has done much already to reach out to the Muslim world see The Official Website of a Common Word, <http://www.acommonword.com/> (accessed June 10, 2010).

indefeasible right of the individual with two connected and complementary dimensions, private and the other social. This understanding of the right to religious freedom both shaped and defined the diplomatic courses of action the Holy See pursued during his pontificate.

Thus, the Holy See's diplomatic strategy was straightforward: to respect the dignity of individuals and peoples, to invite others to engage in dialogue, to conclude agreements and support existing juridical instruments which guarantee the right to religious freedom, and to ensure the survival of Christian minorities. In each of these four case studies (Kazakhstan, Côte d'Ivoire, Morocco, and Egypt), the Holy See employed this diplomatic policy with great consistency. Willing to travel and openly engage others, John Paul II expressed the Church's respect for various cultures and faith traditions while firmly bearing apostolic witness. If the Church is to have any future success in its diplomatic initiatives with Islamic majority states, it must continue on the path of reconciliation and respect. In time, dialogue can go beyond recognizing commonalities and work on resolving differences.

While remaining true to its ideals, the Holy See was pragmatic in its approach. Even though the Holy See sought to protect the right to religious freedom of all individuals and peoples, it did not forget their concern for Christian minorities in Islamic majority states. The Holy See constantly sought to preserve and strengthen the relationships between local churches and the transnational center in the Vatican, believing that this contact and demonstrated solidarity would foster the physical and political survival of these Christian minorities in sometimes hostile environments.

Furthermore, under John Paul II's direction, the Holy See began working with Islamic majority states to find ways suitable to both parties to express the right to religious freedom in juridic instruments. While John Paul II wanted to see both parties recognize the individual's full right to religious freedom, or even the "mutual freedom in the exercise of their rights and power," he often had to settle for agreements based merely on the principle of "tolerance." This acceptance of the "tolerance" standard is typically the case in states where *shari'a* is the law of the land.

Though John Paul II's diplomacy advanced the case of religious freedom, it left several areas unresolved. Catholics and Muslims still lack a common language for discussing issues as well as an understanding of human rights, particularly whether religious freedom is a right or something to be valued. The Catholic Church must first speak in a language that their Muslim brothers and sisters can understand before it can effectively communicate what is lost in religious witness and spiritual integrity if one does not respect the right to religious freedom.

The Catholic Church itself recognized the value of respecting the right to religious freedom less than fifty years ago.⁵⁶⁸ The Church's efforts to be a model of respecting the right to religious freedom provides a fruitful precedent for those engaged in furthering this goal. Indeed, the Church learned lessons from its past mistakes, including the crusades, inquisitions, and pogroms that highlight the importance of religious freedom.

⁵⁶⁸DH 1-15.

John Paul II's legacy of interreligious dialogue, witness to human dignity, and encouraging the respect for religious freedom of all provides his successors a base on which to build. He demonstrated that Catholic-Muslim dialogue can simultaneously address key differences which hinder relations while maintaining a climate of mutual respect. Both Christians and Muslims can learn from one another and sincerely foster policies and programs to achieve their shared values.⁵⁶⁹

John Paul II's diplomacy also left areas for improvement in the Catholic Church's relations with other Christian communities in Islamic majority states. Catholics and Orthodox in the former Soviet Union still feel threatened by each other even as Muslim communities continue to expand. The two Christian communities share many interests, but outstanding differences, particularly between the Catholic and Russian Orthodox Church, are an impediment to their joint promotion of religious freedom in Islamic majority states. Pope John Paul II's promotion of Catholic-Orthodox unity in Egypt helped secure a better negotiating position with the Islamic majority, and Pope Benedict XVI's efforts to advance Christian unity with the Russian Orthodox Church and to strengthen local ecclesiastical structures provides a useful precedent to help ensure the survival of Christian minorities in Central Asia.

⁵⁶⁹Indeed, there are many areas where both Christian and Muslim values have lent themselves to a shared vision, including the opposition to the agnosticism of an increasingly secularized world, materialism, and abortion on demand as well as support for family values. Jointly building on such efforts as occurred during the 1994 International Conference on Population and Development in Cairo, Egypt can help advance this important mission. At the conference papal diplomats and diplomats from Muslim majority states joined forces to temper an effort to expand access to abortion, which demonstrated one area where the two groups can find common political ground based on shared values.

Papal diplomacy is unique in international relations. The pope is one of the few international figures who has a global platform from which to communicate his message. The five agreements concluded with these four Islamic majority states and John Paul II's pastoral visits improved not only the situation of religious freedom of the Catholic minority but in some instances improved the situation for others as well. They even inspired state leaders to focus on the need and value of respectful relations and dialogue. While John Paul II certainly did much to improve relations between the Holy See and Islamic majority states, even his long and significant pontificate could never resolve completely such deep problems. That task falls to his successors and despite the magnitude of the task, there is reason for hope. John Paul II sowed the seeds of respect, dialogue, and advocacy for religious freedom and left its cultivation to those who follow him.

Appendix I

Agreement

Between the Holy See and the Republic of Kazakhstan on Mutual Relations

(AAS 92 (2000), 316-324.)

