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John Paul II, the right to life and abortion

Abstract: John Paul II formulated the prohibition of killing an innocent person in terms of natural Human Rights. He advocated in favour of the right to life of unborn children, through diplomacy and action at the United Nations. The Polish Pope opposed both the claims and the methods of the pro-abortion lobby. This article examines news of this worldwide battle, analysing both Human Rights Law and the power relations surrounding abortion. Nearly thirty years after the Cairo Conference (1994), unborn children have not been excluded from the protection of the right to life and an international obligation to legalize abortion has never been created. However, the assaults of the pro-abortion lobby are as strong as during the 1990s. The entryism of this lobby has even created dysfunctions in the international institutions themselves, thus affecting and losing their impartiality.

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John Paul II was specifically and deeply preoccupied with the protection of human life from conception. He published an encyclical on this topic in 1995: *Evangelium vitae*. During his fourth year as a Pope (1982), John Paul II gave one homily on the right to life, during which he recalled: “*Nothing can legitimize the death of an innocent person. That would be to deny the very foundation of society. What would be the meaning of words about the dignity of man, about his fundamental rights, if we do not protect an innocent person, or if we even facilitate private or public means or services to destroy human lives?*”¹ This article does not deal with the issue of the end of life, but rather focuses on the beginning of life.

The killing of an innocent person has always been regarded as a moral evil by the Church. The Catechism of the Catholic Church quotes sources from

¹ John Paul II, *Mass for families*, Madrid, Spain, 2 November 1982 (free translation).

the first and second centuries condemning abortion.² The contribution of John Paul II is thus not to be sought in this condemnation. An innovation of his pontificate (1978-2005) was to formulate this doctrine within the modern paradigm of Human Rights. The Polish Pope interpreted Human Rights both through the Thomistic doctrine of natural law and through international law.

Even today, the thought and action of John Paul II are a good starting point to inspire advocacy for unborn children based on Human Rights (1) and to understand and oppose what he called a “network of complicity” to legalize and spread abortion worldwide (2).

1. Advocacy for unborn children based on Human Rights

John Paul II argued in favour of the right to life from conception and stressed the responsibility of states to enforce this right. As we shall see, this advocacy differs from Human Rights Law but does not contradict it.

1.1. The right to life and other Human Rights

According to John Paul II, the right to life begins at conception, which is the very beginning of the life of a human being. It is based on the nature of the human being, because there is a “*natural inclination to preserve one’s own physical life*” and there is even more “*a dignity proper to the person.*”³ As such, the right to life is universal.⁴

The right to life also has supernatural purposes. At the beginning of *Evangelium vitae*, John Paul II recalled that “*Man is called to a fullness of life which far exceeds the dimensions of his earthly existence, because it consists in sharing the very life of God.*”⁵ The birth of a child makes his or her baptism possible. The right to be born thus encompasses the possibility of a life with God, on Earth first, and in Heaven for eternity.⁶

² The Holy See, *Catechism of the Catholic Church*, promulgated in 1992, § 2271; See also: Gérard Mémeteau, *Le droit de la vie dans les enseignements pontificaux*, Têqui, 1985, p. 28.

³ John Paul II, *Veritatis Splendor*, 6 August 1993, § 50.

⁴ *Ibid.*, § 51.

⁵ John Paul II, *Evangelium vitae*, 25 March 1995, § 2

⁶ On baptism, see the John Paul II’s Angelus and Homily for the Feast of the Baptism of the Lord, 12 January 2003.

John Paul II establishes a hierarchy among Human Rights.⁷ Two rights are at the top: the right to life and the right to religious freedom.⁸ They prevail over other rights and their ultimate aim is to respond to God's call.

Human Rights Law is not aligned with this vision of John Paul II, but there are points of agreement. International Human Rights instruments all recognize the right to life as a primary right, by quoting it in their first articles. This right is considered as "*inherent*" to "*every human being*"⁹ and includes a prohibition on intentionally depriving a person of his or her life.¹⁰ Human Rights instruments do not explicitly exclude children before birth from this protection, insofar as a "*human being*" is not legally defined. On this point, international law stands in stark contrast to the French Declaration of the Rights of Man and of the Citizen of 1789, which stated that human rights began at birth.¹¹

Some Human Rights instruments recognize that human life before birth can or should be protected. The Convention on the Rights of the Child, which was ratified by the Holy See, recalls that the child shall benefit from "*appropriate legal protection, before as well as after birth.*"¹² Even better, the American Convention on Human Rights considers that the right to life "*shall be protected by law and, in general, from the moment of conception.*"¹³ The European Court of Human Rights considers that "*the issue of when the right to life begins comes within the [national] margin of appreciation*"¹⁴ which leaves states free to protect unborn children in their national legal order.

