

PROTECTION OF LIFE IN THE LEGISLATION AND TEACHINGS OF SAINT JOHN PAUL II

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Abstract. The paper discusses the teachings and legislation of St John Paul II on human life and its legal protection. The Pope's attitude to abortion, euthanasia and the death penalty was subjected to closer analysis. The author also points out that the legal protection of human life in the teachings and ecclesiastical documents is closely related to the essence of democracy. According to John Paul II, the "moral" value of democracy is not automatic, but depends on conformity to the moral law. In such a society, civil law must ensure that all members of society enjoy respect for certain fundamental rights which innately belong to the person. First and fundamental among these is the inviolable right to life of every human being from the moment of conception.

Keywords: John Paul II; human life; right to life; abortion; euthanasia; death penalty

1. JOHN PAUL II – *THE POPE OF LIFE*

The issue of the protection of human life was one of the most important topics in the teaching and legislative activity of Saint John Paul II, also called *the Pope of Life* [Grzeškowiak 2017, 125], and *the Pope of Human Rights* [Beyer 2014, 69; Majka 1982, 240; Skorowski 2018, 55]. Statements in which he raised various issues related to the protection of human life had a different form and rank, and also contained rich and varied arguments.

For the purposes of further analysis, texts addressed to the faithful of the Catholic Church should be distinguished from other texts addressed to "all people of good will". The first group includes, above all, the achievements of John Paul II as a legislator. Therefore, it is worth nothing that according to can. 331 of the Code of Canon Law,¹ The bishop of the Roman Church, by virtue of his office, possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely. Exercising the highest governing power (*potestas regiminis*), including the law-making (legislative) power,² John Paul II referred to a number

¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, pp. 1-317 [hereinafter: the Code of Canon Law, CIC/83].

² The legislative power of the Bishop of Rome can take various forms, at the top of this

of important issues in the field of the protection of human life – first of all, by regulating them in the Code of Canon Law.

Furthermore, in-depth theological and philosophical reflection can be found in the papal teachings, contained both in numerous high-ranking documents (encyclical letters, exhortations, apostolic letters), as well as in homilies and occasional speeches. The arguments cited in them often go beyond the moral teachings of the Head of the Catholic Church and take the form of participation in discussions with contemporary philosophical and anthropological trends, and often even fall within the scope of the theory of criminal law and penology. In this extensive collection of statements, special attention should be paid to *Evangelium Vitae*,³ the encyclical letter about which W. Półtawska said that it was written against the background of the whole life of a priest who defended life from the very beginning [Grzeškowiak 2006, 42].

The analysis of the above-mentioned sources allows us to distinguish two grounds of reflection in the teachings of John Paul II – theological (biblical) and universal (human rights) [Idem 2017, 128]. In statements addressed to members of the Catholic Church, and even more broadly – to all Christians, biblical themes prevail. And so, on the one hand, in *Evangelium Vitae* there is an interpretation of the so-called the Yahwist account of the creation of the world, which illustrates the origin of life from God, the analysis of the scene of Cain killing Abel and emphasizing the importance of the commandment “Thou shalt not kill”. On the other hand, the universal justification, with the argumentation referring to the existence of the natural order of things and the inherent and inviolable dignity of every human being, from which human rights derive, has become a common ground for discussion with contemporary, diverse philosophical and ethical concepts, in other words – with “with all people of good will”. In the encyclical letter *Evangelium Vitae*, the firm conviction was expressed that every person sincerely open to truth and goodness can, by the light of reason and the hidden action of grace, come to recognize in the natural law written in the heart, the sacred value of human life from its very beginning until its end, and can affirm the right of every human being to have this primary good respected to the highest degree (EV 2).

An important feature of John Paul II's thoughts on the protection of life is the continuity of teaching in relation to his predecessors and to the achievements of the Second Vatican Council, which find expression in a firm

hierarchy is the code as a set regulating all matters related to the Church's mission, followed by the apostolic constitution and the *motu proprio* [Góralski 1998, 29-30].