The Holy See and the Republic of Kazakhstan, hereafter referred to as the Parties, accept the following as binding both the Holy See and the Republic of Kazakhstan acknowledging their adherence to the norms of international law and desiring to develop mutual relations between the Holy See and the Republic of Kazakhstan in accordance with the principles of respect and non-interference in internal affairs have agreed as follows:

Article 1

The Parties acknowledge mutual freedom in the exercise of their rights and powers and commit themselves to respect this principle in their mutual relations and in their cooperation for the good of people.

Article 2

The authorities of the Republic of Kazakhstan shall grant residence permits to members of the Catholic Church from abroad appointed for service in the particular Churches or other institutions of the Catholic Church in the territory of the Republic of Kazakhstan, for the whole period of their assignment, in conformity with the existing legislation.

Article 3

The Republic of Kazakhstan recognizes the juridical capacity of legal persons for such entities of the Catholic Church for which provision is made in the Codes of Canon Law, such as Archdiocese, Dioceses (Eparchies) or Apostolic Administrations, Parishes, Religious Communities, Missions, Associations, Seminaries, Colleges, Schools, and Educational Institutions, after their registration with the organs of justice.

Article 4

The competent ecclesiastical authorities shall transmit to the competent State organs of the Republic of Kazakhstan an authentic copy of the acts of the establishment of new entities or of the recognition of existing entities of the Catholic Church for their inclusion in the State register of legal personalities in accordance with the legislation of the Republic of Kazakhstan.

Article 5

The competent ecclesiastical authorities of the Catholic Church in Kazakhstan shall inform the competent State authorities about the appointment of ecclesiastical ministers.

Article 6

The Republic of Kazakhstan in conformity with its national legislation shall give the Catholic Church the possibility of acquiring through ownership or lease, corresponding to the needs of the Church, buildings and plots of land for the construction of the buildings necessary for the pastoral service of the Church, such as Churches, parish

houses, houses of residences for the performance of religious, socio-cultural, catechetical, educational and charitable activities.

The protection of the right of ownership of the Catholic Church shall be guaranteed in conformity with the legislation of the Republic of Kazakhstan.

Article 7

The Republic of Kazakhstan recognizes as included under the name of Catholic schools: schools founded and directed by canonical entities with legal capacity or subject to the norms of Canon Law and recognized as such by competent ecclesiastical authorities in conformity with Article 3 of the present agreement.

Article 8

The Republic of Kazakhstan recognizes the right of the Catholic Church to establish its own schools at various levels and for various purposes and to govern them in conformity with the legislation of the Republic of Kazakhstan and the norms of Canon Law. Citizens of the Republic of Kazakhstan studying in ecclesiastical educational institutions of the Catholic Church enjoy the privileges which are provided for by the legislation of the Republic of Kazakhstan.

Article 9

The Republic of Kazakhstan recognizes the right of the Catholic Church to organize and support the activity of its own medical and social institutions which are necessary for the discharge of its charitable and spiritual mission; such activities are to be carried out in conformity with the appropriate laws of the Republic of Kazakhstan.

Article 10

The Republic of Kazakhstan shall facilitate the rendering of spiritual assistance by the Catholic Church to the faithful residing in State-run health and care institutions and places of confinement.

Article 11

The Republic of Kazakhstan recognizes the right of the Catholic Church to express freely its views and principles, including its right to make use of the mass media in accordance with the current legislation of the Republic of Kazakhstan.

Article 12

The Parties, acknowledging mutual interest in the development of relations in the field of culture, shall encourage the broadening of ties between institutions in the Republic of Kazakhstan and Catholic institutions in the whole world, and will facilitate the exchange of students between ecclesiastical educational institutions and research centers in accordance with the international legislation of the Parties.

Article 13

In case controversies should arise regarding the interpretation or application of the provisions of the present Agreement the Parties will resolve them by way of negotiations and consultations.

Article 14

Changes and additions may be made to the present Agreement by mutual consent of the Parties.

Article 15

This Agreement shall enter into force from the moment of reciprocal notification of the fulfillment by the Parties of the procedures necessary for its entrance into force.

This Agreement will remain in force for a period of 10 years and its force will automatically be extended for subsequent five-years periods thereafter, until such time that either Party sends the other, within six months, a written notification of its desire to discontinue the force of this Agreement.

Given in the Vatican on the 24 September 1998, in two duplicates, each in the English, Kazakh and Russian languages, all texts being equally authentic.

In case divergence should arise on the interpretation of the provisions of the present Agreement, the English language text shall prevail.

Angelus Card. Sodano

For the Holy See

Kasymzhomart K. Tokaev

For the Republic of Kazakhstan

Appendix II

Convention

Agreement between the Holy See and the Republic of Côte d'Ivoire Concerning Radio Broadcasting Stations

(Author's translation from Osservatorio delle libertà ed istituzioni religiose, http://www.olir.it/ricerca/index.php?Form_Document=838 original text in French)

Agreed-Upon - 14 August 1989

The Holy See and the Republic of Côte d'Ivoire, eager to promote full development, an education with authentic human, spiritual and moral values, as well as peace and solidarity among all citizens of the country, in a spirit of healthy cooperation, agree on the following:

Article 1

The Catholic Church enjoys the right to install, maintain, and use within the territory of Côte d'Ivoire a main radio broadcasting station [for purposes of] national and international broadcast, and of diocesan stations [for purposes of] local broadcast.