⁷ An analysis of this hierarchy and its foundations can be found in Philippe-Ignace André-Vincent, *Les droits de l'homme dans l'enseignement de Jean-Paul II*, éditions LGDJ, 1983, pp. 43-46.

⁸ See for example: John Paul II's, Homily, Nowy Targ, Poland, 8 June 1979.

⁹ *International Covenant on Civil and Political Rights*, New York, United States of America, 16 December 1966, Article 6-1.

¹⁰ *Ibid.*; See also: *Convention for the Protection of Human Rights and Fundamental Freedoms* ("European Convention on Human Rights"), Rome, Italy, 4 November 1950, Article 2-1.

¹¹ According to Article 1 of this Declaration, "*Men are born and remain free and equal in rights.*"

¹² *Convention on the Rights of the Child*, New York, United States of America, 20 November 1989, Preamble.

¹³ *American Convention on Human Rights*, San José, Costa Rica, 22 November 1969, Article 4 § 1.

¹⁴ See for example: European Court of Human Rights (ECHR), *Vo v. France* [GC], No. 53924/00, 8 July 2004.

1.2. The duties of society and states

According to John Paul II, not only is there an individual dimension to the right to life, but also a social dimension, which gives duties to states. On this point also, as we shall see, we can find parallels between this thinking and Human Rights Law.

John Paul II explained that there is a “*distinctly social dimension*”, “*beyond the responsibility of individuals and beyond the harm [which can be] done to [unborn children]*.”¹⁵ For him, the protection of these innocent persons is related to “*civilization itself*”¹⁶ and the “*foundation of society*”¹⁷.

According to John Paul II, the recognition of natural Human Rights is a condition for the existence of the rule of law.¹⁸ He developed the notion of the “*human state*”¹⁹ in a speech on the right to life. It is not a Christian state, submitted to the whole divine revelation, including the Gospel, but a state submitted to natural law. The human state “*recognizes at its primary duty the defence of the fundamental rights of the human person, especially the weakest.*”²⁰ This duty implies an obligation not to violate the right to life from conception and also to “*protect and promote*” it.²¹

In Human Rights Law as well, Human Rights give negative and positive obligations to states. In support of their positive obligations, states of the United Nations committed in 1994 to “*help women avoid abortion*” and to “*reduce the recourse to abortion*”²², during the Cairo Conference, which we shall discuss subsequently. In the case-law of the European Court of Human Rights, states which legalize

¹⁵ *Evangelium vitae*, *op. cit.*, § 59. Before this quotation, John Paul II made a list of all the actors who have an individual responsibility towards an unborn child: his parents, wider family circle or friends, doctors and nurses, legislators and administrators of health-care centres (§§ 58 et 59).

¹⁶ *Ibid.*, § 59.

¹⁷ Mass for families, Madrid, *op. cit.* (free translation).

¹⁸ See John Paul II's speech at the European Court of Human Rights, 10 November 1980, § 4.

¹⁹ See *Evangelium vitae*, *op. cit.*, § 101; John Paul II, Address to Participants in the Study Conference on “The Right to Life in Europe”, 18 December 1987, § 1: “*It is not necessary to refer to the light of the Christian faith to understand these basic truths. When the Church calls them back, she does not want to introduce a Christian state: she simply wants to promote a human State.*”

²⁰ *Ibid.*

²¹ *Evangelium vitae*, *op. cit.*, § 93.

²² Programme of Action of the International Conference on Population and Development, Cairo, 5-13 September 1994, § 7.24 and § 8.25.

abortion keep some obligation which can limit the damage. For example, states must oppose eugenics.²³

However, despite these elements remaining in Human Rights Law, there is, of course, a discrepancy between natural law and Human Rights Law, especially on the right to life. We shall now deal with measures in favour of abortion.

2. The “network of complicity” to legalize and spread abortion

John Paul II identified and denounced in the 1990s a “*network of complicity which reaches out to include international institutions, foundations and associations which systematically campaign for the legalization and spread of abortion in the world.*”²⁴ From the experience of the Holy See and from what we can observe today, we shall clarify what this pro-abortion lobby requests and how it works.

