

Journal of Catholic Legal Studies

Volume 45
Number 2 *Volume 45, 2006, Number 2*

Article 2

February 2017

Introduction

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SYMPOSIUM
THE JURISPRUDENTIAL LEGACY OF
JOHN PAUL II
INTRODUCTION

SUSAN J. STABLE†

In October of 1978, Karol Wojtyla was elected the Pope of the Roman Catholic Church, taking the name John Paul II. His 26-year papacy was termed by Fr. Richard John Neuhaus, “one of the most extraordinary pontificates in 2000 years of church history.”¹ The Pope himself, who died on April 2, 2005, was dubbed by George Weigel, “the prophet of the new millennium.”²

As is not surprising for someone who was a public figure for so long, Pope John Paul II was not universally acclaimed. He was beloved by millions of people and admired by many for his strong stands on issues such as the inviolability of human life. Yet not all of those who believed he was a great man believed he was a great pope.³ What is undeniable is that he exerted great influence on both Catholics and non-Catholics, that he made a vast contribution to our understanding of the dignity of the human person and of the Church’s social doctrine, and that he was passionately committed to social justice and to peace.

St. John’s University School of Law and the Law School’s *Journal of Catholic Legal Studies* proudly hosted a symposium

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¹ John Christensen, *John Paul II: Conscience of the World*, <http://www.cnn.com/SPECIALS/1999/pope/legacy/> (last visited February 2, 2007) (quoting Neuhaus, editor of the Catholic journal *First Things*).

² George Weigel, *John Paul II—Preparing the 21st Century*, CRISIS, November 1997, at 6, available at http://www.catholiceducation.org/articles/catholic_stories/cs0052.html.

³ Christensen, *supra* note 1 (quoting John Wilkins, editor of a Catholic weekly in London, saying, “I think John Paul is a great man, but I don’t think he’s a great pope.”).

on March 23–24, 2006, devoted to an exploration of the legacy of John Paul II on law, politics and culture, and on the development of Catholic legal theory. The symposium featured paper presentations by law professors, theologians, and other academics, as well as a keynote address by Vatican NCR correspondent John Allen. Equally important in light of St. John's commitment to contribute to the development of Catholic Legal Studies as a meaningful jurisprudential lens through which to view the world, the symposium offered the opportunity over its two-day period for both formal and informal exchanges among the participants, providing "vitaly important opportunities to build community and strengthen personal and spiritual, as well as scholarly, ties among people of faith."⁴

We are pleased to devote this issue of the *Journal of Catholic Legal Studies* to sharing the fruits of this watershed symposium to the widest possible audience. We are convinced that these papers will be an important resource for all of those who are serious about the task of reflecting not only about the contribution of this particularly pontiff, but more generally about the role of Catholic thought in law and politics.

The first panel at the symposium focused on the underpinnings of John Paul II's vision. In *John Paul II: The Quintessential Religious Witness in the Public Square*, Greg Sisk surveys the late Pope's remarkable engagement with public questions, painting a picture of a powerful and prophetic witness, whose power both derived from and was driven by the Church's primary salvific role. Joseph Koterski, S.J.'s essay, *The Use of Philosophical Principles in Catholic Social Thought: The Case of Gaudium et Spes*, explores the philosophical foundations of Catholic Social Teaching, proceeding from the premise that philosophical reasoning has a great role to play in bringing Catholic Social Teaching into the public square. Robert Araujo, S.J. explores John Paul II's vision of the "rule of law" in *John Paul II and the Rule of Law: Bringing Order to International Disorder*. His essay examines some of the major writings in which John Paul "placed his own hallmark to the notion of the rule of law," and considers how his ideas can be of benefit to the legal institutions, and, more broadly, the world.

⁴ *Building a Fellowship of Scholars in Catholic Legal Studies*, http://www.mirrorofjustice.com/mirrorofjustice/sisk_greg/ (Mar. 27, 2006, 20:11 EST).

