

THE POPE'S PEACE AND SECURITY COUNCIL RESOLUTION 1325

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INTRODUCTION

Pope John Paul II, the late head of the Holy See, which is the governing organ of Vatican City and the Roman Catholic Church,¹ commenced an important conversation with women on January 1, 1995. On that day, he delivered the annual World Day of Peace message, inviting women "to become teachers of peace with their whole being and in all their actions."² This statement, along with many others made by the Pope that year, was directed to women and was about women.³ The statements did not pass unnoticed in the United Nations system. The Holy See has international legal personality and participates as a Permanent Observer at the United Nations, which means that it may fully participate in meetings despite its inability to vote.⁴

The message initiated a series of addresses emanating from His Holiness, who at that time was preparing his delegation to participate in the United Nations 1995 Fourth World Conference on Women in

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1. For a good overview of the Holy See and its status in international law, see Robert John Araujo, S.J., *The International Personality and Sovereignty of the Holy See*, 50 CATH. U. L. REV. 291 (2001) [hereinafter Araujo, *Holy See*], and Robert John Araujo & John A. Lucal, *A Forerunner for International Organizations: The Holy See and the Community of Christendom—with Special Emphasis on the Medieval Papacy*, 20 J.L. & RELIGION 305 (2004–05).

2. Pope John Paul II, Message of Pope John Paul II for the Celebration of the World Day of Peace: Women: Teachers of Peace ¶ 2 (Jan. 1, 1995) [hereinafter 1995 Peace Message], in *SERVING THE HUMAN FAMILY: THE HOLY SEE AT THE MAJOR UNITED NATIONS CONFERENCES* app. at 821, 822 (Msgr. Carl J. Marucci ed., 1997) [hereinafter *SERVING THE HUMAN FAMILY*] (emphasis omitted).

3. *See id.*

4. Araujo, *Holy See*, *supra* note 1, at 357, 359.

Beijing.⁵ With international attention focused on women, the 1995 papal statement gave an unprecedented depth of insight on the topic of women and peace.

The Beijing Platform for Action, one of the conference documents, addressed the principles pertaining to women and armed conflicts.⁶ These principles were, in turn, reaffirmed five years later by two of the principal organs of the United Nations, the General Assembly and the Security Council. In 2000, the General Assembly favorably reviewed the principles at Beijing +5 during the five-year review process.⁷ The same year, the Security Council issued Resolution 1325 addressing the unique impact of armed conflict on women and children.⁸ It noted the undervalued contributions of women and stressed the need for women's full and equal participation in all phases of the peace process.⁹

The purpose of this Article is to compare and contrast Pope John Paul II's message on women and peace with Security Council Resolution 1325 and a 2002 study prepared by the Secretary-General, entitled *Women, Peace and Security* ("WPS").¹⁰ The Article will be divided into three parts. Part I will begin with a case study of what it means to be a woman of peace. Part II will give an overview of the 1995 World Day of Peace message. Part III will discuss Security Council Resolution 1325 ("Resolution 1325," "Resolution") and WPS.

I. PIA CLEMENTI: A WOMAN OF PEACE

By way of introduction, a Catholic man who was familiar with the writings of Pope John Paul II asked me what I intended to present in this Article. I responded by saying, "Women and Peace: JP II and

5. That entire year of intense attention to women has been described as "a truly memorable year for women in the Catholic Church." COMM. ON WOMEN IN SOC'Y & IN THE CHURCH, U.S. CONFERENCE OF CATHOLIC BISHOPS, POPE JOHN PAUL II ON THE GENIUS OF WOMEN 1 (1997) [hereinafter POPE JOHN PAUL II ON THE GENIUS OF WOMEN].

6. Fourth World Conference on Women, Beijing, China, Sept. 4-15, 1995, *Report of the Fourth World Conference on Women*, ch. I, resolution 1, annex II, ¶¶ 131-49, at 56-65, UN Doc. A/CONF.177/20/Rev.1 (Jan. 1, 1996) [hereinafter Fourth World Conference on Women]. "In addressing armed or other conflicts, an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be promoted so that before decisions are taken an analysis is made of the effects on women and men, respectively." *Id.* ¶ 141, at 58.

7. See G.A. Res. S-23/3, annex, ¶ 1, UN Doc. A/RES/S-23/3 (Nov. 16, 2000).

8. See S.C. Res. 1325, UN Doc. S/RES/1325 (Oct. 31, 2000).

9. *Id.* ¶ 5.

10. UN INTER-AGENCY TASK FORCE ON WOMEN, PEACE AND SECURITY, WOMEN, PEACE AND SECURITY, UN Sales No. E.03.IV.1 (2002) [hereinafter WOMEN, PEACE AND SECURITY].

Security Council Resolution 1325.” He recoiled with a grimace on his face. His reaction provoked me to ponder the moment. All three topics—women, peace, and the United Nations—have been featured in Pope John Paul II’s writings. I asked myself, if the conference is devoted to the teachings of Pope John Paul II, then what is the reason behind such a reaction? Perhaps, for this person, my statement conjured up images of Jane Fonda. Or perhaps it was the combination, in one phrase, of three painfully soft topics in Republican circles: women, peace, and the United Nations. Such talk could prove to be a death blow for one’s credibility as a political conservative.

So to capture the thought of John Paul II, I want to jump into the topic by giving an example of a woman of peace. Last summer I witnessed such a woman. This is her story.

Pia Clementi is a wife, a mother of four children, city council member, civil lawyer, canon lawyer, and friend. When her youngest child, Lucia, was born, she gave me the great honor of being Lucia’s godmother. Lucia would have been ten years old on August 18, 2006. On July 14, 2006, Lucia’s life was cut short. She drowned in a pool accident in Italy. While underwater, her arm became lodged in the opening of the pool that recycles the water. Her oldest brother, Francesco, dove in and transferred air to her through his own lips while others, including Pia, struggled to free her arm. In the end, Pia was at Lucia’s side when she slowly slipped away.

The accident happened on a Friday, and the funeral was scheduled for Tuesday evening. My first glimpse of Pia was when she entered the church in front of the casket. She was leading the way, helping a young woman who was limp with grief and could hardly walk. Through the crowded church, Pia and her family jostled their way to the first pew. None of them showed any emotion. When Pia went up to read the second reading, a woman behind me gasped, realizing that the mother of the dead child was taking the podium. She was obviously surprised by Pia’s strength. Pia radiated not just strength but peace. Her voice was clear, calm, and strong. Her peaceful presence endured throughout the funeral and during the procession to the cemetery that followed. Pia returned to the podium two more times during the funeral. She led the prayers of the faithful—which she had composed—reciting them from memory.

One of her prayers struck me and set the tone for the remainder of a very Christian funeral. She prayed that Lucia would not be treated like a relic. Lucia was alive and, with our Lord, would want the funeral to be carried out with joy. She highlighted Lucia’s love of

people and music and then thanked Lucia's choir group for participating in the funeral.

After communion,¹¹ I turned to greet the family, and Pia immediately put me in the first pew to sit with them. I was upset. Her daughter Federica said, "Jane, dobbiamo stare forti" (Jane, we [meaning the family] have to be strong). I knew these words were Pia's words. Fillipo, the youngest son, held my hand. After communion, the young children from Lucia's class lined up to leave roses on the little, white coffin. Pia had come to my side to indicate that a song had been chosen in English for me. Even when planning the funeral, she had thought of such details. She had thought of others. As she was explaining this, a young boy came forward to leave his rose. His face was streaked with tears and he was shaking uncontrollably, squeezing the red rose with tightly clenched hands. Pia rushed to him, embraced him and spoke to him gently, and then led him slowly toward the coffin with the rose in hand now dangling loosely by his side.

About fifteen minutes later, she again took the podium along with her two sons to support her daughter, Federica, who read a letter addressed to Lucia, her dead sister. Federica started off strong, but after a few seconds faltered. As if sensing her weakness, the choir burst into joyful song, and the sister took strength from the music that Lucia loved. Federica finished the letter and then rushed to her father and collapsed in his arms. Pia then led the procession out the door to the gravesite in the city's cemetery. She comforted many along the way and thanked others for coming. She was there, continually, from the beginning to the end, for the other.

This example brings to life the following words of Pope John Paul II from his 1995 World Day of Peace message: "I urge everyone to reflect on the critical importance of the role of women in the family and in society, and to heed the yearning for peace which they express in words and deeds and, at times of greatest tragedy, by the silent eloquence of their grief."¹²

11. For information about the meaning of communion, see CATECHISM OF THE CATHOLIC CHURCH ¶ 1331 (2d ed. 1997).

12. 1995 Peace Message, *supra* note 2, ¶ 4.

II. WORLD DAY OF PEACE MESSAGE

The World Day of Peace message ("World Peace Message") of January 1, 1995, addresses all men and women of good will¹³ and invites all women to become teachers of peace in both the family and society.¹⁴ With international attention focused on women in preparation for the Beijing Conference on Women, the influence of the papal statements that year cannot be dismissed lightly. The World Peace Message implicitly endorses past initiatives of the United Nations that have authentically promoted women's increased involvement in all sectors of life. Pope John Paul II, however, gives a depth of insight for women's participation not yet fully appreciated by Christians and non-Christians alike. He gave the World Peace Message the title of *Women: Teachers of Peace*. With this title, four questions come immediately to mind: What is peace? What does it mean to be a teacher of peace? Why does the address specifically speak to women? What exactly are women required to do?

A. *What Is Peace?*

The World Peace Message does not directly treat the question concerning the nature of peace, which is not a trifling matter. It concerns the question of human existence and world order. It is beyond the scope of this Article to review what has been said on the topic. Suffice it to say that, in the field of international diplomacy, peace has been described as a blessing or a gift from God,¹⁵ a spiritual value,¹⁶ a moral value,¹⁷ a universal value,¹⁸ a tranquility of order,¹⁹ and a moral duty and right.²⁰ Pope John Paul II alludes to the nature of peace when he states: "To educate in the ways of peace means to open minds and hearts to embrace the values . . . essential to a

13. *Id.* ¶ 1.

14. *Id.* ¶ 2.

15. See POPE JOHN PAUL II AND THE CHALLENGES OF PAPAL DIPLOMACY: ANTHOLOGY 219–21 (André Dupuy ed., 2004) [hereinafter CHALLENGES OF PAPAL DIPLOMACY] (quoting various addresses of Pope John Paul II about the nature of peace).

16. See *id.* at 221–24.

17. See *id.* at 224–26.

18. See *id.* at 226–27.

19. *E.g.*, Pope John Paul II, Message of Pope John Paul II for the Celebration of the World Day of Peace ¶ 6 (Dec. 8, 2002) [hereinafter 2003 Peace Message], in 32 ORIGINS 484, 486 (2003).

20. See CHALLENGES OF PAPAL DIPLOMACY, *supra* note 15, at 227–29.

peaceful society: truth, justice, love and freedom."²¹ By necessary implication, authentic peace is not to be found in the transformation of structures *per se* but rather in the conversion of hearts.