Article 2

§1 The exercise of this right implies the authorization to establish, install, and make use of studios, antennas, and other equipment necessary for the functioning and programming activities of the stations.

§2 The Apostolic Nuncio will communicate the plan of installation of the radio broadcasting station as well as its name and [identifying] characteristics to competent authorities, who will make determination about the frequencies [to be used] and other required authorizations in accord with articles 1 and 2 §1.

Article 3

§1 The radio broadcasts of the principle station and of the diocesan stations will abstain from dealing with political questions.

§2 The programs will cover the following fields:

- Religious information;
- Bible;
- Documents and speeches of the Holy Father and of the Holy See;
- Spiritual and moral catechesis and formation;
- Liturgy, prayer, vigils, and religious songs;

- Church history;
- Literacy and education regarding family life.

§3 The programs will develop a spirit of dialogue and true ecumenism.

§4 They will be broadcast in French as well as in the national languages.

§5 The government agrees to respect the freedom to broadcast the programs according to the spirit and provisions of this Convention.

Article 4

§1 The state assumes no financial obligation regarding the radio stations.

§2 The state grants an exemption from customs duties relative to the importation of equipment for the stations.

Article 5

The stations and broadcasts are under the supervision of the Apostolic Nuncio as regards the principal station and/or of the bishop for the diocesan station, who will supervise the contents of the programs and the behavior of the personnel hired.

Article 6

All notices on the part of the government concerning the programs will be given in writing to the competent ecclesiastical authority (the Apostolic Nuncio or the diocesan bishop) who will take account of it.

Article 7

§1 The provisions of this Convention in no way affect the right of the government to take measures which it considers necessary in order to maintain the public order in Côte d'Ivoire.

§2 In such an event the Holy See will be informed.

Article 8

The present Convention comes into effect on the date that it is signed.

Article 9

The text of this Convention can be modified by mutual agreement between the signatory parties.

[Done at] Abidjan, August 14, 1989.

For the Holy See
Archbishop Antonio Mattiazzo

For the Republic of Côte d'Ivoire
Jean Konan Banny
The Minister of Foreign Affairs ad interim.
Defense Minister

Appendix III

Convention

Between the Holy See and the Republic of Côte d'Ivoire concerning the "Our Lady of Peace of Yamoussoukro International Foundation"
(Author's translation from *AAS* 84 (1992), 840-844 original text in French)

The Holy See and the Republic of Côte d'Ivoire

Desirous to promote integral human development,
Responding to authentic social, cultural, spiritual and moral values,
Motivated to further their cooperation to these ends, (and)
Careful to build up peace, solidarity and brotherhood between men and women,

Agree to the following:

Article I

1. The Republic of Côte d'Ivoire recognizes the juridic personality of the "Our Lady of Peace of Yamoussoukro International Foundation," constituted and erected by the sovereign pontiff with canonical and civil personality in the Vatican City State.
2. The Republic of Côte d'Ivoire accordingly recognizes the capacity of the Foundation to enter into agreements, to acquire property both real and movable, to dispose of and alienate these, and to appeal [in court] for justice.

Article II

1. The Foundation is governed by its own proper statutes approved by the Holy See.
2. These statutes define the purpose, the patrimony, the management of funds and the accounting of the Foundation, relative to the activities and administration of the Basilica and of its works which are to be freely connected to it: medical center, telecommunications station, university, and others which in time will come to be.

Article III

1. The legal headquarters of the Foundation is fixed in the Vatican City State. Its administrative headquarters is established at Yamoussoukro.
2. The Foundation makes use of the land determined in the act of donation and of the buildings which are or will be built there; in the future, it will be able to acquire other buildings for its activities' needs.

Article IV

For the installation of the [telecommunications] station and radio and television broadcasts, the Foundation will conform to the Convention between the Holy See and the Republic of Côte d'Ivoire concerning broadcast stations which was concluded in Abidjan on August 14, 1989.

Article V

1. The government of Côte d'Ivoire recognizes the Foundation has full freedom to pursue its institutional purpose.
2. In order to facilitate the accomplishment of its mission, it gives to the Foundation the exemptions and immunities established in the articles which follow.

Article VI

1. The premises of the Foundation and of its works are inviolable.
2. The government of Côte d'Ivoire will take all appropriate measure to prevent these places from being invaded or damaged, the peace of the foundation disturbed, or its dignity undermined.
3. The premises, the properties and the assets of the Foundation and of its works are not able to be the object of any search, requisition, confiscation or expropriation, or seized, or [held to a] measure of performance.
4. Authorities, officials or agents of the Republic of Côte d'Ivoire will only be able to enter there to exercise their official functions with the consent our the request of the President of the Administrative Council of the Foundation.
5. The premises of the Foundation will not be used in a manner incompatible with the mission of the Foundation such as this is set forth in its statutes.
6. The Foundation will not permit its premises to serve as a sanctuary for a criminal fugitive or another sought due to a court or deportation order.