³ John Paul II, Encyclical letter *Evangelium Vitae. On the Value and Inviolability of Human Life* (25.03.1995) [hereinafter: EV], https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html [accessed: 22.07.2023].

repetition of the hitherto assessment of attacks on human life. Both condemnation of long-known acts against human life, such as any type of murder, genocide, abortion, euthanasia or wilful self-destruction,⁴ and opposition to new forms of attacks on the dignity of human being, resulting from the progress of science and technology, such as various techniques of artificial reproduction (so-called *spare embryos*), prenatal diagnosis (an opportunity for proposing and procuring abortion) was upheld (EV 4 and 14).

A separate part of the teachings is the issues of admissibility of the death penalty and the use of legitimate defence. John Paul II clearly distinguished the problem of the violation of the right to life of weak, defenceless and innocent beings (unborn children, the elderly, people in a terminal state) from the issue of the attitude to the death penalty as retribution for the evil done by the perpetrator of the crime and legitimate self-defence against the unlawful actions of the aggressor.

2. CAUSES OF CONTEMPORARY ATTACKS ON HUMAN LIFE AND THEIR EVALUATION

The reflection on contemporary threats to the life of every human being included in the papal documents is preceded by an in-depth diagnosis referring to their social conditions and various causes. Above all, John Paul II noticed the intensification of attacks on human life in the 20th century. In the address to the diplomatic corps on May 19, 2000 he said: “I have lived my 80 years in a century which has known unprecedented attacks on life.”⁵

In the papal teaching there is an extensive reflection on social changes of a cultural nature, which initiated the process of re-evaluating the assessment of human life, affecting the legislation of modern states. Among such degrading factors, John Paul II pointed to “the profound crisis of culture, which generates scepticism in relation to the very foundations of knowledge and ethics, and which makes it increasingly difficult to grasp clearly the meaning of what man is, the meaning of his rights and his duties” (EV 11). This crisis leads to the spread of “a culture which denies solidarity” and in extreme cases takes the form of a veritable “culture of death” (EV 12). In *Evangelium Vitae*, John Paul II outlined a picture of a society in which one could even speak of “a war of the powerful against the weak: a life which

⁴ Sacrosanctum Concilium Oecumenicum Vaticanum II, *Constitutio pastoralis de Ecclesia in mundo huius temporis Gaudium et spes* (07.12.1965), AAS 58 (1966), pp. 1025-120, no. 27.

⁵ John Paul II, *Address of the Holy Father John Paul II to the Diplomatic Corps Who Had Come to Congratulate Him on 80th Birthday* (19.05.2000), https://www.vatican.va/content/john-paul-ii/en/speeches/2000/apr-jun/documents/hf_jp-ii_spe_20000519_diplomatic-corps.html [accessed: 22.07.2023].

would require greater acceptance, love and care is considered useless, or held to be an intolerable burden [...]. A person who, because of illness, handicap or, more simply, just by existing, compromises the well-being or lifestyle of those who are more favoured tends to be looked upon as an enemy to be resisted or eliminated. In this way a kind of *conspiracy against life* is unleashed” (EV 12). The depreciation of human life is also contributed to by philosophical trends that “equate personal dignity with the capacity for verbal and explicit, or at least perceptible, communication. It is clear that on the basis of these presuppositions there is no place in the world for anyone who, like the unborn or the dying, is a weak element in the social structure, or for anyone who appears completely at the mercy of others and radically dependent on them” (EV 19).

According to John Paul II, at the source of this “culture of death” lies a completely individualistic concept of freedom, which ends up by becoming the freedom of “the strong” against the weak who have no choice but to submit (EV 19). The affirmation of the absolute autonomy of an individual leads to the negation of other people and, consequently, to permanent structural changes in society. In such a society “everything is negotiable, everything is open to bargaining: even the first of the fundamental rights, the right to life” (EV 20). This right may be simply negated by a vote of Parliament or by the will of one part of the population in a referendum. Therefore, summarizing, John Paul II stated: “the “right” ceases to be such, because it is no longer firmly founded on “the inviolable dignity of the person, but is made subject to the will of the stronger part. In this way democracy, contradicting its own principles, effectively moves towards a form of totalitarianism” (EV 20).