B. *What Is a Key Condition for Peace?*

In his address, Pope John Paul II speaks of an important condition of peace, namely, living with others in a way that respects the dignity of every human person. In other words, such a condition requires respecting and serving others. He states: "[A]uthentic peace is only possible if the dignity of the human person is promoted at every level of society, and every individual is given the chance to live in accordance with this dignity."²²

He clarifies the reference to personhood by highlighting the transcendental value of man: "Any human society, if it is to be well-ordered and productive, must lay down as a foundation this principle, namely, that *every human being is a person*, that is, his nature is endowed with intelligence and free will."²³

It is noteworthy that in a world where great confusion and controversy surround the term "human rights," the former Pope does not abandon it. Rather, he unabashedly supports the concept of human rights in arguing that a condition of peace is having a lively awareness of the dignity of the human person and his or her fundamental human rights. He reaffirms the authentic foundation of human rights: "[P]recisely because he is a person he has rights and obligations which flow directly and immediately from his very nature. And these rights and obligations are universal, inviolable and inalienable."²⁴

Elsewhere, Pope John Paul II has spoken about fundamental rights as being universal because man is part of a fundamental unity, the human race, which originates from God the Creator.²⁵ Fundamental

21. 1995 Peace Message, *supra* note 2, ¶ 2.

22. *Id.* ¶ 1.

23. *Id.* (quoting Pope John XXIII, *Pacem in Terris* [Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity and Liberty] ¶ 9 (1963) [hereinafter *Pacem in Terris*] (emphasis added)).

24. *Id.*

25. See, e.g., Pope John Paul II, Address of Pope John Paul II to H.E. Mr. Altan Güven New Ambassador of the Republic of Turkey to the Holy See ¶ 3 (Dec. 6, 1997) [hereinafter 1997 Address to New Ambassador of Turkey], in L'OSSERVATORE ROMANO (English ed.), Dec. 10, 1997, at 4; Pope John Paul II, Message of Pope John Paul II for the Celebration of the World Day of Peace ¶ 3 (Dec. 8, 1988) [hereinafter 1989 Peace Message], http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_19881208_xxii-world-day-for-peace_en.html.

rights are inviolable (they cannot be breached by others) and inalienable (they cannot be renounced by the individual). This is because fundamental rights have a transcendental value; they exist irrespective of race, ethnic origin, religion, cultural character, place, or circumstance.²⁶ His main point is that the genesis of war emanates from injustices that first attack the inherent dignity and fundamental rights of the human person.²⁷

To combat this reality, respect for the human person is to be promoted. According to Pope John Paul II, such appreciation ought to be fostered "at every level of society."²⁸ With these words, he is indicating that the condition for peace commences with the individual born into a family, which, in turn, grows in groups of families, villages, towns, cities, states, and right up into the international community. In other words, this one phrase, "at every level of society," opens the door to a discussion of the Church's teaching on international relations.

By virtue of sharing the same human nature, people are automatically members of one great family—the human family.²⁹ This human nature consists of the fact that each human person is made in the image and likeness of God, that is, endowed with an intellect and will, and with capacities for wisdom and virtue. Every human person, however, as a result of specific historical situations, is necessarily born into and intensely bound up with a particular family and with groups of families within a whole ethnic and cultural group, called a nation.³⁰ Monsignor Jean-Louis Tauran explains it best when he argues that "the family is the basic unit of society, in the same way the nation, a collection of families, is the basic unit of the international community."³¹ As the healthy family is founded on mutual and reciprocal truth, justice, freedom, and charity, where the strong

26. See, e.g., 1997 Address to New Ambassador of Turkey, *supra* note 25; 1989 Peace Message, *supra* note 25.

27. See, e.g., Ioannes Paulus Papa II [Pope John Paul II], *In Palatio Nationum Unitarum allocutio ad earundem Legatos* [Address Delivered at the United Nations Headquarters to the Representatives of Said Nations] ¶ 11 (Oct. 2, 1979), in vol. 71, pt. 2 ACTA APOSTOLICAE SEDIS 1144, 1151–52 (1979).

28. 1995 Peace Message, *supra* note 2, ¶ 1.

29. See, e.g., 1997 Address to New Ambassador of Turkey, *supra* note 25.

30. See, e.g., Pope John Paul II, Address to UNESCO ¶ 14 (June 2, 1980), in 79 CATHOLIC MIND: IN THE MIND'S EYE 50, 58 (1981) ("The nation is, in fact, the great community of men who are united by various ties, but above all, precisely by culture.").

31. Archbishop Jean-Louis Tauran, Sec'y for Relations with States of the Holy See, Presentation of the Document ¶ 4 (May 8, 1996), in THE PATH TO PEACE FOUND., THE UNITED NATIONS: A FAMILY OF NATIONS? 43, 45 (1996).

welcomes and serves the weak, so must the family of nations found itself upon these virtues.³²

Nations and peoples, although separate and distinct entities from the state, are represented by states, which are subjects of rights and duties in the international legal order. As a consequence, the heart of the Holy See's Permanent Observer Mission is a concern for better relationships among states, on the one hand, and the authentic fulfillment of persons, on the other.³³

C. *What Does It Mean to Be a Teacher of Peace?*

As previously stated, to teach peace means "to open minds and hearts" to embrace the values of the human spirit that are the pillars for a peaceful society.³⁴ In *Pacem in Terris*, Pope John XXIII points to the essential values of peace: truth, justice, love, and freedom.³⁵ On the fortieth anniversary of *Pacem in Terris*, Pope John Paul II summarized the conditions needed for these values to build peace.³⁶ In the following excerpt, he explains how these values are intimately tied to an understanding of rights as correlative with duties and, in this way, rejects an overly individualistic interpretation of rights:

Truth will build peace if every individual sincerely acknowledges not only his rights, but also his own duties toward others. Justice will build peace if in practice everyone respects the rights of others and actually fulfills his duties towards them. Love will build peace if people feel the needs of others as their own and share what they have with others, especially the values of mind and spirit which they possess. Freedom will build peace and make it thrive if, in the choice of the means to that end, people act according to reason and assume responsibility for their own actions.³⁷

32. See Pope John Paul II, Address of Pope John Paul II to the Fiftieth General Assembly of the United Nations Organization ¶ 14 (Oct. 5, 1995), in *THE VISIT OF HIS HOLINESS POPE JOHN PAUL II TO THE UNITED NATIONS* 37, 54 (1996).

33. Msgr. Jean-Louis Tauran, Under-Secretary for Relations with States, Pontifical Council for Justice and Peace, Presentation: The Pontifical Teaching Concerning Int'l Relations in the Addresses of Pope John Paul II to the Diplomatic Corps (Jan. 29, 1988), in *PONTIFICAL COUNCIL FOR JUSTICE & PEACE*, *supra* note 18, at 7.

34. 1995 Peace Message, *supra* note 2, ¶ 2.

35. *Id.* (discussing *Pacem in Terris*, *supra* note 23).

36. See 2003 Peace Message, *supra* note 19, ¶ 3.

37. *Id.*

Such an educational program is an integral part of training a person to be responsible for himself and for others, capable of promoting the authentic welfare of the whole person and of all nations and peoples.³⁸ In the end, a united future for the human race and a lasting peace can only happen through the conversion of hearts and minds³⁹—a renewal of spiritual and moral convictions that will allow peace to take root.⁴⁰

In terms of the relationship between the student and the educator, Pope John Paul II explains in his *Letter to Families* that educators are ones who “‘beget[.]’ in a spiritual sense. . . . [They are] a living means of communication, which . . . makes [both the educator and the one being educated] sharers in truth and love, that final goal to which everyone is called.”⁴¹ In diplomatic addresses, Pope John Paul II has highlighted that such formation must include the development of an attitude that peace is possible⁴² and that brotherhood and openness to others is the right course. The task is to form the human person so he or she can see in each other, first and foremost, “what unites rather than what divides.”⁴³ In the end, the fruits of any spiritual conversion are reconciliation and mutual forgiveness, which are necessary requirements in the face of past errors and injustices.⁴⁴

38. See 1995 Peace Message, *supra* note 2, ¶ 6.

39. *E.g.*, Ioannes Paulus Papa II [Pope John Paul II], *Ottavae, ad civiles Auctoritates et Nationum Legatos habita* [Message of Pope John Paul II to the Governor General of Canada] ¶ 6 (Sept. 19, 1984), in vol. 77, pt. 1 ACTA APOSTOLICAE SEDIS 423, 426 (1985); Ioannes Paulus Papa II [Pope John Paul II], *Praesidi generalis coetus internationalis organismi compendiariis litteris ONU nuncupati: de populorum progressionem* [Message of Pope John Paul II to the General Assembly of the United Nations on Development] ¶ 9 (Aug. 22, 1980), in vol. 72, pt. 2 ACTA APOSTOLICAE SEDIS 818, 824 (1980).

40. *E.g.*, Pope John Paul II, Address of Pope John Paul II to the Diplomatic Corps Accredited to the Holy See ¶ 7 (Jan. 9, 1988) [hereinafter 1988 Diplomatic Corps Address], in 17 ORIGINS 547, 550 (1988).

41. Pope John Paul II, *Gratissimam Sane* [Letter to Families] ¶ 16 (1994) [hereinafter *Letter to Families*] (emphasis omitted).

42. *E.g.*, 1988 Diplomatic Corps Address, *supra* note 40.

43. Pope John Paul II, Address of Pope John Paul II to the New Ambassador of the Republic of Macedonia Accredited to the Holy See ¶ 4 (June 28, 2002), in L'OSSERVATORE ROMANO (English ed.), July 17, 2002, at 5.

44. *See, e.g.*, Pope John Paul II, Address of the Holy Father to the New Ambassador of Bosnia and Herzegovina to the Holy See ¶ 3 (Nov. 30, 2002), in L'OSSERVATORE ROMANO (English ed.), Dec. 11, 2002, at 3; Pope John Paul II, Address of Pope John Paul II to H.E. Mr. Theophilos V. Theophilou Ambassador of the Republic of Cyprus to the Holy See (Apr. 24, 1997), in L'OSSERVATORE ROMANO (English ed.), Apr. 30, 1997, at 8; Pope John Paul II, Address of Pope John Paul II to H.E. Mr. Nasri Salhab New Ambassador of Lebanon Accredited to the Holy See ¶ 5 (Jan. 8, 1983), in L'OSSERVATORE ROMANO (English ed.), Mar. 21, 1983, at 8.

D. *Why Are Women, in Particular, Called to Be Teachers of Peace?*

1. *Woman and the Human Person*

Let us consider the logic of the World Peace Message thus far. To summarize, Pope John Paul II first stresses that the condition of peace is serving the human person through a lively respect and promotion of human dignity and fundamental human rights. He then emphasizes that teaching of peace involves the spiritual and moral formation of the human person. Following these two central points, he invites women, in particular, to be teachers of peace.

Why woman?

God has entrusted the human being to woman in a special way.⁴⁵ From the beginning, woman has been man's complement—the only other living creature with whom he can dialogue as an equal. According to the logic of reciprocity, complementarity, and solidarity, both man and woman, in the common vocation to love, are called to seek and build peace together.⁴⁶ The most intense form of this communion is manifested in marriage, "[t]he matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole life, [which] is by its nature ordered toward the good of the spouses and the procreation and education of offspring."⁴⁷

From the beginning, woman as mother has had a direct role that the father does not play. She is especially united to the child during pregnancy, the postpartum relationship, and then continuing through the earliest years of life. From conception, the mother gives shape not only to the child's body but, one may argue, to the whole personality, albeit in an indirect way.⁴⁸ She has a unique opportunity to nurture in the child "a sense of security and trust," necessary elements for a child's proper development of personal identity, which in turn, is key to establishing fruitful relationships with others.⁴⁹ This primary relationship offers many opportunities for education in pillars of

45. 1995 Peace Message, *supra* note 2, ¶ 3 (quoting Pope John Paul II, *Mulieris Dignitatem* [Apostolic Letter on the Dignity and Vocation of Women on the Occasion of the Marian Year] ¶ 30 (1988) [hereinafter *Mulieris Dignitatem*]).