Article VII

1. The Foundation enjoys immunity from penal, civil and administrative jurisdiction.
2. The members of the administrative council, the secretary general and all personnel of the Foundation enjoying such status are not to be held liable for acts accomplished by them in the carrying-out of their duties.
3. At the request of the competent Authorities of Côte d'Ivoire, the Foundation will agree to the waiver of immunity granted to one enjoying such if there is danger

that justice will be thwarted and if this can be done without prejudice to the interests of the Foundation.

Article VIII

The archives and files of the Foundation are inviolable whenever and wherever they may be found except for those cases foreseen by article VI.

Article IX

1. The Foundation, its income, properties and other assets are exempted from all direct tariffs and national, regional and local taxes, except taxes for services rendered.
2. Considered as foreseen taxes which are remuneration for services rendered are those fees for the electrical network, for sewerage, for garbage-collection, and for air travel.

Article X

The acquisition of real estate for the needs of the Foundation are exempted from registration, survey, mortgage, loan, or notarial fees, excepting the conservator's salary.

Article XI

The president, other members of the administrative council, officials and employees of the Foundation who are not nationals of the Republic of Côte d'Ivoire are exempted from all tax on the income, emoluments, and benefits received as a result of their service.

Article XII

1. The Foundation is exempted from all fees and customs taxes on the importation, in reasonable quantities, of goods for its official use.
2. Goods thus imported will only be able to be sold in Côte d'Ivoire in accord with conditions defined by the government.

Article XIII

Without prejudice to the application of regulations of the West African Monetary Union, the Foundation is able freely in the course of its official activities:

1. To obtain negotiable paper, where these funds are in legally constituted banks, held in accounts in convertible francs, and to use these for its operations. All payments within the territory of the Republic of Côte d'Ivoire must be in CFA francs.
2. To transfer CFA francs within the territory of the Republic of Côte d'Ivoire and by negotiable paper to countries outside of the Franc zone and vice-versa.

Article XIV

The Foundation will cooperate with the authorities of Côte d'Ivoire in order to assure respect for the laws of the Republic and to prevent all abuse in matters regarding the exemptions and immunities mentioned in the preceding articles.

Article XV

1. The text of this Convention will be able to be modified by common agreement [between the parties], on the initiative of either of the contracting parties.
2. All differences regarding the interpretation of this document or of its application will be regulated by agreement between the Holy See and the Republic of Côte d'Ivoire.

Article XVI

This Convention comes into force on the date of its signing.

Article XVII

This Convention will be deposited, in duplicate French copies, the two texts being identical, with the Secretary of State of the Holy See and with the Minister of Foreign Affairs of the Republic of Côte d'Ivoire.

Done in Abidjan on May 20, 1992.

For the Holy See

Most Rev. Janusz Bononek
Titular Archbishop of Madaurus
Apostolic Nuncio

For the Republic of Côte d'Ivoire

His Excellency Amara Essy
Minister of Foreign Affairs

Appendix IV

King Hassan's Diplomatic Note to Pope John Paul II
(Author's translation from *AAS* 77 (1985), 712-715 original texts in French and Arabic)

In the name of God, the Merciful, the Compassionate.
There is nothing stronger or more powerful than God, the almighty and omnipotent.

The servant of God, who relies on the assistance God, the Emir of the Believers, son of
the Emir of the Believers.

(Great Seal of His Majesty Hassan II)

To His Holiness John Paul II

Very holy Father and Illustrious Friend,

We send to Your Holiness our best greetings and expression of our sincere
friendship and of our feelings of consideration and esteem.

Our respective diplomatic representatives recently discussed what should be the
status of the Catholic Church in the Kingdom of Morocco.

Since time immemorial, the spirit of brotherly understanding has always marked
in our country the relations between Christians and Muslims. Our Ancestors based their
rule of conduct on the spirit of brotherly understanding and it was never infringed, no
matter the vicissitudes of past times.

We ourselves, since God entrusted to us the reins of power, have held that this
rule be scrupulously observed.

We understand, however, the legitimate concerns of Your Holiness, to see that
this ancient custom is translated in the present reality into terms which will better respond
to the demands of our era.

And as for the due formalities, we in our respective roles – Your Holiness as the
leader of the Catholic Church and we ourselves as the Emir of the Believers – confer
legislative status to the content of this letter.

As for the content, the Catholic Church in the Kingdom of Morocco will continue
to exercise publicly and freely its own activities, particularly those relating to worship, to
teaching office, internal jurisdiction, to the welfare of its faithful, and to religious
education.

The Catholic Church is represented by the superiors of ecclesiastical
circumscriptions who are able to exercise, whether directly or through delegates, all acts
related to the management of its patrimony. The priests, religious, and similar people
who carry-out their activities in the works of the Church – including institutions of
assistance and education – will not be subjected to any tax since they do not receive a
salary. At the same time, buildings designated for worship and religious houses will

benefit from a tax exemption. In order to provide for her livelihood, the Church is made able to receive necessary aid.

The law that is thus granted to the Catholic Church extends also the right to create associations having religious, educational and charitable purposes, as well as the right to visit prisoners who are Catholic.