The cultural changes described above have led to a change in social assessments of human life and, subsequently, to a re-evaluation of ethical and legal assessments. A “quality of life” ethic along with a “utilitarian” or “proportionalistic” ethical methodology has contributed to the idea that certain attacks against innocent human life are morally legitimate and regarded as fundamental constitutional “rights” [Latkovic 2011, 423]. In this context, John Paul II recognized the fact that legislation in many countries, perhaps even departing from basic principles of their Constitutions, has determined not to punish these practices against life, and even to make them altogether legal (EV 4). This leads to the situation that in generalized opinion these attacks tend no longer to be considered as “crimes”; paradoxically they assume the nature of “rights” (EV 11).

John Paul II also saw that, apart from the declaration that the law should always express the opinion and will of the majority of citizens and recognize that they have, at least in certain extreme cases, the right to abortion and euthanasia, further arguments of a criminological nature are formulated. There

is a widespread fear among lawyers that the prohibition and the punishment of abortion and euthanasia would necessarily lead to an increase of illegal practices, carried out in a medically unsafe way. The question is also raised whether supporting a law which in practice cannot be enforced would not ultimately undermine the authority of all law (EV 68).

3. OBLIGATION TO PROVIDE THE LEGAL PROTECTION OF LIFE IN DEMOCRATIC STATES

The important issue of linking the legal protection of human life with democracy is present in the teaching of John Paul II. It is connected with considerations about the essence of democracy. In *Evangelium Vitae*, the Pope's analyses begin with the observation that in contemporary democratic countries the view is widely spread that "the legal system of any society should limit itself to taking account of and accepting the convictions of the majority. It should therefore be based solely upon what the majority itself considers moral and actually practices" (EV 69). In such a concept of democracy, such relativism alone is held to guarantee tolerance, mutual respect between people and acceptance of the decisions of the majority, whereas moral norms considered to be objective and binding are held to lead to authoritarianism and intolerance (EV 70).

In *Evangelium Vitae*, however, an outline of a completely different concept was presented, in which democracy is a system and as such is a means and not an end. According to John Paul II, the "moral" value of democracy is not automatic, but depends on conformity to the moral law: "the value of democracy stands or falls with the values which it embodies and promotes. Of course, values such as the dignity of every human person, respect for inviolable and inalienable human rights, and the adoption of the 'common good' as the end and criterion regulating political life are certainly fundamental and not to be ignored. The basis of these values cannot be provisional and changeable 'majority' opinions, but only the acknowledgment of an objective moral law which, as the 'natural law' written in the human heart, is the obligatory point of reference for civil law itself" (EV 70). So, John Paul II contended that democracy can be "ethical" [Beyer 2014, 77].

In the opinion of John Paul II, the real purpose of civil law is "to guarantee an ordered social coexistence in true justice" (EV 71). In such a society, civil law must ensure that all members of society enjoy respect for certain fundamental rights which innately belong to the person, First and fundamental among these is the inviolable right to life of every innocent human being (EV 71).

Referring to the values of democracy, John Paul II denied legal force to regulations legalizing attacks on human life. In *Evangelium Vitae*, the Pope firmly emphasized that “laws which legitimize the direct killing of innocent human beings through abortion or euthanasia are in complete opposition to the inviolable right to life proper to every individual; they thus deny the equality of everyone before the law [...]. Consequently, a civil law authorizing abortion or euthanasia ceases by that very fact to be a true, morally binding civil law” (EV 72).

It is worth noting that the view that the very essence of a democratic state ruled by law implies the obligation to ensure the protection of human life from the moment of conception has been expressed several times by the Polish Constitutional Tribunal [Wiak 2021, 493]. In the decision of 28 May 1997 (K 26/96) the Constitutional Tribunal outlined in detail the constitutional standards for the protection of human life and linked them to the essence of democracy. “Life” – the Tribunal said – “is the fundamental attribute of a human being. When life is taken away, a human being is at the same time annihilated as the holder of rights and obligations. If the essence of a democratic state ruled by law is a set of fundamental directives inferred from the sense of law proclaimed through democratic procedures, providing for the minimum level of fairness thereof, therefore, under a democratic state ruled by law, the first such directive must be respect for the value, as its absence excludes the recognition of a person before the law, i.e. human life from its outset. The supreme value for a democratic state ruled by law shall be a human being and his/her goods of the utmost value. Life is such a value and, in a state under a democratic state ruled by law, it must be covered by constitutional protection at every stage of development.”⁶

4. ABORTION

Among all the crimes which can be committed against human life, procured abortion (*termination of pregnancy, interruption of pregnancy*) was treated by John Paul II as a particularly serious and deplorable act. Quoting the Second Vatican Council, he called abortion, together with infanticide, as an “unspeakable crime” (EV 58). Abortion is thus crime “which no human law can claim to legitimize. There is no obligation in conscience to obey such laws; instead there is a grave and clear obligation to oppose them by conscientious objection” (EV 73).