46. *See id.*

47. CATECHISM OF THE CATHOLIC CHURCH, *supra* note 11, ¶ 1601.

48. *Letter to Families*, *supra* note 41, ¶ 16.

49. 1995 Peace Message, *supra* note 2, ¶ 6.

peace: truth, justice, freedom, and solidarity.⁵⁰ As well, the woman is shaped by the child. Her body changes, she can feel the life growing within her, and she adapts her life to the needs of the unborn child (e.g., changes in eating and exercise). The unique mother-child relationship means the woman has a particular capacity for love, or in other words, for total self-giving, which one might argue is the essence of the feminine genius.⁵¹ As a mother, she conceives, bears, nurtures, raises, and accompanies human beings in life and sometimes unto death.

For Pope John Paul II, there are obviously profound anthropological and theological roots to the reality of the feminine genius. It is beyond the scope of this Article to delve into such issues. It is noteworthy, however, that he does not hesitate to touch on the rich significance with references to the creation story in Genesis and to Mary, Mother of God. He previously fleshed out his thought in the 1988 document *Mulieris Dignitatem*.⁵² Mary, Queen and Teacher of Peace, casts light on the meaning of woman through the birth and death of Jesus Christ, her Son, risen from the dead.⁵³ Mary, the new Eve, virgin-wife-mother, reveals the vocation and mission of women as mothers co-responsible for humanity.⁵⁴ Motherhood, however, is not only biological; Pope John Paul II speaks elsewhere in the letter of "spiritual motherhood."⁵⁵ It concerns the entire person, and every woman is to understand that all human beings have been entrusted to Mary in a special way by reason of her femininity. In brief, with wisdom, love, and faith, woman draws ever closer to the mystery that she is "the creative echo" of a divine love that is all-giving.⁵⁶ Such self-sacrifice and service exemplify Christian behavior, which is aimed at the imitation of Christ, the ultimate Sacrifice and the ultimate Servant.⁵⁷

After highlighting woman's unique role in the family, Pope John Paul II notes that woman's participation is not exclusive. According

50. *Id.*

51. See Janne Haaland Matlary, *Commentary: 'Catholic Feminism' vs. 'Equality Feminism': Men and Women in Family, Society and Politics*, L'OSSERVATORE ROMANO (English ed.), Jan. 12, 2005, at 6.

52. *Mulieris Dignitatem*, *supra* note 45.

53. *Id.* ¶ 3.

54. *Id.* ¶ 11.

55. *Id.* ¶ 21.

56. Seventh Centenary of the Holy House of Loreto, Women Witnesses to Peace: Message of Loreto (Oct. 14–15, 1995) (transcript on file with author).

57. Matlary, *supra* note 51, at 6.

to the logic of complementarity, the active presence of both parents is needed.⁵⁸ Children learn from their own experiences, and they must witness affectionate and positive relationships between parents and other relatives.⁵⁹ The family ought to reflect the love of God Himself so that the child matures in an atmosphere that fosters openness and self-giving to one's neighbor.⁶⁰ In this way, the family becomes "'the first and fundamental school of social living,' the first and fundamental school of peace."⁶¹

In addition, woman is called to reciprocal and complementary collaboration with man in all sectors of society. Woman ought to teach peace where she finds herself in society. She ought to contribute because society needs woman for her unique capacity to humanize. In the words of Pope John Paul II, "[w]hen women are able fully to share their gifts with the whole community, the very way in which society understands and organizes itself is improved, and comes to reflect in a better way the substantial unity of the human family."⁶² In other words, the growing presence of women in all disciplines including the peace process is an important condition for authentic peace⁶³—real unity of the family of nations. Pope John Paul II has one qualification, however. Any "acknowledgment of [her] public role . . . should not . . . detract from [her] unique role within the family."⁶⁴

2. *The Challenges*

Not all men and women understand and appreciate women's profound dignity as feminine human persons. Pope John Paul II stresses those challenges regarding fruitful collaboration between men and women in the family and society, as well as those pertaining to women's unique role with respect to human life.

On the first point, the relationship between man and woman, Pope John Paul II teaches how God's original plan has been disturbed

58. See 1995 Peace Message, *supra* note 2, ¶ 6.

59. *Id.*

60. *Id.*

61. *Id.* ¶ 7 (quoting Pope John Paul II, *Familiaris Consortio* [*Apostolic Exhortation on the Role of the Christian Family in the Modern World*] ¶ 37 (1981)) (emphasis omitted).

62. *Id.* ¶ 9.

63. *Id.*

64. *Id.*

by sin.⁶⁵ The human person is no longer in harmony with God, himself, others, and the world. According to Pope John Paul II, women have suffered more than men from this disorder.⁶⁶ He emphasizes the existence of many obstacles that have prevented women from being "acknowledged, respected, and appreciated in their own special dignity."⁶⁷ He highlights the great strides women have made in attaining a "remarkable degree of self-expression" in all fields, including the family.⁶⁸ He then alludes to the various movements that have promoted the rights of women. He comments on how the journey, a "substantially positive one," has been difficult, complicated, and at times, not without error.⁶⁹ It is noteworthy that many of these obstacles are noted in the UN documents, discussed herein, as well as some of the errors.

He also underlines the "dramatic increase in all kinds of violence" against women and children,⁷⁰ which endorses past findings on this front by the United Nations and foreshadows Security Council Resolution 1325. Resolution 1325 calls for participation of women in all aspects of the peace processes, primarily as a result of the specific sufferings they and children have endured in cases of armed conflict.⁷¹

Pope John Paul II points to the various crises that occur in family life, especially when women are left alone to shoulder the burdens.⁷² What more horrible event can destroy the domestic family and the family of nations than that of war? War frequently leaves women alone to bear the burdens of post-war family life. These burdens are many, ranging from practical considerations of personal safety, food, shelter, and basic health care to much deeper struggles against fear, hatred, loneliness, depression, and despair.⁷³

He also emphasizes the "intolerable custom" that unjustly discriminates between girls and boys from the early beginnings, in which girls are considered to be inferior beings.⁷⁴ Obviously, such

65. *Id.* ¶ 4.

66. *Id.*

67. *Id.*

68. *Id.*

69. *Id.*

70. *Id.* ¶ 10.

71. S.C. Res. 1325, *supra* note 8, ¶¶ 4-5, 10.

72. See 1995 Peace Message, *supra* note 2, ¶ 7.

73. *Id.* ¶ 9.

74. *Id.* ¶ 8.

discrimination will negatively affect the relations between men and women in family life and prevent women from participating fully in society.⁷⁵

Pope John Paul II speaks directly to the issue of women's unique role in regard to human life and the challenges presented. He pushes for the banishment from society of "the tragedy of war [and] every violation of human rights, beginning with the indisputable right to life."⁷⁶ According to him, it is the violation of the right to life of every human being that "contains the seeds of the extreme violence of war."⁷⁷ He goes on to emphasize that the right to human life begins at conception, and calls on women "to take their place on the side of life."⁷⁸ With this point he alludes to, perhaps, the greatest distortion of being woman—the drama of abortion, whereby woman the life-giver becomes woman the life-taker. By such an action, she participates in planting the seeds of war rather than the seeds of peace.

Pope John Paul II alludes to the problem of rape and other sexual degradations in times of conflict. He acknowledges the dramatic increase in violence against women and children as "outrageous and barbaric behavior which is deeply abhorrent to the human conscience."⁷⁹ Such atrocities may be driven by the disorder within individual men or part of a systematic effort to effect ethnic cleansing. Whatever the reason, the solution to such an egregious event is not to promote abortion of the innocent unborn child, but rather to ensure that each victim obtains the necessary assistance (e.g., psychological and economic) to bring the child to term and, if necessary, to find another family to raise the child. In addition, efforts ought to be made to bring such criminals to justice. This last point, not specifically mentioned by Pope John Paul II in his World Peace Message, is perfectly consistent with his thought. In the end, woman is called fully to live out her gifts associated with the procreation, nurturing, and education of human life.

It is noteworthy that some of the aforementioned challenges are common to the findings of a study submitted by the Secretary-General to the Security Council on Resolution 1325. For example,

75. *Id.*

76. *Id.* ¶ 10.

77. *Id.*

78. *Id.*

79. *Id.*

the study emphasizes the importance of women in their cultural realities and the special sufferings they endure along with children in cases of armed conflict (e.g., sexual violence).⁸⁰ There are important differences, however, between Pope John Paul II's address and Resolution 1325, namely, that gender mainstreaming, the Resolution's strategy for promoting equality, is based on an idea of gender that devalues the family, motherhood, and human life.

E. *How Does a Woman Become a Teacher of Peace?*

Pope John Paul II calls women to become "teachers of peace with their whole being and in all their actions."⁸¹ To this end, a woman must, first of all, understand and appreciate herself as having profound dignity as a feminine person created in the image and likeness of God. She is to "nurture peace within herself," an inner peace that engages both her intellect and her will, an inner peace that "comes from knowing that one is loved by God and from the desire to respond to his love."⁸²

Once woman knows who she is, namely, how God made her, she can fully help others. She can especially help women who, as a result of some of the challenges mentioned above, together with poor formation, or acceptance of hedonistic and materialistic ideologies, are not completely aware of their dignity.⁸³ Pope John Paul II argues that all women must be assisted to "discover their own inner worth" as children of God.⁸⁴ This can also be achieved through the effective establishment of and participation in associations, movements, and groups.⁸⁵

In brief, woman is exhorted to assist every human being by her witness in the family through the nurturing and rearing of children. As well, she is called to help more generally in relations between individuals and to cultivate peace more broadly in

80. See WOMEN, PEACE AND SECURITY, *supra* note 10, ¶¶ 6–7.

81. 1995 Peace Message, *supra* note 2, ¶ 2 (emphasis omitted).

82. *Id.* ¶ 5.

83. *Id.*

84. *Id.*

85. See *id.* Examples of such groups are ENDOW: Educating on the Nature and Dignity of Women, <http://www.endowonline.com> (last visited Mar. 22, 2007) (educational organization providing women with a forum to explore and understand what it means to be a feminine person created in God's image); Women Affirming Life, <http://affirmlife.com> (last visited Mar. 22, 2007); and Feminists for Life, <http://feministsforlife.org> (last visited Mar. 22, 2007).

relations between generations. In addition, she must participate "in the cultural, social and political life of nations, and more particularly in situations of conflict and war."⁸⁶

III. SECURITY RESOLUTION 1325

A. Introduction

Resolution 1325 was adopted by the UN Security Council on October 31, 2000.⁸⁷ The Security Council is one of the principal organs of the United Nations as established under the UN Charter.⁸⁸ Its primary role is the maintenance of international peace and security.⁸⁹ It must discharge these obligations in conformity with the purposes and principles of the UN Charter and the specific powers granted to it under the same.⁹⁰

Resolution 1325 was adopted five years after the Beijing Conference during the review process commonly referred to as Beijing +5. At this five-year review, the General Assembly reaffirmed the principles of Beijing,⁹¹ including women's role in armed conflict. Later the same year, in October 2000, the United Nation's Security Council held a so-called "Arria Formula" meeting.⁹² The meeting was named after former Venezuelan Ambassador Diego Arria, who conceived of the mechanism by which the Security Council could benefit from non-governmental expertise.⁹³ At this meeting, the Security Council heard from experts on the topic of women and armed conflict.⁹⁴ As a result, the Council adopted Resolution 1325.