2.1. Towards a fundamental “right to abortion”?

The agenda of this pro-abortion lobby is exactly the opposite of the right to life from conception. Its main claim since the 1990s is a universal “right to abortion,” which would create an international obligation for states to legalize abortion on demand.

John Paul II denounced the “right to abortion” as a “*contradiction*” in itself.²⁵ In *Evangelium vitae*, he asked people “*to call things by their proper name.*”²⁶ He qualified abortion²⁷ as a “*most serious and dangerous crime*”²⁸ and “*murder.*”²⁹ He recalled the condemnation in the Bible of “*those who call evil good and good evil.*”³⁰

A “right to abortion” would protect an ability to use freedom as a power upon nature, up to the destruction of this nature, rather than protecting the ability to accomplish nature. John Paul II called this a “*corruption of the idea and the*

²³ See: ECHR, *Costa v. Italy*, No. 54270/10, 28 August 2012.

²⁴ *Evangelium vitae*, *op. cit.*, § 59.

²⁵ John Paul II, *Address of the Holy Father to the new ambassador of New Zealand to the Holy See*, 25 May 2000.

²⁶ *Evangelium vitae*, *op. cit.*, § 58.

²⁷ John Paul II also addressed other practices which involve the killing of human embryos, such as the experimentation on embryos, in-vitro fertilization, prenatal diagnosis techniques involving risks for the child.

²⁸ *Evangelium vitae*, *op. cit.*, § 62.

²⁹ *Ibid.*, § 58.

³⁰ *Ibid.* See: Isaiah 5:20.

*experience of freedom.*³¹ He also qualified the legalization of abortion, with the culture surrounding it, as a “*structure of sin.*”³² This notion, coming from liberation theology, was also used by him regarding racism and contempt for poor people, in some places.³³

John Paul II became personally involved against the creation of a “right to abortion” during the International Conference on Population and Development (ICPD), held in Cairo in 1994, and during the World Conference on Women, held in Beijing in 1995. Many even say that without the involvement of John Paul II at the United Nations, a “right to abortion” would have been created during these two Conferences.³⁴

Even today, almost thirty years later, the idea of a fundamental “right to abortion” remains a mere political idea. No international binding instrument includes such a right.

The European Court of Human Rights examines abortion cases from the perspective of the right to respect women’s private life, but they do not derive from this right a “right to abortion.”³⁵ The “right to abortion” is often confined to soft law, at the worst. It is, most of the time, the same at the national level,³⁶ with a few exceptions. The United States had been one of the exceptions between 1973 and 2022, with the judgments of *Roe v. Wade* (1973) and *Planned Parenthood v. Casey* (1992), but The Supreme Court reversed them in *Dobbs vs. Jackson Women’s Health Organization* (2022).

³¹ John Paul II, *Familiaris Consortio*, 22 November 1981, § 6: “a corruption of the idea and the experience of freedom, conceived not as a capacity for realizing the truth of God’s plan (...), but as an autonomous power of self-affirmation, often against others, for one’s own selfish well-being” (FC, § 6).

³² *Evangelium vitae*, *op. cit.*, § 59.

³³ See on this topic the study carried out by Pascal Ide, « La dimension sociale du péché dans le magistère de l’Église », 2000.

³⁴ André Dupuy, *Le courage de la vérité – Jean-Paul II et la diplomatie pontificale. Les grands dossiers.*, Les Éditions du Cerf, 2014, pp. 67 et 76.

³⁵ See for example: ECHR, *A, B and C v. Ireland* [GC], No. 25579/05, 16 December 2010, § 214: “Article 8 cannot (...) be interpreted as conferring a right to abortion.”

³⁶ In France, a “fundamental right to abortion” has been “reaffirmed” in a resolution of the National Assembly on 26 November 2014, but it is a political declaration of principle without any real legal value.

We can thus say that John Paul II's victory against the creation of a right to abortion is still bearing fruit.

2.2. The corruption of international institutions

John Paul II's criticism of a pro-abortion "network of complicity" is based on the experience of the Pope during international conferences, especially in Cairo. The Holy See understood the strategy of this lobby there. It observed that the International Planned Parenthood Federation (IPPF) was included in about sixty government delegations, that the president of the IPPF led the work of the Commission responsible for preparing the final text, and that the NGO members of IPPF financed the travel of many experts invited to give a speech during preparatory meetings.³⁷

The Holy See was thus in a weak position but was effective. The pro-abortion lobby understood in Cairo that its main obstacle was the Holy See. The following year, at the beginning of the Conference of Beijing, the pro-abortion lobby launched a campaign named "See Change" to challenge the legitimacy of the Holy See at the UN. The goal was to remove its status.³⁸

What we can observe today is the same kinds of methods, employing entryism, and even creating dysfunction in the international institutions themselves. The *European Centre for Law and Justice* (ECLJ) published two reports about these dysfunctions: *NGOs and the Judges of the ECHR, 2009 – 2019* (February 2020) and *The financing of UN experts* (September 2021). Abortion is often the issue on which these dysfunctions are the worst, as the examples below show.