⁶ Decision of the Constitutional Tribunal of 28 May 1997, ref. no. K 26/96, OTK 1997, No. 2, item 19, p. 6-7.

This firm assessment is not surprising, since it has remained unchanged in the tradition and legislation of the Catholic Church for centuries. Respect for human life before birth was expressed already in the oldest monuments of Christian writing. The *Didache* and the *Letter to Barnabas* contained the admonition “do not kill the foetus”, and the first local synods imposed a severe sanction of exclusion from the community on a woman who voluntarily caused the death of a child. The Synod of Elvira at the beginning of the 4th century provided for the penalty of lifelong excommunication in such a case. The set of provisions of canon law, known as the *Gratian Decree*, recalled the firm words of Pope Stephen V when assessing the termination of pregnancy: “Whoever kills a conceived life is a murderer” [Góralski 1991, 141; Wiak 2001, 82-83].

A clear and strict assessment of attacks against the life of an unborn child in the form of abortion is also articulated in the *Catechism of the Catholic Church*⁷ and in the *Code of Canon Law*. The *Catechism* declares that human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person – among which is the inviolable right of every innocent being to life (CCC 2270). According to can. 1397 § 2 of the CIC/83, a person who actually procures an abortion incurs a *latae sententiae* excommunication (which does not require a separate warning). The doctrine of canon law emphasizes that the perpetrator of this crime may be a Catholic who consciously and voluntarily, in order to cause death, effectively terminates a human foetus in any way, e.g. a doctor, a midwife, a mother who voluntarily underwent an abortion or terminated the pregnancy herself, all necessary partners who, through their actions, including: referral for surgery, order, advice, or provision of funds, effectively contribute to the removal of a living human foetus from the mother’s womb [Wenz 2016, 148].

Analysing the issue of abortion, John Paul II pointed out that nowadays the perception of its gravity has become progressively obscured. He recognized the linguistic phenomenon that when describing abortion, there is a widespread use of ambiguous terminology, such as “interruption of pregnancy”, which tends to hide abortion’s true nature and to attenuate its seriousness in public opinion. However, the Pope firmly stated that “no word has the power to change the reality of things: procured abortion is the deliberate and direct killing, by whatever means it is carried out, of a human being in the initial phase of his or her existence, extending from conception

⁷ *Catechism of the Catholic Church* promulgated on October 11, 1992 by Pope John Paul II with his apostolic constitution *Fidei Depositum*, https://www.vatican.va/archive/ENG0015/_INDEX.HTM [hereinafter: *Catechism*; CCC].

to birth. [...] The one eliminated is a human being at the very beginning of life. No one more absolutely innocent could be imagined” (EV 58).

According to John Paul II, the attribute of human dignity belonging to every human being should set the limits of permitted procedures carried out on the human embryo, e.g. experimentation, prenatal diagnosis. Procedures which respect the life and integrity of the embryo and do not involve disproportionate risks for it, but rather are directed to its healing, the improvement of its condition of health, or its individual survival, should be considered acceptable. However the use of human embryos or fetuses as an object of experimentation constitutes a crime against their dignity as human beings who have a right to the same respect owed to a child once born, just as to every person (EV 63). Similarly, prenatal diagnosis is morally licit, if it respects the life and integrity of the embryo and the human foetus and is directed toward its safe guarding or healing as an individual. It is gravely opposed to the moral law when this is done with the thought of possibly inducing an abortion (CCC 2274).