86. 1995 Peace Message, *supra* note 2, ¶ 2.

87. S.C. Res. 1325, *supra* note 8.

88. See UN Charter art. 7, para. 1.

89. *Id.* art. 24, para. 1.

90. *Id.* para. 2.

91. See G.A. Res. S-23/3, *supra* note 7, ¶ 1.

92. See Press Release, Security Council, Stronger Decision-Making Role for Women in Peace Processes Is Called for in Day-Long Security Council Debate; Speakers Note Continued Under-Representation of Half of Mankind in Key Security Positions Within United Nations System and Beyond para. 31, UN Doc. SC/6937 (Oct. 24, 2000) [hereinafter Press Release].

93. See James Paul, The Arria Formula paras. 1-3 (Oct. 2003), <http://www.globalpolicy.org/security/mtgsetc/arria.htm> (last visited Mar. 22, 2007).

94. See Press Release, *supra* note 92.

The adoption of Resolution 1325 marks the first time the Security Council has, in one resolution, addressed the unique impact of armed conflict on women and children and stressed the need for women's full and equal participation in all stages of the peace process. Some of the important implications of the argument that armed conflict has a unique impact on women and children are fleshed out in a 2002 study by the Secretary-General entitled *Women, Peace and Security* ("WPS").⁹⁵ This study is a response to the Resolution's invitation to the Secretary-General to produce "a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution."⁹⁶ This lengthy report treats the informal and formal peace processes and is divided into the following topics: impact of armed conflict; international legal frameworks; peace processes; peacekeeping operations; humanitarian operations; reconstruction and rehabilitation; and disarmament, demobilization, and reintegration.⁹⁷

B. *Overview of the Resolution*

Resolution 1325 is devoted to the topic of women and peace and consists of ten preamble paragraphs and eighteen operative paragraphs. The preamble paragraphs recall past studies, statements, resolutions, and commitments on the topic of women and peace, including the outcome documents from the Beijing Conference.⁹⁸ The historical references largely date back to 1995 and generally highlight the sufferings of civilians in armed conflict, especially women and children.⁹⁹ The fact that it mentions the documents dating back to 1995 is especially significant, because that year is viewed as the Year of the Woman in the Church¹⁰⁰ and is the year of the Beijing Conference devoted to the theme of Women, Development, and Peace.¹⁰¹

95. WOMEN, PEACE AND SECURITY, *supra* note 10.

96. *Id.* ¶ 2.

97. *See id.* at iii-iv (showing table of contents and chapter headings).

98. *See* S.C. Res. 1325, *supra* note 8, ¶¶ 1-10.

99. *See id.*

100. POPE JOHN PAUL II ON THE GENIUS OF WOMEN, *supra* note 5, at 3-4.

101. *See* Fourth World Conference on Women, *supra* note 6. The strategic objectives recommended by the report are six-fold: (1) increase the protection of women in situations of

The resolution also makes specific reference to peacekeeping operations and documents speaking of gender mainstreaming in all aspects of the multidimensional peace process.¹⁰² In addition, it cites the statement of the Security Council President that calls for specialized training of all peacekeeping personnel in regard to the special needs and human rights of women and children.¹⁰³

The preamble goes beyond mere references to past documents and reaffirms four key points: (1) women and children are increasingly targeted by combatants and "armed elements," and constitute the vast majority of those adversely affected by war, as civilian targets, refugees, and internally displaced persons;¹⁰⁴ (2) women and children must be protected through the full implementation of international humanitarian and human rights law;¹⁰⁵ (3) women have an important role in all aspects of the peace process and ought to have an increased role in decision-making;¹⁰⁶ and (4) gender mainstreaming is the tool to bring about increased participation.¹⁰⁷

The substantive provisions mention these four points and call to action five main target groups: the Security Council, the Secretary-General, member states, all parties to armed conflicts, and all actors involved in any other aspect of the peace process.¹⁰⁸

The Security Council itself expresses a willingness to incorporate a gender perspective into peacekeeping operations and missions and when exercising its power under article 41 of

armed conflict and promote their participation in the peace process; (2) reduce excessive military spending and control the availability of armaments; (3) promote peaceful resolution of disputes; (4) promote women's contribution to fostering a culture of peace; (5) provide protection, assistance, and training to refugee and displaced women; and (6) provide assistance to women of colonies and non-self-governing territories. *Id.* ¶¶ 142-49, at 58-65.

102. See S.C. Res. 1325, *supra* note 8, ¶¶ 2, 8 (citing Letter from the Permanent Representative of Namibia to the United Nations Addressed to the Secretary-General, UN Doc. S/2000/693 (July 12, 2000), and Gen. Assembly, Ad Hoc Comm. of the Whole of the Twenty-Third Special Session of the General Assembly, *Report of the Ad Hoc Committee of the Whole of the Twenty-Third Special Session of the General Assembly*, UN Doc. A/S-23/10/Rev.1 (Jan. 1, 2000)).

103. *Id.* ¶¶ 1, 9 (citing Press Release, Security Council, Peace Inextricably Linked with Equality Between Women and Men Says Security Council, *in* International Women's Day Statement, UN Doc. SC/6816 (Mar. 8, 2000)).

104. *Id.* ¶ 4.

105. *Id.* ¶ 6.

106. *Id.* ¶ 5.

107. See *id.* ¶ 8.

108. See *id.* ¶¶ 11-28.

the UN Charter.¹⁰⁹ The Secretary-General is urged to implement a plan to increase women's participation at decision-making levels (e.g., as special representatives, envoys to pursue good offices and field-based operations, humanitarian and human rights personnel, civilian police, and military observers).¹¹⁰ As well, the Secretary-General is requested to provide member states educational materials for peacekeeping operations on the protection of women and children, including information on HIV/AIDS.¹¹¹ Lastly, the Secretary-General is invited to study the impact of armed conflict on women and girls, women's role in the peace processes, and the progress on gender mainstreaming¹¹²—to which the Secretary-General's study WPS responds. The member states are requested to increase the representation of women at all decision-making levels in regard to the peace processes (prevention, management, and resolution) and at all levels of society (national, regional, and international).¹¹³ They are also asked to increase financial, technical, and logistical support for gender sensitive training, including those developed by key UN bodies (e.g., U.N.F.P.A., UNICEF, Office of High Commissioner for Refugees).¹¹⁴ All parties to an armed conflict are to respect international law as it relates to the rights of women and children (e.g., as civilians, refugees, and victims of sexual abuse).¹¹⁵ All actors, which may include any combination of the above or more persons, are to adopt a gender perspective when negotiating and implementing peace agreements in all phases of the peace process.¹¹⁶ To this end, they are also to support local women's peace initiatives for conflict resolution and to respect their human rights as they relate to post-conflict reconstruction phases (e.g., constitutions and electoral and justice systems).¹¹⁷ Actors involved in the disarmament, demobilization, and reintegration

109. *See id.* ¶¶ 16, 25, 26.

110. *Id.* ¶¶ 13–15.

111. *Id.* ¶ 17.

112. *Id.* ¶¶ 27–28.

113. *Id.* ¶ 12.

114. *Id.* ¶ 18.

115. *Id.* ¶¶ 20, 23.

116. *Id.* ¶ 19.

117. *Id.*

stages are to consider the different needs of female and male ex-combatants and their dependents.¹¹⁸

To summarize, the Resolution on women, children, and peace addresses all relevant actors: the Security Council, the Secretary-General, member states, all parties to armed conflicts, and any others involved in the peace process. They are all to do their part to ensure full recognition of (1) the unique sufferings endured by women and children in cases of armed conflict; (2) the need for full implementation of the rules of international law that protect them; (3) the importance of women's participation in all phases of the peace process; and (4) the strategy of gender mainstreaming to ensure such protection and participation.

C. *Issues for Consideration*

Similar questions arise to those we considered with respect to the address of Pope John Paul II, namely, what is peace or, more specifically within in the context of the Resolution, what is the peace process? Why should women participate in the peace process? How should women participate in the peace process? What is the strategy to bring about women's participation?

1. *What Is Meant by Peace or the Peace Process?*

According to the WPS study, there are informal and formal peace processes.¹¹⁹ The informal process highlights social activism at the local level, which includes "peace marches and protests, inter-group dialogue, the promotion of inter-cultural tolerance and understanding and the empowerment of ordinary citizens in economic, social, cultural and political spheres."¹²⁰ WPS notes that there are a variety of actors involved, such as intergovernmental bodies and organizations, women's groups, religious groups, and even individuals.¹²¹ There is neither mention of the family or groups of families participating at the grassroots level nor a discussion of women's important role in the family as educators for peace.

118. *Id.* ¶ 24.

119. WOMEN, PEACE AND SECURITY, *supra* note 10, ¶ 162.

120. *Id.*

121. *Id.*

WPS discusses the formal peace process under seven different headings, making many good points. The major topics treated in WPS (with respective footnotes summarizing some of the main points treated in the corresponding sections) are as follows: (1) early warning, preventive diplomacy, and conflict prevention;¹²² (2) peace negotiations and peace accords;¹²³ (3) peace-building;¹²⁴ (4) peacekeeping;¹²⁵ (5) humanitarian operations;¹²⁶ (6) reconstruction and rehabilitation on political,

122. See *id.* ¶¶ 180–86. *Women, Peace and Security* (“WPS”) argues that monitoring the social norms and customs relating to women might assist in the early detection of conflict (e.g., the suppression of rights or an increase in violence). See *id.* ¶ 181. It is recommended that UN fact-finding or assessment missions hear from women’s groups as well as individual women and girls. *Id.* ¶ 185. This practice has begun in some regions like Kosovo and Sierra Leone, and the study asks for it to continue. See *id.* WPS suggests sanctions should be fine-tuned, since they may contribute to the sufferings of women and children (e.g., by reducing the availability of food and medical supplies). See *id.* ¶¶ 187–89.

123. See *id.* ¶¶ 190–202. WPS states that women are underrepresented but could give valuable information: “Women not only call for issues specific to themselves but raise issues that affect society as a whole, such as land reform, access to loans and capacity-building.” *Id.* ¶ 191.

124. See *id.* ¶¶ 203–04. Peace-building refers to a wide range of efforts to prevent an “outbreak, recurrence, or continuation of armed conflict.” *Id.* ¶ 203. By networking with women and men as well as boys and girls, various organizations can facilitate “mediation efforts, reconciliation and dialogue,” *id.* ¶ 204, promote different priorities, and pool all available resources.