Thus we are sure that in creating in our country conditions of peaceful coexistence between Muslims and Catholics, we do nothing but project in the Moroccan reality the spirit of extreme tolerance which characterizes Islam and has always been at the forefront of our relations.

Please accept, Your Holiness, the assurance of our profound friendship and the expression of our very high esteem.

Signed in the Royal Palace of Rabat, on Friday 25 of Rabia I of 1404, which corresponds to December 30, 1983.

Appendix V

John Paul II's Diplomatic Note to King Hassan II of Morocco
(Author's translation from *AAS* 77 (1985), 712-715 original text in French and Arabic)

To His Majesty King Hassan II of Morocco,

With deep satisfaction I have become acquainted with the message of December 30th by which Your Majesty, at the end of the discussions between our representatives, has wanted to set in writing, a body of legal measures, adapted to the demands of our time, in order to better define and circumscribe the presence of the Catholic Church in Morocco.

I have examined with particular attention the status thus granted to the Church and I must express to Your Majesty my deepest gratitude for this significant gesture which continues and confirms the tradition of welcome and understanding that, for centuries, has characterized the relations of the Kingdom of Morocco with the Catholic Church.

Thus assured to be able to exercise publicly and freely her spiritual mission, the Catholic Church will be better able to assure her own activities – such as worship, the teaching office, internal jurisdiction, charity, religious education, and aid to prisoners – to benefit its faithful.

Beyond this, the possibility that will enable the superiors of ecclesiastical circumscriptions to establish associations having religious, educational and charitable purposes, to manage the patrimony, to receive necessary help for the operations of their institutions and to benefit from certain exemptions, will permit the Church in Morocco to live always more harmoniously her faith and to testify to her spirit of service.

I, therefore, give my approval, so that the Church and the Catholics of the Sharifian Kingdom conform to all the agreed-upon norms, which will be properly communicated to the spiritual leaders who are concerned. Appreciating in their just value the sign of benevolence thus shown, I am sure that all will try their best to observe these wise resolutions, assuring to each one the liberty to believe and live their faith in a caring society of coexistence and cooperation.

It is my pleasure to express to Your Majesty my feelings of high esteem and the assurance of my fervent prayers, while I invoke on your person and the entire Moroccan people the abundant blessings of Almighty God.

From the Vatican, February 5, 1984

John Paul II

Appendix VI

Agreement

between

The Pontifical Council for Interreligious Dialogue
(Vatican City)

and

The Permanent Committee of al-Azhar for Dialogue with the Monotheistic Religions
(Cairo)

for the creation of a

JOINT COMMITTEE FOR DIALOGUE

Vatican City, May 28, 1998/ 3 Safar, 1419

1. Given the importance of promoting accurate knowledge of the religions and for each religion to have a correct understanding of the beliefs and practices of the other religion;
2. In order to see that the religions play their rightful role in human societies for the promotion of fraternity, solidarity, cooperation, justice and peace, for the resolution of questions touching upon the welfare of humanity as a whole, and in order to fight together against religious fanaticism as an expression of exclusion and a source of hatred, violence and terrorism;
3. Taking into consideration the important place of al-Azhar, its history and its privileged role at the scientific and moral levels in Muslim society, and the particular role of the Pontifical Council for Interreligious Dialogue in the Catholic Church;
4. As an expression of the firm desire of the two parties to strengthen the relations already existing within the framework of different contacts established - such as the visit to al-Azhar of a delegation from the then Secretariat for Non-Christians, 11-14 April 1978; the letters exchanged, and in particular the letter of H.E. Cardinal Arinze, President of the Pontifical Council for Interreligious Dialogue,

addressed to H.E. Sheikh al-Azhar on 21 February 1996, in which mention is made of the Conference which took place at the Sorbonne, Paris, in June 1994, organized by the *Association pour le Dialogue Islamo-Chrétien* (ADIC), and of the necessity of presenting to Christians the true face of Islam and to Muslims the true face of Christianity; as also the letter of al-Azhar dated 25 February 1997; the conversations and colloquia in which representatives of the two bodies have taken part - so as to promote dialogue in order to eliminate the calumnies and the vain accusations leveled against the religions and to increase the positive results heretofore obtained;

5. The two parties have come to an agreement to create a joint Committee between the Commission for Religious Relations with Muslims, depending on the Pontifical Council for Interreligious Dialogue, and the Special Commission of al-Azhar al-Sharif for Dialogue with Catholic Christians.
6. The joint Committee will engage in the research of common values, the promotion of justice and peace, and the promotion of respect for the religions; it will foster exchanges on subjects of common interest such as the defense of human dignity and human rights; it will promote mutual understanding and respect between Catholics and Muslims through the exchange of necessary information.
7. The joint Committee will, moreover, pay particular attention to the role of religious leaders in the promotion of these values.
8. The joint Committee will establish its own working method and determine the way of achieving its goals.
9. The joint Committee will be presided over by H.E. the President of the Pontifical Council for Interreligious Dialogue and H.E. the Sheikh Wakil al-Azhar, in addition to the two Presidents, the Committee will be composed, on each side, of the Co-Secretary and a maximum of three other members. The Presidents of both parties of the joint Committee can appoint delegates to replace them in presiding over the meetings. Each party will compose its delegation for each meeting, with the possibility of calling upon experts according to the nature of the matters to be discussed; each party will inform the other in advance of the composition of its delegation.
10. The joint Committee will meet at least once a year, alternately in Cairo and in Rome. Each delegation will cover its own expenses for traveling and board and lodging. Each of the Presidents has the right to suggest that other meetings be held, at the level of Presidents, or for the preparation of such meetings, as circumstances require. In this case agreement will be reached through contact

between the Presidents and with their consent. The proposed agenda will be prepared through these contacts, care being taken to use adequate means.