Rev. Gerald Twomey's paper, *Pope John Paul II and the "Preferential Option for the Poor,"* traces the ideas of the preferential option for the poor through John Paul II's papacy, showing how an idea that the Pope was originally skeptical of became an essential component of his thinking.

The second panel was devoted to an exploration of John Paul II and understandings of justice. In *West, Macintyre, and Wojtyła: Pope John Paul II's Contribution to the Development of a Dependency-Based Theory of Justice*, Elizabeth Schiltz examines the relationship between John Paul II's thinking and the dependency-based theory of justice that has been developed by feminist writers such as Alisdair MacIntyre and Robin West. She explores the ways in which John Paul's writings on women support the application of the dependency-based theory of justice to a number of issues. Randy Lee examines law "as God sees it" in *Judaism and John Paul II: Coming to Grips with What Law Means in the Hands of God*. He provides a vision of law that is inextricably linked to a loving God who uses law as a vehicle to build a loving relationship with His people, and then reflects on the lesson for America to be learned from such a vision. Building on observations made by John Paul II, Sam Levine considers the complementary roles of justice and mercy in Jewish tradition in his contribution to the symposium, *Looking Beyond the Mercy/Justice Dichotomy: Reflections on the Complementary Roles of Mercy and Justice in Jewish Law and Tradition*. He suggests that an ideal form of justice might incorporate "a meaningful and appropriate measure of mercy."

We include in this volume two papers from the third panel of the symposium, which focused on John Paul II and the World of Business and Commerce. In *Why the Bottom Line is Not the Bottom Line: John Paul II's Concept of Business*, John Coverdale works from John Paul II's vision of how economic activity and business fit into human life, and into the effort to achieve human fulfillment, to argue that businesses are fundamentally communities of persons working with each other. From that he suggests that participants in a corporation have an obligation to one another that is rooted far deeper than the contractual obligations they agree to undertake. Alison Sulentic applies John Paul II's teachings about work to questions about the behavior of employee benefit plan fiduciaries in *Human Dignity First: John Paul II, Systems Analysis, and the ERISA Fiduciary*.

She finds that certain behavior on the part of plan fiduciaries is demanded in order to respect the dignity of the human person.

The final panel of the symposium addressed John Paul II and the courts. Saby Ghoshray examines John Paul II's opposition to the death penalty in *Tracing the Moral Contours of the Evolving Standards of Decency: The Supreme Court's Capital Jurisprudence Post-Roper*. He particularly focuses on the Supreme Court's conception of "evolving standards of decency," finding links to John Paul II's principled opposition to the death penalty. Michael Scaperlanda's contribution, *Rehabilitating the "Mystery Passage": An Examination of the Supreme Court's Anthropology Using the Personalistic Norm Explicit in the Philosophy of Karol Wojtyła*, critiques the Supreme Court's understanding of the human quest, as revealed in cases such as *Planned Parenthood v. Casey* and *Lawrence v. Texas*. He argues that the anthropological claims implicit in the Court's understanding of human liberty is "nearly accurate but that nearly is not good enough." Finally, Graham McAleer engages in a philosophical analysis of the "wrongful life tort" in *Wrongful Life Tort and John Paul II*, finding the ethics underlying the tort to be inconsistent with the vision of life articulated by John Paul II in *Evangelium Vitae*, a vision he defends.

I want to express my gratitude to all of those who contributed to the success of our Symposium on the Jurisprudential Legacy of Pope John Paul II. In addition to the paper presentations, the panels included commentary by Michael Perry, Amy Uelman, and Rob Vischer (and me). Although we have not included the commentary in this volume, we do include both the welcoming remarks offered by the President of St. John's University, Rev. Donald J. Harrington, C.M., as well as the keynote address by John Allen.

John Allen suggested in his keynote address that "Catholic jurists and political theorists can set an example by fostering a conversation which is inclusive and respectful, but which also has teeth in insisting upon identifiably 'Catholic' answers to our challenges." That is what we tried to do—and what I believe we succeeded in doing—at our symposium. This is an important dialogue and we are pleased to be a part of it.