125. See *id.* ¶¶ 223–86. Peacekeeping refers not only to military operations, but also to monitoring human rights, police functions, and the development of institutions supporting the rule of law. *Id.* ¶ 229. Stopping the sexual violence against women and children ought to be a priority. See *id.* ¶ 225. Both locals and foreigners can perpetrate violence, and evidence suggests that prostitution increases with deployment of peacekeeping troops. See *id.* ¶ 268. Some foreign peacekeeping troops have sexually assaulted women and children, condoned the establishment and use of brothels, and even participated in human trafficking. *Id.* Therefore, educating them through training guidelines or standards of conduct is crucial. See *id.* ¶¶ 267–72. Recommendations include disseminating educational materials, investigating and prosecuting sexual offenses, and increasing the overall participation of women in peacekeeping operations as military observers, civilian police, or special advisors. See *id.* ¶¶ 240–41, 270. For the Holy See to endorse such educational materials, they would need to be carefully scrutinized to ensure they comport with the authentic dignity of women, children, and human sexuality, as well as the respect for human life.

126. See *id.* ¶¶ 287–337. Humanitarian operations take place in conflict and post-conflict situations and include ensuring the welfare of refugees, displaced persons, and ex-combatants; removing mines; rebuilding schools and health clinics; and facilitating the flow of international aid. *Id.* ¶ 289. WPS calls for equal distribution of all essential services (e.g., food, water, shelter, clothing, basic health care, education, and so forth) to both women and children, which may not already be happening because of unjust discrimination based on factors such as marital status. See *id.* ¶¶ 297–300. As in peacekeeping operations, those involved in humanitarian operations have further harmed women and children through sexual abuse and exploitation. See *id.* ¶¶ 329–34. In response, an Inter-Agency Standing Committee Task Force devoted to the theme of sexual exploitation of women and children has established a Plan of Action. *Id.* ¶ 330. It has been endorsed by all major humanitarian agencies and must be incorporated into the codes of

civil, judicial,¹²⁷ economic,¹²⁸ and social¹²⁹ levels; and (7) disarmament, demobilization, and reintegration.¹³⁰ These activities, and others related to them, may be carried out by political leaders, the military, and international and regional organizations, as well as governmental and non-governmental organizations.

WPS ultimately concludes that, with respect to the informal peace process, efforts of women are largely a struggle, and in regard to the formal one, women are rarely included.¹³¹ In general, WPS calls for

conduct of all members of the Inter-Agency Standing Committee. *Id.* ¶ 331. A very worthwhile part of the Plan of Action is that it prohibits sexual abuse of children and their exploitation as well as the services of prostitutes. *Id.* As above, to fully endorse the plan, the Holy See would need to read it carefully in full.

127. *See id.* ¶¶ 339–49. Efforts at political, civil, and judicial reform are usually directed toward establishing a democratic system of government that will respect the fundamental rights of every human person, including women and children. *See id.* ¶ 339. To this end, there may be reforms to constitutions, legislation, and the administration of justice. *See id.* ¶¶ 340–42. WPS argues for increased participation by women in decision-making roles and specific attention to issues pertaining to women and children (e.g., harmful traditional practices, sexual violence, property and inheritance rights, and family reunification). *See id.* Obviously, if the phrase “harmful traditional practices” were ever interpreted to refer to marriage and motherhood, then this would present a problem for the Holy See.

128. *See id.* ¶¶ 350–63. Economic reconstruction often includes “macro-economic support, strengthening of economic institutions and infrastructure reconstruction along with micro-level initiatives to try to generate employment, build marketable skills, and support small business development.” *Id.* ¶ 350. WPS argues that efforts in this area require an understanding of the cultural attitudes concerning the division of labor between men and women in society. *Id.* ¶ 351. The employment of women, especially those with children, may face cultural and legal obstacles and create tension between men and women. *See id.* ¶¶ 357–61. Note that the Holy See has fully endorsed women’s right to education and participation in all areas of society so long as this does not undermine their fundamental role in the family. *See, e.g.*, 1995 Peace Message, *supra* note 2, at ¶ 9.

129. WOMEN, PEACE AND SECURITY, *supra* note 10, ¶¶ 364–78. Social reconstruction includes social reintegration and the repair of health care, social service systems, and educational institutions. *Id.* ¶ 364. WPS re-emphasizes the young girl’s right to education and notes that women and girls suffer differently than men and boys from health problems due to poor nutrition, sanitation, sexual abuse, and even war injuries. *Id.* ¶¶ 366, 371. Likewise, “[w]here health care facilities are damaged or non-existent, women usually take responsibility for continuing to provide basic care to their families and neighbours, using their extended social networks.” *Id.* ¶ 367. WPS also points to the changed nature of the post-conflict family, which may extend its membership to include dependents and orphan children, while other families may have experienced a grave depletion in membership. *See id.* ¶ 373. In other families, women (or even girls) may be the remaining head of the household and will suffer if they are not permitted property rights or the ability to work. *See id.* They also may be susceptible to sexual exploitation, trafficking, and prostitution. *Id.*

130. *See id.* ¶¶ 393–423. WPS laments that most disarmament, demobilization, and reintegration programs target males above the age of eighteen, who fit the international definition of soldiers, and ignore women and children who have supported the armed conflict efforts, both willingly and unwillingly, or even joined the fighting. *Id.* ¶ 396.

131. *Id.* ¶¶ 168–69, 179.

special attention to the needs of women and children and for increased participation by women and children in both processes.

It is noteworthy that this Article will not present a full and complete analysis of the formal peace process,¹³² but rather will focus on those elements that touch on the informal one. Pope John Paul II advocates for women's presence in all areas of society, which would, of course, include the formal peace process but with one qualification: that any participation should not undermine women's fundamental role in the family. The issue of concern, then, is when promotion of women in the formal peace process erodes their essential place in the informal peace process, of which the family plays a central role. As we will see, WPS deemphasizes women's key role in the family, as well as the family itself, and as a result undermines the overall informal peace process.

2. *Why Should Women Participate in the Peace Process?*

Resolution 1325 highlights what appears to be the key reason why women should be full participants in the peace process. It is because, as civilians, women and children are the "vast majority of those adversely affected by armed conflict."¹³³ This civilian role, in turn, has an impact on "durable peace and reconciliation."¹³⁴ We are not specifically told why their sufferings have an impact on durable peace and reconciliation. Not surprisingly, and shortly thereafter, the preamble emphasizes "the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts."¹³⁵ Similar points are made in the Secretary-General's study two years later.¹³⁶

These points are reminiscent of Pope John Paul II's recognition of the unique sufferings of women in his World Peace Message and his *Letter to Women*, both given in 1995.¹³⁷ He clearly connects the dots for the reader. There is no durable peace without respect for the

132. See *supra* notes 122–130.

133. S.C. Res. 1325, *supra* note 8, ¶ 4.

134. *Id.*

135. *Id.* ¶ 6.

136. See WOMEN, PEACE AND SECURITY, *supra* note 10, ¶¶ 6, 338–49.

137. See 1995 Peace Message, *supra* note 2, ¶ 10; Pope John Paul II, *Letter to Women* ¶ 3 (1995).

dignity of every human being and his or her rights, especially the most vulnerable in society.¹³⁸

Pope John Paul II goes much further. He makes a radical statement. He calls for woman's participation in the family and society simply because she is woman,¹³⁹ not because she is a victim and experiences armed attack in a specific way, and not even because she has a right to equal participation in principal and subsidiary organs under the UN Charter.¹⁴⁰ Rather, she has an obligation and a right to participate because of her special gifts, namely, her natural capacity to embrace that which is living, personal, and whole and to make her life a sincere gift of self.

Surprisingly, some very important statements in the WPS seem to resemble closely Pope John Paul II's affirmations, namely: (1) that women have a natural capacity (not an exclusive capacity) to care for the other person; (2) that women have been entrusted with human life in a profound way; (3) that women have a natural vocation (not an exclusive vocation) to teach others, especially those within the family; and (4) that women are equal in dignity with men but are different and complementary.

Let us treat these points in order. Under the section devoted to health issues, in regard to the women who were sexually violated during the war in the former Yugoslavia, the following statement appears. Instead of turning inward with their sufferings, WPS notes that "what was first and foremost on their minds was the desire to receive news of the whereabouts of their husbands and other missing family members, or to get information on access to adequate supplies of milk or medical care for their babies."¹⁴¹ Later on, WPS adds that "[w]omen not only call for issues specific to themselves but raise issues that affect society as a whole, such as land reform,"¹⁴² in particular, or armed conflict, more generally.¹⁴³ The aforementioned points highlight woman's great capacity to care for others and are also reminiscent of the discussion in the Pope's Angelus addresses regarding important women who have arisen to the foreground in

138. See 1995 Peace Message, *supra* note 2, ¶ 1.

139. See *id.* ¶ 3.

140. The UN Charter prohibits "restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs." UN Charter art. 8.

141. WOMEN, PEACE AND SECURITY, *supra* note 10, ¶ 80.

142. *Id.* ¶ 191.

143. See *id.* ¶ 48.

times of conflict to give counsel and, at other times, to take important social initiatives.¹⁴⁴

WPS states that acts of sexual violence against women and girls (e.g., rape, trafficking, sexual slavery) have increased because females "are often viewed as bearers of cultural identity."¹⁴⁵ This appears to highlight woman's unique role with respect to human life. WPS recognizes that women "have been targeted for being educators and for their roles as cultural symbols of their communities."¹⁴⁶ This point seems to acknowledge their pedagogical and unique child-bearing roles in the family and greater community.

Finally, WPS emphasizes the different roles of men and women based on biology. For example, the WPS states that women "have been tortured as a means to attack the men in their lives, whether fathers, husbands, sons . . . rather than on account of their own actions or public identity."¹⁴⁷ Furthermore, WPS suggests that problems arise when collaboration between women and men is lacking. For example, WPS explains that women suffer when they are left alone and do not have the mutual assistance and support of men. In particular, we are told that women shoulder heavy burdens, since they are expected to be primarily responsible for the care and nurturing of the family without the full involvement of men.¹⁴⁸ Women "largely remain unarmed and unprotected at a time when traditional forms of moral, community and institutional safeguard[s] have disintegrated, and weapons have proliferated."¹⁴⁹ Lastly, WPS highlights the familial ties that bind women and girls and men and boys. For example, although women and girls tend to experience conflict in a unique way, WPS notes that "[w]omen and men share experiences and are intimately connected to each other through their

144. See Pope John Paul II, Angelus Address, St. Peter's Square (Feb. 26, 1995), in *SERVING THE HUMAN FAMILY*, *supra* note 2, at 434, 434–35 (discussing Edith Stein); Pope John Paul II, Angelus Address, St. Peter's Square (Feb. 19, 1995), in *SERVING THE HUMAN FAMILY*, *supra* note 2, at 433, 433–34 (discussing St. Frances Xavier "Mother" Cabrini); Pope John Paul II, Angelus Address, St. Peter's Square (Feb. 12, 1995), in *SERVING THE HUMAN FAMILY*, *supra* note 2, at 431, 431–33 (discussing St. Catherine of Siena); Pope John Paul II, Angelus Address, St. Peter's Square (Feb. 5, 1995), in *SERVING THE HUMAN FAMILY*, *supra* note 2, at 430, 430–31 (discussing St. Birgitta of Sweden).

145. *WOMEN, PEACE AND SECURITY*, *supra* note 10, ¶ 7.