11. At the end of each meeting a press release will be published. The text of the communiqué must have the approbation of the Committee before being published. No information will be communicated regarding the papers presented to the joint Committee without the agreement of both parties.

Cardinal Francis Arinze
President
Pontifical Council for Interreligious Dialogue

Michael L. Fitzgerald
Secretary
Pontifical Council for Interreligious Dialogue

Sheikh Fawzi al-Zafzaf
Wakil al-Azhar
President
Permanent Committee of al-Azhar
for Dialogue with Monotheistic Religions

Ali Elsanunan
Vice-President
Permanent Committee of al-Azhar
for Dialogue with Monotheistic Religions

Vatican City, 28 May 1998/3 Safar 1419

Appendix VII

John Paul II's Letter Addressed to the Heads of State of the Nations Who Signed the Helsinki Final Act (1975)

(English translation from

http://www.vatican.va/holy_father/john_paul_ii/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act_en.html original text in French nuntii scripto dati

Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinkii factum subscripserunt missus: de libertate conscientiae et religionis, September 1, 1980. AAS 72 (1980), 1252-1260.)

1. Because of her religious mission, which is universal in nature, the Catholic Church feels deeply committed to assisting today's men and women in advancing the great cause of justice and peace so as to make our world ever more hospitable and human. These are noble ideals to which people eagerly aspire and for which governments carry a special responsibility. At the same time, because of the changing historical and social situation, their coming into effect—in order to be ever more adequately adapted—needs the continued contribution of new reflections and initiatives, the value of which will depend on the extent to which they proceed from multilateral and constructive dialogue.

If one considers the many factors contributing to peace and justice in the world, one is struck by the ever increasing importance, under their particular aspect, of the widespread aspiration that all men and women be guaranteed equal dignity in sharing material goods, in effectively enjoying spiritual goods, and consequently in enjoying the corresponding inalienable rights.

During these last decades the Catholic Church has reflected deeply on the theme of human rights, especially on freedom of conscience and of religion; in so doing, she has been stimulated by the daily life experience of the Church herself and of the faithful of all areas and social groups. The Church would like to submit a few special considerations on this theme to the distinguished authorities of the Helsinki Final Act's signatory countries, with a view to encouraging a serious examination of the present situation of this liberty so as to ensure that it is effectively guaranteed everywhere. In doing so, the Church feels she is acting in full accord with the joint commitment contained in the Final Act, namely, “to promote and encourage the effective exercise of civil, political, economic, social, cultural, and other liberties and rights, all deriving from the dignity inherent in the human person, and essential for his free and integral development;” she thus intends to make use of the criterion acknowledging “the universal importance of human rights and fundamental liberties, the respect of which is an essential factor of peace, justice, and welfare necessary to the development of friendly relationships and cooperation among them and among all States.”

International Community's Interest

2. It is noted with satisfaction that during the last decades the international community has shown interest in the safeguarding of human rights and fundamental

liberties and has carefully concerned itself with respect for freedom of conscience and of religion in well-known documents such as:

a) the UN Universal Declaration on Human Rights of December 10, 1948 (article 18);

b) the International Covenant on Civil and Political Rights approved by the United Nations on December 16, 1966 (article 18);

c) the Final Act of the Conference on European Security and Cooperation, signed on August 1, 1975 (“Questions related to security in Europe, 1, a. Declaration on the principles governing mutual relationships among participating states: VIII. Respect for human rights and fundamental liberties, including freedom of thought, conscience, religion or conviction”).

Furthermore, the Final Act's section on cooperation regarding “contacts among persons” has a paragraph wherein the participating states “confirm that religious cults, and religious institutions and organizations acting within the constitutional framework of a particular state, and their representatives, may, within the field of activity, have contacts among themselves, hold meetings and exchange information.”

Moreover, these international documents reflect an ever growing worldwide conviction resulting from a progressive evolution of the question of human rights in the legal doctrine and public opinion of various countries. Thus today most state constitutions recognize the principle of respect for freedom of conscience and religion in its fundamental formulation as well as the principle of equality among citizens.

On the basis of all the formulations found in the foregoing national and international legal instruments, it is possible to point out the elements providing a framework and dimension suitable for the full exercise of religious freedom.