At the United Nations, pro-abortion foundations and NGOs directly finance some reports of "independent" experts.³⁹ One of these experts qualified these direct payments as "silent corruption." As an illustration, the former UN expert on torture published a report in 2016, in which he explained that the prohibition of abortion was a form of torture.⁴⁰ The Ford Foundation gave him 90,000 dollars to write this report. The Open Society Foundations also gave him 200,000 dollars

³⁷ André Dupuy, *Le courage de la vérité*, *op. cit.*, p. 60

³⁸ *Ibid.*, pp. 81-83.

³⁹ The information in this paragraph can be found in the ECLJ report *The financing of UN experts*, September 2021, especially pp. 35-42.

⁴⁰ Human Rights Council of the United Nations, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, § 44.

the same year. These foundations thus paid to promote their ideas with the logo of the UN.

The pro-abortion lobby also has great influence at the Interamerican Court of Human Rights.⁴¹ In November 2021, this Court judged the case *Manuela v. Salvador*.⁴² The case began in 2008, when Manuela killed her newborn child. Pro-abortion NGOs used this dramatic story to promote abortion and their lies about the facts were everywhere in the media. The President of this Court and one other judge had strong ties of interest with the applicant NGO (Center of Reproductive Rights), and with NGOs and a UN expert supporting them. The proceedings before the Interamerican Court were thus biased and unfair, due to conflicts of interest.

The third illustration we can give of the methods of the abortion lobby is that of the World Health Organization (WHO). In March 2022, the WHO issued 170 pages of guidelines about abortion, which promote abortion on demand until birth.⁴³ The work was financed by the *Human Reproduction Programme*, which is funded by private groups, such as the Bill & Melinda Gates Foundation and the Buffett Foundation.⁴⁴ Among the experts chosen to write the guidelines, two-thirds of them promote abortion, belonging notably to the IPPF or to Marie Stopes International.⁴⁵ There was no expert in favour of the prevention of abortion. This work was thus paid and completed by pro-abortion groups, and it now has the WHO logo.

Conclusion

There has been a worldwide battle since the 1990s between two sides. The promoters of the right to life from conception fought the attempt to create an opposite “right to abortion.” No issue seems to have mobilized John Paul II so much as this battle.⁴⁶ The Polish Pope laid the foundations to lead this battle at an international

⁴¹ All the details about the information in this paragraph can be found in this article: Nicolas Bauer, “Conflicts of Interests at the Inter-American Court of Human Rights,” ECLJ website, March 2021.

⁴² Interamerican Court of Human Rights, *Manuela v. Salvador*, No. 13.069, 2 November 2021.

⁴³ World Health Organization, “Abortion care guideline,” 8 March 2022.

⁴⁴ World Health Organization, “Voluntary contributions by fund and by contributor, 2020,” A74/INF/4, 7 May 2021, pp. 5-14 and 18-20.

⁴⁵ See: “List of contributors to the “Abortion care guideline” cited in the WHO/HRP document,” ECLJ website, June 2022.

⁴⁶ See: André Dupuy, *Le courage de la vérité*, op. cit., p. 81

level, by relying on Human Rights, without naiveté concerning the corruption of law and international institutions.

Faced with the attacks in favour of abortion, the doctrine of natural law is a source of hope, because it is engraved in the heart of every man.⁴⁷ In his encyclical *Veritatis Splendor*, John Paul II recalled that conscience can “[become] almost blind from being accustomed to sin”⁴⁸ but also that “no darkness of error or of sin can totally take away from man the light of God the Creator. In the depths of his heart there always remains a yearning for absolute truth and a thirst to attain full knowledge of it.”⁴⁹ Every person thus has the possibility to rediscover in his or her heart natural Human Rights, even those of unborn children.

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⁴⁷ *Veritatis Splendor*, op. cit., § 44

⁴⁸ *Ibid.*, § 62 (quoting the Second Vatican Ecumenical Council, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, § 16).

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