146. *Id.* ¶ 54.

147. *Id.*

148. *Id.* ¶ 52.

149. *Id.* ¶ 51 (citation and internal quotation marks omitted).

families and communities."¹⁵⁰ Further, women and girls may have important shared experiences with men and boys when, for example, they act as combatants or otherwise support fighting forces (e.g., passing information, hiding or smuggling weapons).¹⁵¹ Finally, in treating women who are victims of sexual violence, WPS contends that an important element of treatment is the involvement of men and their support.¹⁵²

In sum, statements exist that appear to be in conformity with the thought of Pope John Paul II. Nevertheless, different conclusions may be drawn from some of the statements. As we will discuss herein, when viewed through the prism of gender ideology, some of the aforementioned statements could be viewed as irrational and destructive stereotypes deeply ingrained in repressive cultural traditions. If this is the case, then, according to such a perspective, the solution would be for women to break free from the less respected social roles of caregiver, life-giver, knowledge-giver, and man's helper. To free herself, she would need to act in ways and in fora that empower her within society as an autonomous individual.

3. *How Should Women Participate in the Peace Process?*

WPS argues that women are actively involved in the informal peace process (e.g., peace rallies and marches), but ought to focus their efforts on gaining the attention of official actors in the formal peace process and on maintaining momentum once hostilities end.¹⁵³ WPS notes that women participants lack the financial resources¹⁵⁴ and technical training meaningful to engage in important aspects of the formal processes. They are excluded from the formal peace process, where male decision makers and military leaders frequently dominate discussions and initiatives.¹⁵⁵

The family or groups of families are not mentioned as actors in the informal peace process. Woman's role in the family as an important educator for peace is equally not a topic for discussion. The WPS implies that she is too oppressed by her husband and/or cultural

150. *Id.* ¶ 46.

151. *See id.* ¶ 47.

152. *Id.* ¶ 81.

153. *Id.* ¶ 208–09.

154. *Id.* ¶ 210.

155. *Id.* ¶ 179.

traditions to make any important changes.¹⁵⁶ It explicitly states this point in other parts. For example, women and adolescent girls are said to lack control over their sexuality, which is exacerbated by "their inequality within families."¹⁵⁷

There is also a bias in favor of classic forms of social activism over women's unique pedagogical role within the family. WPS emphasizes lobbying efforts and peace rallies, for example, and bemoans that such efforts are not designed to engage the formal peace process.¹⁵⁸ Clearly, the formal process is considered, to use radical feminist rhetoric, the more "empowering" part of the process.

Although WPS acknowledges that women's groups have organized themselves and "drawn upon their moral authority as mothers, wives[, and] daughters" to effect change, and have striven to discover the fate of their missing children or to prevent other children from conscription or to call for an end to armed conflict,¹⁵⁹ this is not viewed as thoroughly positive. WPS concludes that these women have simply used stereotypes to their strategic advantage or acted in defiance of social norms.¹⁶⁰ If the inference to be drawn here is that motherhood is a destructive stereotype and not a healthy biological fact, then clearly, WPS departs from the thought of Pope John Paul II. Further, if the idea is for women to change the law through the formal processes in order to obliterate such archaic understandings of the role of women, then, once again, such a position is problematic.

Clearly, authentic efforts to eliminate domestic violence, sexual violence, and harmful traditional practices (e.g., female genital mutilation, discrimination regarding access to education, and political participation) are consistent with the thought of Pope John Paul II. Nevertheless, a balanced approach to the topic of women and peace must be maintained. For example, certain repressive regimes may exist that prevent women from having a meaningful say in the family, but this does not explain the missing reference to the family as part of the general list of participants in the informal peace process. After all,

156. *See id.* ¶¶ 168–73.

157. *Id.* ¶ 77.

158. *See id.* ¶ 162.

159. *Id.* ¶ 170.

160. *See id.* ("Assumptions about the role of women in society and conflict may also create opportunities for women and adolescent girls in peace processes."); *id.* ¶ 173 ("Whether taking strategic advantage of prevailing stereotypes about themselves or becoming active in defiance of prevailing norms, women have proven to be creative and courageous participants in peace processes.").

WPS is presumably speaking to all nations in cases of real or potential armed conflict. Furthermore, woman's public role is necessary for the betterment of society, but this fact should never detract from social respect for her unique role within the family.¹⁶¹ To this end, the Security Council ought to take up fully the challenge of Pope John Paul II, who calls for increased respect for and participation of women in both the family and society. In other words, the Security Council ought also to give increased respect to women's role in educating for peace in the family, a fundamental part of the informal peace process and something that is presently either not fully appreciated or deliberately deemphasized.

4. *What Is the Strategy to Ensure Women's Equal Participation?*

a. Gender Mainstreaming

Resolution 1325 asks for the "equal participation and full involvement" of women in all phases of the peace processes and the "need to increase [women's] role in decision-making."¹⁶² The strategy to ensure such equal participation is called "gender mainstreaming."¹⁶³ The full significance of what this means in practice is fleshed out in WPS.

According to WPS, the notion of "gender mainstreaming" is the strategy adopted by the United Nations to achieve "gender equality" through "the process of assessing the implications for women and men of any planned action."¹⁶⁴ Such a definition is taken from the 1997 agreed conclusions of the United Nations' Economic and Social Council ("ECOSOC").¹⁶⁵ At that time, the ECOSOC identified six

161. 1995 Peace Message, *supra* note 2, ¶ 9.

162. S.C. Res. 1325, *supra* note 8, ¶ 5.

163. WOMEN, PEACE AND SECURITY, *supra* note 10, ¶ 13.

164. *Id.* (internal quotation marks omitted).

165. UN Econ. & Soc. Council, *Report of the Economic and Social Council for 1997*, UN Doc. A/52/3/Rev.1 (Jan. 1, 1999) [hereinafter *1997 ECOSOC Report*].

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal [of gender mainstreaming] is to achieve gender equality.

principles for the United Nations, namely that gender mainstreaming: (1) must not be assumed; (2) must be monitored constantly; (3) must be broadened through women's participation in decision-making roles; (4) must be institutionalized through concrete mechanisms; (5) must not replace women-specific policies and programs; and (6) must be supported with human and financial resources.¹⁶⁶ The ECOSOC recommended gender mainstreaming in all areas of UN work, as well as the development of accountability mechanisms, the inclusion of gender units or specialists, and gender-training, which in turn, included the collection of gender-disaggregated statistics and indicators and the promotion of gender balance in the distribution of staff.¹⁶⁷ In 2004, the Secretary-General gave the 1997 ECOSOC document a favorable review but concluded that UN work on peace and security issues had not yet fully integrated that perspective.¹⁶⁸

So what does gender mainstreaming mean within the context of armed conflict? WPS answers this question with reference to the Beijing Platform for Action.¹⁶⁹ One must recognize that women, girls, men, and boys may participate in all phases of the peace process (pre-conflict, conflict, and post-conflict) differently and experience them disparately,¹⁷⁰ and, accordingly, any divergence is an inequality that must be understood and taken into consideration.¹⁷¹

b. Meaning of "Gender"

To understand gender mainstreaming fully, one must turn to the definition of gender. The term "gender" is not defined in Resolution 1325 or in the Beijing Platform for Action. WPS, however, defines gender as "the socially constructed roles as ascribed to women and men, as opposed to biological and physical characteristics."¹⁷²

Id. at 24. For a historical overview of the concept of gender mainstreaming, see generally Hilary Charlesworth, *Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations*, 18 HARV. HUM. RTS. J. 1 (2005).

166. 1997 ECOSOC Report, *supra* note 165, at 24–25.

167. *See id.* at 25–32.

168. *See* The Secretary-General, *Review and Appraisal of the System-Wide Implementation of the Economic and Social Council's Agreed Conclusions 1997/2 on Mainstreaming the Gender Perspective into All Policies and Programmes in the United Nations System*, ¶ 80, delivered to the Economic and Social Council, UN Doc. E/2004/59 (May 5, 2004).

169. *See* WOMEN, PEACE AND SECURITY, *supra* note 10, ¶ 14.

170. *Id.*

171. *See id.*

172. *Id.* ¶ 12.

Although the Resolution does not use the terms "gender roles" or "gender equality," WPS does.¹⁷³ According to WPS, gender roles are learned and changeable,¹⁷⁴ and gender equality ensures "equal rights, responsibilities and opportunities of women and men, and girls and boys" as accepted and enshrined in international law.¹⁷⁵

Based on the aforementioned definitions, there is a distinction between sex and gender. Concerns about gender often translate into the argument that sex is a natural fact but is irrelevant. What is of prime importance, then, is the realization that gender roles exist that are arbitrary and irrational and ought, therefore, to be challenged. Coupled with this idea is the understanding that, to reach full empowerment (e.g., economic wealth, political status) in the civil or public sector, women must compete on the same playing field as men.¹⁷⁶ This means that they need to control their ability to have children, which is what presumably keeps them from the empowering environment of the work force or political decision making.¹⁷⁷ This, in turn, leads to a devaluation of marriage, family, motherhood, and human life.¹⁷⁸

The question raised for our purposes is: What happens when the peace process is viewed through the prism of gender mainstreaming as grounded in such a definition of gender?

As we have seen, although the WPS makes many good points, a gender perspective that devalues the family, motherhood, and human life is discernable from the document. Discussions about the informal peace process exclude language about the family and women's important role within it. Social activism, through peace marches, lobbying, etc., is of key importance. In addition, WPS laments that women working within the informal process have rarely focused their attention on gaining access to the formal process, which engages influential people (e.g., government and military officials). WPS leads the reader to believe that the formal process is superior to the informal process. Also, WPS speaks about stereotypes, and leaves it open to the reader to conclude that motherhood is a troublesome and irrational stereotype. Further, when the family is mentioned, it is

173. *See id.*

174. *Id.* ("Gender roles vary according to socio-economic, political and cultural contexts, and are affected by other factors, including age, race, class and ethnicity.").

175. *Id.*

176. *See* DALE O'LEARY, *THE GENDER AGENDA* 125-35 (1997).

177. *See id.* at 135-40.

178. *See id.* at 21-25.

frequently expressed as an unhealthy unit born of rape and/or involving ongoing domestic violence. For example, WPS contends that the term "family" is called into question.¹⁷⁹ WPS highlights how often women are abducted, sexually abused over long periods of time, and then stay with their abductor to form a family unit.¹⁸⁰ Moreover, although the topic of "family reunification" is acknowledged as playing "an important role in social reintegration,"¹⁸¹ it does not figure prominently in recommendations. When it does finally become part of one recommendation, it is associated with the topic of domestic violence.¹⁸² There are no recommendations promoting the facilitation of family reunification itself backed up with practical suggestions. Finally, when WPS acknowledges that men often return to the family's place of origin to prepare for the family's return, this fact is not acknowledged as a positive event, but rather WPS disparagingly adds that they do so at the expense of women and children, leaving them "to fend for themselves."¹⁸³ Although one may rightly acknowledge that rape and abduction in times of armed conflict occur, and that post-conflict adjustment carries with it many challenges, a more balanced approach is required. In other words, certainly the existence of healthy family units, before and after armed conflict, can be recognized and promoted as an inherently valuable part of a nation's culture and tradition.