First, it is clear that the starting point for acknowledging and respecting that freedom is the dignity of the human person, who experiences the inner and indestructible exigency of acting freely “according to the imperatives of his own conscience” (cf. text of the Final Act under (c) above). On the basis of his personal convictions, man is led to recognize and follow a religious or metaphysical concept involving his whole life with regard to fundamental choices and attitudes. This inner reflection, even if it does not result in an explicit and positive assertion of faith in God, cannot but be respected in the name of the dignity of each one's conscience, whose hidden searching may not be judged by others. Thus, on the one hand, each individual has the right and duty to seek the truth, and, on the other hand, other persons as well as civil society have the corresponding duty to respect the free spiritual development of each person.

This concrete liberty has its foundation in man's very nature, the characteristic of which is to be free, and it continues to exist—as stated in the Second Vatican Council's declaration—“even in those who do not live up to their obligation of seeking the truth and adhering to it; the exercise of this right is not to be impeded, provided that the just requirements of public order are observed” (*Dignitatis humanae*, no. 2).

A second and no less fundamental element is the fact that religious freedom is expressed not only by internal and exclusively individual acts, since human beings think, act and communicate in relationship with others; “professing” and “practicing” a religious faith is expressed through a series of visible acts, whether individual or collective, private

or public, producing communion with persons of the same faith, and establishing a bond through which the believer belongs to an organic religious community; that bond may have different degrees or intensities according to the nature and the precepts of the faith or conviction one holds.

Church's Thinking on the Subject

3. The Catholic Church has synthesized her thinking on this subject in the Second Vatican Council's Declaration, *Dignitatis humanae*, promulgated on December 7, 1965, a document which places the Apostolic See under a special obligation.

This declaration had been preceded by Pope John XXIII's Encyclical, *Pacem in terris*, dated April 11, 1963, which solemnly emphasized the fact that everyone has "the right to be able to worship God in accordance with the right dictates of his conscience."

The same declaration of the Second Vatican Council was then taken up again in various documents of Pope Paul VI, in the 1974 Synod of Bishops' message, and more recently in the message to the United Nations Organization during the papal visit on October 2, 1979, which repeats it essentially: "In accordance with their dignity, all human beings, because they are persons, that is, beings endowed with reason and free will and, therefore, bearing a personal responsibility, are both impelled by their nature and bound by a moral obligation to seek the truth, especially religious truth. They are also bound to adhere to the truth once they come to know it and to direct their whole lives in accordance with its demands" *Dignitatis humanae*, no. 2). "The practice of religion by its very nature consists primarily of those voluntary and free internal acts by which a human being directly sets his course towards God. No merely human power can either command or prohibit acts of this kind. But man's social nature itself requires that he give external expression to his internal acts of religion, that he communicate with others in religious matters and that he profess his religion in community" (*Dignitatis humanae*, no. 3).

"These words," the UN address added, "touch the very substance of the question. They also show how even the confrontation between the religious view and the agnostic or even atheistic view of the world, which is one of the 'signs of the times' of the present age, could preserve honest and respectful human dimensions without violating the essential rights of conscience of any man or woman living on earth" (Address to the 34th General Assembly of the United Nations, no. 20).

On the same occasion, the conviction was expressed that "respect for the dignity of the human person would seem to demand that, when the exact tenor of the exercise of religious freedom is being discussed or determined with a view to national laws or international conventions, the institutions that are by their nature at the service of religion should also be brought in." This is because, when religious freedom is to be given substance, if the participation of those most concerned in it and who have special experience of it and responsibility for it is omitted, there is a danger of setting arbitrary norms of application and of "imposing, in so intimate a field of man's life, rules or restrictions that are opposed to his true religious needs" (Address to the UN 34th General Assembly, no. 20).

On the Personal and Community Levels

4. In the light of the foregoing premises and principles, the Holy See sees it as its right and duty to envisage an analysis of the specific elements corresponding to the concept of “religious freedom” and of which they are the application insofar as they follow from the requirements of individuals and communities, or insofar as they are necessary for enabling them to carry out their concrete activities. In fact, in the expression and practice of religious freedom, one notices the presence of closely interrelated individual and community aspects, private and public, so that enjoying religious freedom includes connected and complementary dimensions:

a) at the personal level, the following have to be taken into account:

—freedom to hold or not to hold a particular faith and to join the corresponding confessional community;

—freedom to perform acts of prayer and worship, individually and collectively, in private or in public, and to have churches or places of worship according to the needs of the believers;

—freedom for parents to educate their children in the religious convictions that inspire their own life, and to have them attend catechetical and religious instruction as provided by their faith community;

—freedom for families to choose the schools or other means which provide this sort of education for their children, without having to sustain directly or indirectly extra charges which would in fact deny them this freedom;

—freedom for individuals to receive religious assistance wherever they are, especially in public health institutions (clinics and hospitals), in military establishments, during compulsory public service, and in places of detention;

—freedom, at personal, civic or social levels, from any form of coercion to perform acts contrary to one's faith, or to receive an education or to join groups or associations with principles opposed to one's religious convictions;

—freedom not to be subjected, on religious grounds, to forms of restriction and discrimination, vis-a-vis one's fellow citizens, in all aspects of life (in all matters concerning one's career, including study, employment or profession; one's participation in civic and social responsibilities, etc.).

b) at the community level, account has to be taken of the fact that religious denominations, in bringing together believers of a given faith, exist and act as social bodies organized according to their own doctrinal principles and institutional purposes.