WPS gives cursory treatment to a number of important topics. For example, under health care, the following are discussed separately in one paragraph each: pregnant and lactating mothers;¹⁸⁴ malnutrition;¹⁸⁵ weapons (nuclear, biological, and chemical);¹⁸⁶ destruction of medical facilities and concerns for basic health care.¹⁸⁷ Two paragraphs are devoted to mental stress and changing social conditions.¹⁸⁸ Poor housing conditions, inadequate sanitation,

179. WOMEN, PEACE AND SECURITY, *supra* note 10, ¶ 408.

180. *Id.* ¶ 418.

181. *Id.* ¶ 413.

182. *See id.* at 138 ("Recognize the impact of armed conflict and displacement on family relations and develop awareness of the risks for increased domestic violence, especially in the families of ex-combatants; and develop programmes on the prevention of domestic violence which target families and communities, and especially male ex-combatants.").

183. *Id.* ¶ 377.

184. *Id.* ¶ 68.

185. *Id.* ¶ 69.

186. *Id.* ¶ 72.

187. *Id.* ¶ 73.

188. *Id.* ¶¶ 70-71.

malaria, tuberculosis, and other communicable diseases are combined in the paragraph discussing malnutrition and receive no more than honorable mention.¹⁸⁹ In contrast, WPS strongly emphasizes reproductive health rights. WPS devotes five paragraphs to HIV/AIDS generally¹⁹⁰ and another five paragraphs to the health consequences of sexual violence specifically (e.g., ostracism and suicidal tendencies), which obviously also raises issues of HIV/AIDS and of reproductive health services.¹⁹¹ WPS highlights that "girls may have limited access to HIV/AIDS education and prevention, because of taboos around discussions of gender-based inequalities and sexuality, which limit their ability to make sexual and reproductive decisions free of discrimination, coercion and violence."¹⁹² WPS later reemphasizes the point that "[t]he lack of control of women and adolescent girls over their sexuality, [and] their inequality within families[,] . . . exacerbates this situation."¹⁹³ WPS argues that a significant part of the peace process is related to organizing for health and reproductive services.¹⁹⁴ Curiously, this statement seems to contradict other references that cite women's efforts calling for peace, disarmament, mine removal, information about lost relatives, an end to conscription of children, and so forth.¹⁹⁵ WPS returns again to the topic of reproductive health services under a discussion relating to humanitarian operations. A recommendation under this section calls for increased access to such services.¹⁹⁶

Surprisingly, there is no discussion about access to medicines that cure HIV/AIDS. If the HIV/AIDS pandemic merits such lengthy treatment in the WPS, then surely two responses are required: prevention and cure. WPS, however, only emphasizes prevention. Although it does not explicitly articulate what is included in the notion of HIV/AIDS "education and prevention," WPS references Recommendation 24 of the Committee on the Elimination of Discrimination Against Women.¹⁹⁷ This recommendation indicates

189. *See id.* ¶ 69.

190. *Id.* ¶¶ 74–78.

191. *See id.* ¶¶ 79–82.

192. *Id.* ¶ 75; *see also id.* ¶ 73.

193. *Id.* ¶ 77 (endnote omitted).

194. *Id.* ¶ 177.

195. *See id.* ¶¶ 162–76.

196. *See id.* ¶ 305.

197. *Id.* at 145 n.42 (citing Comm. on the Elimination of Discrimination Against Women, *Report of the Committee on the Elimination of Discrimination Against Women*, UN Doc. A/54/38/Rev.1 (Jan. 1, 1999) [hereinafter *CEDAW Comm. Report*]).

that the committee interprets article 12 of the Convention on the Elimination of Discrimination Against Women ("CEDAW") to require equal access to health care services, including family planning and appropriate services in connection with "pregnancy, confinement and the post-natal period."¹⁹⁸ This recommendation clearly emphasizes how article 12 has been interpreted as requiring access to contraception and abortion services, which in turn means that when WPS cites Recommendation 24 without qualification, WPS's reference to "education and prevention" includes the same.¹⁹⁹

Such a position is contrary to that of the Holy See, which advocates both prevention and cure and articulates what constitutes appropriate education.²⁰⁰ The Holy See promotes increased access to

198. *CEDAW Comm. Report, supra* note 197, pt. 1, ch. I, ¶ 8 (quoting Convention on the Elimination of All Forms of Discrimination Against Women art. 12, 1249 U.N.T.S. 13 (Dec. 18, 1979) [hereinafter CEDAW]).

199. *See id.* ¶ 12(d) (explaining that states should consider the differing needs of men and women with respect to health care, including an increased need for patient confidentiality for women, because without it "[w]omen will be less willing . . . to seek medical care for . . . contraception or for incomplete abortion" (emphasis added)); *id.* ¶ 14 ("Other barriers to women's access to appropriate health care include laws that *criminalize medical procedures only needed by women* and that punish women who undergo those procedures." (emphasis added)); *id.* ¶ 17 ("[C]ouples who would like to limit their family size but lack access to or do not use any form of contraception provide an important indication for States parties of possible breaches of their duties to ensure women's access to health care." (emphasis added)); *id.* ¶ 31(c) ("When possible, legislation criminalizing *abortion* should be amended, in order to withdraw punitive measures imposed on women who undergo *abortion*." (emphasis added)); *id.* ch. IV, ¶ 207 ("The Committee expresses its concern about the high rate of abortion in Greece, and especially of abortions by teenagers. The numbers are *indicative of insufficient use of contraceptives*, a lack of sex education and information about contraceptives, as well as insufficient or unfocused family-planning efforts." (emphasis added) (addressing Greece)); *id.* ¶ 208 ("The Committee recommends . . . the improvement of family-planning policies and measures so that all women and men have *access to information about and measures of contraception*." (emphasis added) (addressing Greece)); *id.* ¶ 393 ("The Committee believes that *legal provisions on abortion constitute a violation of the rights of women* to health and life and of article 12 of the Convention." (emphasis added) (addressing Columbia)); *id.* ¶ 396 ("The Committee recommends that information on the *use of contraceptives* be more widely disseminated, that the necessary effort be made to ensure that women, including women in the most vulnerable population segments, *have access to affordable contraceptives, and that action be taken to promote the use of contraception by men, particularly vasectomy*." (emphasis added) (addressing Columbia)).

200. *See, e.g.,* PONTIFICAL COUNCIL FOR THE FAMILY, ETHICAL AND PASTORAL DIMENSION OF POPULATION TRENDS ¶¶ 56, 61 (1994), <http://www.ewtn.com/library/curia/pcfrend.htm>; Archbishop Javier Lozano Barragán, President of the Pontifical Council for Pastoral Assistance of Health Care Workers, Statement to the XXVI Special Session of the General Assembly on HIV/AIDS (June 27, 2001), in *L'OSSERVATORE ROMANO* (English ed.), July 11, 2001, at 10; Frank J. Dewane, Intervento della Delegazione della Santa Sede al Forum Internazionale dell'Aia sulla popolazione e lo sviluppo (Aug. 17, 2006), http://www.vatican.va/roman_curia/secretariat_state/documents/rc_seg-st_doc_11021999_forum-aia_en.html; *Development Report Focuses on*

medicines and specifically calls on the medical community to put social issues, such as human life concerns, over economic issues, especially as they relate to patents on medicine.²⁰¹ Second, it opposes the use of contraception and abortion services as they are contrary to the dignity of the human person and human life.²⁰² The preferred method is education regarding the authentic values of respect for chastity and matrimonial fidelity, all in accordance with the dignity of the human person and his or her transcendent destiny.²⁰³

The Holy See is not alone. For example, the government in Uganda, where HIV/AIDS occurs largely because of consensual sexual intercourse, began an aggressive public health campaign promoting abstinence and monogamy that has been scientifically proven to have reduced the disease.²⁰⁴ In addition, the United States has international programs that endorse an abstinence program it calls ABC, meaning, in this order of emphasis, Abstinence, Be Faithful, and Use of Condoms (for high-risk sexual encounters, e.g.,

Women: U.N.'s Anti-Poverty Strategies Still Use Faulty Concepts, ZENIT NEWS AGENCY, Oct. 15, 2005, <http://www.zenit.org> (follow "Archive" hyperlink; then follow "As of August 1, 2001" hyperlink; then find "Oct. 15, 2005"; then follow "Development Report Focuses on Women" hyperlink); Angelo Cardinal Sodano, Secretary of State of the Holy See, Address at the High-Level Plenary Meeting of the 60th Session of the General Assembly of the United Nations (Sept. 16, 2005), <http://www.holyseemission.org/16sep2005E.html>; Claudio Cardinal Hummes, O.F.M., Intervention by the Holy See at the Plenary Session of the United Nations on: "Implementation of the Declaration of Commitment on HIV/AIDS" (Sept. 22, 2003), http://www.vatican.va/roman_curia/secretariat_state/2003/documents/rc_seg-st_20030922_commitment-hiv-aids_en.html; Pontifical Council for Health Pastoral Care et al., *The Reproductive Health of Refugees* (Sept. 14, 2001), <http://www.healthpastoral.org/text.php?cid=274&sec=4&docid=19&lang=en>.

201. See, e.g., PONTIFICAL COUNCIL FOR THE FAMILY, *supra* note 200, ¶¶ 66, 68; Barragán, *supra* note 200; Silvano Maria Tomasi, C.S., Intervention by the Permanent Observer of the Holy See at the 61st Session of the Commission of the United Nations on Human Rights on Access to Medication in the Context of Pandemics, Such as HIV/AIDS, Tuberculosis and Malaria (Mar. 29, 2005), http://www.vatican.va/roman_curia/secretariat_state/2005/documents/rc_seg-st_20050329_tomasi-hiv-aids_en.html; Hummes, *supra* note 200.

202. See, e.g., PONTIFICAL COUNCIL FOR THE FAMILY, *supra* note 200, ¶¶ 40, 42, 51, 73; Barragán, *supra* note 200; Dewane, *supra* note 200; Pontifical Council for Health Pastoral Care et al., *supra* note 200.

203. See, e.g., PONTIFICAL COUNCIL FOR THE FAMILY, *supra* note 200, ¶ 3; Barragán, *supra* note 200; Hummes, *supra* note 200; Pontifical Council for Health Pastoral Care et al., *supra* note 200.