The Church as such, and confessional communities in general, need to enjoy specific liberties in order to conduct their life and to pursue their purposes; among such liberties the following are to be mentioned especially:

—freedom to have their own internal hierarchy or equivalent ministers freely chosen by the communities according to their constitutional norms;

—freedom for religious authorities (notably, in the Catholic Church, for bishops and other ecclesiastical superiors) to exercise their ministry freely, ordain priests or ministers, appoint to ecclesiastical offices, communicate and have contacts with those belonging to their religious denomination;

- freedom to have their own institutions for religious training and theological studies, where candidates for priesthood and religious consecration can be freely admitted;
- freedom to receive and publish religious books related to faith and worship, and to have free use of them;
- freedom to proclaim and communicate the teaching of the faith, whether by the spoken or the written word, inside as well as outside places of worship, and to make known their moral teaching on human activities and on the organization of society: this being in accordance with the commitment, included in the Helsinki Final Act, to facilitate the spreading of information, of culture, of exchange of knowledge and experiences in the field of education; which corresponds, moreover, in the religious field to the Church's mission of evangelization;
- freedom to use the media of social communication (press, radio, television) for the same purpose;
- freedom to carry out educational, charitable and social activities so as to put into practice the religious precept of love for neighbor, particularly for those most in need.

Furthermore:

- With regard to religious communities which, like the Catholic Church, have a supreme authority responsible at world level (in line with the directives of their faith) for the unity of communion that binds together all pastors and believers in the same confession (a responsibility exercised through Magisterium and jurisdiction): freedom to maintain mutual relations of communication between that authority and the local pastors and religious communities; freedom to make known the documents and texts of the Magisterium (encyclicals, instructions, etc.);
- at the international level: freedom of free exchange in the field of communication, cooperation, religious solidarity, and more particularly the possibility of holding multi-national or international meetings;
- also at the international level, freedom for religious communities to exchange information and other contributions of a theological or religious nature.

Person's Primary Right

5. As was said earlier, freedom of conscience and of religion, including the aforementioned elements, is a primary and inalienable right of the human person; what is more, insofar as it touches the innermost sphere of the spirit, one can even say that it upholds the justification, deeply rooted in each individual, of all other liberties. Of course, such freedom can only be exercised in a responsible way, that is, in accordance with ethical principles and by respecting equality and justice, which in turn can be strengthened, as mentioned before, through dialogue with those institutions whose nature is to serve religion.

No Geographical Borders

6. The Catholic Church is not confined to a particular territory and she has no geographical borders; her members are men and women of all regions of the world. She knows, from many centuries of experience, that suppression, violation or restriction of religious freedom have caused suffering and bitterness, moral and material hardship, and that even today there are millions of people enduring these evils. By contrast, the

recognition, guarantee and respect of religious freedom bring serenity to individuals and peace to the social community; they also represent an important factor in strengthening a nation's moral cohesion, in improving people's common welfare, and in enriching the cooperation among nations in an atmosphere of mutual trust.

In addition, the wholesome implementation of the principle of religious freedom will contribute to the formation of citizens who, in full recognition of the moral order, “will be obedient to lawful authority and be lovers of true freedom; people, in other words, who will come to decisions on their own judgment, and, in the light of truth, govern their activities with a sense of responsibility, and strive after what is true and right, willing always to join with others in cooperative effort” (*Dignitatis humanae*, no. 8).

Moreover, if it is properly understood, religious freedom will help to ensure the order and common welfare of each nation, of each society, for, when individuals know that their fundamental rights are protected, they are better prepared to work for the common welfare.

Respect for this principle of religious freedom will also contribute to strengthening international peace which, on the contrary, is threatened by any violation of human rights, as pointed out in the aforementioned UN address, and especially by unjust distribution of material goods and violation of the objective rights of the spirit, of human conscience and creativity, including man's relation to God. Only the effective protection of the fullness of rights for every individual without discrimination can guarantee peace down to its very foundations.

To Serve the Cause of Peace

7. In this perspective, through the above presentation the Holy See intends to serve the cause of peace, in the hope it may contribute to the improvement of such an important sector of human and social life, and thus of international life also.

It goes without saying that the Apostolic See has no thought or intention of failing to give due respect to the sovereign prerogatives of any state. On the contrary, the Church has a deep concern for the dignity and rights of every nation; she has the desire to contribute to the welfare of each one and she commits herself to do so.

Thus the Holy See wishes to stimulate reflection, so that the civil authorities of the various countries may see to what extent the above considerations deserve thorough examination. If such reflection can lead to recognizing the possibility of improving the present situation, the Holy See declares itself fully available to open a fruitful dialogue to that end, in a spirit of sincerity and openness.

From the Vatican, September 1, 1980.
John Paul II

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campum « Brzezinka » appellatum adiit, in quo, saeviente postremo bello, innumeri caesi sunt, sacrisque litavit. Inter autem Missarum sollemnia, ad universalem fovendam reconciliationem celebrata, hanc homiliam habuit, June 7, 1979. AAS 71 (1979), 844-848.

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