204. See, e.g., Stephanie Nolen, *U.S. Gets This War Right*, GLOBE & MAIL (Toronto, Can.), Aug. 19, 2006, at F8; Nicole Musi Yanou, *Abstinence, Not Condoms Is Best Defence Against HIV/AIDS*, POST (Zambia), Nov. 19, 2004; A. Dean Byrd, *Abstinence, Monogamy Help Reduce HIV in Uganda*, DESERET MORNING NEWS (Salt Lake City, Utah), July 25, 2004, at 2; Tom Carter, *Uganda Leads by Example on AIDS: Emphasis on Abstinence and Fidelity Slashes Infection Rate*, WASH. TIMES, Mar. 13, 2003, at A13; George Archibald, *Diplomats Urged to Back Families, Teen Abstinence*, WASH. TIMES, May 5, 2002, at A1.

with prostitutes).²⁰⁵ The success of such initiatives has brought into question the historical international approach to the crisis in Africa, founded on the promotion of condom distribution and so-called safe sex, which in turn, has created a fierce debate among supporters and detractors of abstinence-based programs.²⁰⁶

c. Critique of Gender Mainstreaming

Surprisingly, feminist scholar Hilary Charlesworth is deeply critical of gender mainstreaming in Security Council Resolution 1325, WPS, and the United Nations as a whole. She argues that "[t]oday, the vocabulary of gender mainstreaming is omnipresent in the international arena," but there is "resistance to, or misunderstanding of," the term.²⁰⁷

Charlesworth explains that "gender mainstreaming . . . rests on an insipid and bland concept of gender that has little cutting edge."²⁰⁸ Sex is defined as a matter of biology and "gender as the constructed meaning of sex, and the designation of social roles," but, she continues, such a distinction between sex and gender has come under the scrutiny of feminist scholars who reject that sex is natural.²⁰⁹

Charlesworth contends that the distinction between sex and gender has been left out.²¹⁰ She specifically criticizes Resolution 1325 and WPS for viewing gender as synonymous for (1) women, in the broad sense, or (2) women and children, in a more narrow sense.²¹¹ She has a point. There are repeated references to these phrases in both the resolution and WPS, but she bewails that such an approach links gender with biology, thereby implying that gender is a fixed objective fact about the human person.²¹² According to Charlesworth, the problem is that such an understanding of gender "reaffirms the 'naturalness' of female/male identities;"²¹³ it "does not capture the relational nature of gender, the role of power relations, and the way

205. See, e.g., John Donnelly, *And Now for the Good News*, BOSTON GLOBE, Aug. 20, 2006, at D1; Nolen, *supra* note 204; Yanou, *supra* note 204; Carter, *supra* note 204.

206. See, e.g., Donnelly, *supra* note 205; Nolen, *supra* note 204; Yanou, *supra* note 204; Byrd, *supra* note 204; Carter, *supra* note 204.

207. Charlesworth, *supra* note 165, at 5, 10.

208. *Id.* at 14.

209. *Id.*

210. *Id.* For more discussion on the topic of gender, see generally O'LEARY, *supra* note 176.

211. See Charlesworth, *supra* note 165, at 15–16.

212. *Id.* at 15.

213. *Id.*

that structures of subordination are reproduced."²¹⁴ In the end, she laments that WPS fails to deconstruct sufficiently underlying assumptions, suggest transformations to structures, and work toward modifying men's behavior as well as that of women;²¹⁵ she also contends that WPS merely prioritizes the role of women, considers the special needs of women and girls, and only attempts to increase the participation of women.²¹⁶ Apparently, "[t]he technique of gender mainstreaming has stripped the feminist concept of 'gender' of any radical or political potential,"²¹⁷ something she never completely fleshes out. In conclusion, "[g]ender has been defanged."²¹⁸

Charlesworth blames the Holy See for the narrow understanding of gender. She argues that the term "gender" was a point of controversy at Beijing.²¹⁹ While feminists feared that the imprecise use of the word would allow gender to be associated with sex, delegates from several states and the Holy See were "concerned that [gender] might be understood as including homosexuality and even bestiality."²²⁰ In order to establish a working definition of the term, representatives of some sixty states debated its usage in an informal contact group to seek agreement on the commonly understood meaning of gender in the context of the Beijing Platform for Action.²²¹

The result was Annex IV to the *Report of the Fourth World Conference on Women*, which sidestepped the issue by stating that no new definition of gender was necessary.²²² Since the prior working definition of gender in the United Nations was by all accounts

214. *Id.*

215. *See id.* at 18.

216. *Id.* at 16 (footnotes omitted).

217. *Id.*

218. *Id.*

219. *Id.*

220. *Id.*

221. *Id.* at 16; Fourth World Conference on Women, *supra* note 6, annex IV, ¶ 1, at 218.

222. Fourth World Conference on Women, *supra* note 6, annex IV, ¶¶ 2-3, at 218. It states:

Having considered the issue thoroughly, the contact group noted that: (1) the word "gender" had been commonly used and understood in its ordinary, generally accepted usage in numerous other United Nations forums and conferences; (2) there was no indication that any new meaning or connotation of the term, different from accepted prior usage, was intended in the Platform for Action.

Accordingly, the contact group reaffirmed that the word "gender" as used in the Platform for Action was intended to be interpreted and understood as it was in ordinary, generally accepted usage.

Id.

interchangeable with sex, Charlesworth argues that radical feminists lost a battle in Annex IV.²²³ She contends that the victory against radical feminism was shored up by the delegation from the Holy See, which seized the moment and wrote a definition of gender into the Beijing Platform for Action.²²⁴ It is this definition that Charlesworth claims made its way into Resolution 1325 and, in practical effect, WPS.²²⁵

It is true that the Holy See defines gender narrowly. In its final statement to the 1995 Beijing Conference, the Holy See expressed the only logical understanding of the use of the term "gender" in the Beijing Platform for Action:

In accepting that the word "gender" in this document is to be understood according to ordinary usage in the United Nations context, the Holy See associates itself with the common meaning of that word, in languages where it exists.

The term "gender" is understood by the Holy See as grounded in biological sexual identity, male or female. Furthermore, the Platform for Action itself clearly uses the term "Both genders."

The Holy See thus excludes dubious interpretations based on world views which assert that sexual identity can be adapted indefinitely to suit new and different purposes.

It also dissociates itself from the biological determinist notion that all the roles and relations of the two sexes are fixed in a single, static pattern.²²⁶

In brief, the Holy See understands gender according to its common usage as grounded in biological, sexual differences between males and females. This means that such differences are relevant (e.g., motherhood and fatherhood), although all roles and relations are not fixed in a static pattern (e.g., being born female does not mean that a woman is inferior or cannot drive, be educated, and hold a job).

This definition of gender sought to combat the radical definition of the term that minimizes the physical difference of sex and overemphasizes the purely cultural element of gender in a way that

223. See Charlesworth, *supra* note 165, at 16–18.

224. See *id.* at 17 (footnote omitted).

225. See *id.* at 17–18.

226. Fourth World Conference on Women, *supra* note 6, ch. V, ¶ 12, at 162.

obscures the differences and complementarity of the sexes.²²⁷ The Holy See also sought to distance itself from the promotion of women as tied to their liberation from biological constraints. This conception of women's liberation has inspired ideologies that call into question the natural family based on marriage between one woman and one man and make "homosexuality and heterosexuality virtually equivalent in a new model of polymorphous sexuality."²²⁸ According to such ideologies, human nature does not possess universal characteristics knowable through human reason. In other words, "[a]ll persons can and ought to constitute themselves as they like, since they are free from every predetermination linked to their essential constitution."²²⁹ Such ideologies follow in the wake of another tendency, in which women are pitted against men.²³⁰ Here, the emphasis is on the subordination of women by men, and the solution is for women to seek power in the face of the abuse of power.²³¹ The effort is to emphasize woman's identity and role without regard to the complementarity of the sexes or the necessity of women and men to collaborate together in the promotion of peace.²³²

CONCLUSION

According to Pope John Paul II, woman is entrusted to man from the beginning pursuant to God's plan, where "[r]eciprocity and complementarity are the two fundamental characteristics of the human couple."²³³ In other words, God willed that man and woman should share a relationship of profound communion with a common vocation of love, which calls men and women to seek peace together

227. See Congregation for the Doctrine of the Faith, Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World ¶ 2 (May 31, 2004) [hereinafter Letter from Congregation for the Doctrine of the Faith], in 34 ORIGINS 169, 171 (2004).

228. *Id.* The Holy See has not delineated the different ideologies in this letter. For a discussion on these various ideologies, see O'LEARY, *supra* note 176, at 22 ("Support for the Gender Agenda comes from activist groups, all somewhat interrelated or overlapping in interest, but nevertheless distinguishable: 1) population controllers; 2) sexual libertarians; 3) gay rights activists; 4) multiculturalists/promoters of political correctness; 5) environmental extremists; 6) neo-Marxists/progressives; 7) postmodernists/deconstructionists.").

229. Letter from Congregation for the Doctrine of the Faith, *supra* note 227, ¶ 3.

230. See *id.* ¶ 2.

231. *Id.*

232. See *id.* ¶¶ 3-4.

233. 1995 Peace Message, *supra* note 2, ¶ 3.

in accordance with the logic of complementarity.²³⁴ The most profound form of this communion is marriage, in which woman is called to motherhood and to give, nurture, educate, protect, and promote human life. Respect for the dignity of each and every human being is at the heart of authentic peace. Woman's presence is needed to teach others what comes naturally to her. She can better assist others as she develops a more lively awareness of her dignity as a feminine person created in the image and likeness of God and nourishes the peace within her that comes from knowing and loving God. She is needed in society as well as the family for the betterment of mankind. Any activity in the public sphere, however, must not lead to the devaluation of her role in the family.

Resolution 1325 itself has many good points. The Resolution as interpreted by WPS has many strong points as well, but it downplays the family and motherhood—essential elements of the informal peace process. It also interprets reproductive health services in a way that degrades human life and a woman's unique and fundamental role in this regard. Nonetheless, feminist scholar Hilary Charlesworth argues that Resolution 1325 and WPS have not gone far enough. She claims that these documents are founded on an outdated understanding of sex as a natural fact—a fact that has been challenged by present-day feminist scholars. She contends that Resolution 1325, WPS, and the United Nations as a whole presently treat gender as equivalent to sex, and she attributes this approach to the Holy See. In contrast, while the Holy See has consistently linked gender with biology, such a definition of gender was not adopted by WPS, and so problems arise.

I want to end by returning to the story of Pia Clementi who, for me, exemplifies Pope John Paul II's woman of peace. The day after the funeral, she explained that, although she was mourning over the loss of Lucia, she felt great peace knowing that her child was with our Lord. She said that her husband, although a Catholic, did not understand, and therefore she could not express her thoughts to him. She then asked for prayers to sustain the faith of her husband and her remaining children, who were confronting a great test of their belief in God.

In conclusion, the contributions of Pia Clementi demonstrate how such efforts ought to be respected and acknowledged as part of the

234. *Id.*

informal peace process, which is itself an essential component of the overall peace initiative as developed within the family of nations.

EPILOGUE

Five months after the funeral, I returned to Italy to visit Pia and her family and, while I was there, I met a man by the name of Alberto Bressan. He and Pia have known each other for years through her work as a city council member. Prior to the funeral, they were political rivals and their relationship could be described as acrimonious at best. His personal conversion story was initiated at the funeral of Lucia. The following is a translation of his words to me:

Lucia called me to the faith and Pia accompanied me. I was a man absolutely indifferent to the faith and the Christian message. My personal conversion occurred through the death of Lucia and the friendship of Pia. An extraordinary moment occurred at the funeral when Pia approached me and embraced me while they were lowering the casket of Lucia into the grave. She clasped me in a truly warm, loving, and firm way. At that moment, every form of incomprehension and indifference was wiped away. Shortly thereafter, I wrote her a letter in which I opened my heart telling her that, since the death of her daughter, my life would never be the same. From then on, we began to communicate on a frequent basis, and I began to read her suggested books on spirituality. Today, I attend daily mass and have strong convictions and hope. Now the path to holiness has become my walkway, and in my personal apostolate I am trying to help others along their journeys. Pia continues to encourage me, and just the other day sent me a text message telling me how she cares for me and wants the best for my soul.