5. EUTHANASIA

Much space in the documents constituting the legislation and teachings of John Paul II is devoted to explaining the issue of euthanasia. First of all, the following definition was formulated in the encyclical letter *Evangelium Vitae*: “Euthanasia in the strict sense is understood to be an action or omission which of itself and by intention causes death, with the purpose of eliminating all suffering” (EV 65). John Paul II also confirmed the clear moral assessment expressed by previous popes and contained in their teachings (the *Magisterium*): “euthanasia is a grave violation of the law of God, since it is the deliberate and morally unacceptable killing of a human person” (EV 65). Likewise, according to the Catechism, direct euthanasia, which consists in putting an end to the lives of handicapped, sick, or dying persons, is morally unacceptable (CCC 2277).⁸ Euthanasia can take the form of so-called “assisted suicide”, but it becomes more serious when it takes the form of a murder committed by others on a person who has in no way requested it and who has never consented to it (EV 66). For this reason the penal law of the Catholic Church refers euthanasia to the crime of homicide covered by can. 1397 of the CIC/83 [Leszczyński 2013, 101].

Euthanasia “in the strict sense” must be distinguished from “the decision to forego so-called “aggressive medical treatment” – medical procedures

⁸ The literature emphasizes that the church’s pastoral response to the phenomenon of euthanasia spreading in the modern world should be to promote palliative care; see: Zawadka and Balicki 2015, 154.

which no longer correspond to the real situation of the patient, either because they are by now disproportionate to any expected results or because they impose an excessive burden on the patient and his family. To forego such extraordinary or disproportionate means is not the equivalent of euthanasia (EV 65).

6. DEATH PENALTY

It should be noted that the motives contained in the teaching of John Paul II, expressing the Church's attitude to the death penalty, differ from the arguments raised against abortion and euthanasia. The assessment of the admissibility of the death penalty has traditionally been made from the perspective of legitimate defence against an aggressor threatening the common good. Moreover, the use of "capital punishment" is not the murder of an "innocent person," but is a retribution for the evil committed earlier [Grzeńskowiak 2017, 150]. However, regardless of the circumstances that constituted the reason for imposing the death penalty, the papal teaching also included the idea that the perpetrator of even the most terrible act does not lose inalienable rights, such as the right to life – because these rights are due to the inherent and inviolable dignity of a human being.

The Church's attitude towards the death penalty during the pontificate of John Paul II underwent a significant evolution, which led to the Pope "taking the side of moderate abolitionists" [Mazurkiewicz 2009, 212]. John Paul II himself is called "the precursor of the abolitionist movement in the Church" [Pachciarz 2016, 188].

The analysis of these changes should begin with the statement that in the original version of the *Catechism of the Catholic Church* (published on October 11, 1992), the traditional teaching of the Church was still recalled, according to which "Preserving the common good of society requires rendering the aggressor unable to inflict harm" (CCC 2266). This teaching has acknowledged "as well-founded the right and duty of the legitimate public authority to punish malefactors by means of penalties commensurate with the gravity of the crime, not excluding, in cases of extreme gravity, the death penalty" (CCC 2266). However, the content of the next point of the *Catechism* clearly indicated the subsidiary nature of the norm allowing the death penalty: "If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority should limit itself to such means because they "better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person" (CCC 2267). In this approach, the death penalty was to be the *ultima ratio* among the various measures of responding to a crime available in criminal law.

The basis for the first change in the editorial of the *Catechism* regarding the assessment of the admissibility of the death penalty was provided by the encyclical *Evangelium Vitae*, in which John Paul II placed the problem of the death penalty “in the context of a system of penal justice ever more in line with human dignity” (EV 56). In this encyclical letter, the Pope also expressed the belief that in order to protect public order and the safety of people and to influence the perpetrator, the punishment imposed should not “reach to the highest extent, that is, to taking the life of the criminal, except in cases of absolute necessity, that is, when there are no other ways to defend society” (EV 56). Furthermore, a firm belief was expressed that “Today, however, thanks to the increasingly better organization of penitentiary institutions, such cases are very rare, and perhaps do not occur at all” (EV 56).

The position taken by John Paul II in the encyclical letter *Evangelium Vitae* became the basis for introducing changes to the text of the *Catechism* in 1998 (*Corrigenda*).⁹ Partly new teaching was added in point 2267 of the *Catechism*: “Today, in fact, as a consequence of the possibilities which the state has for effectively preventing crime, by rendering one who has committed an offense incapable of doing harm – without definitively taking away from him the possibility of redeeming himself – the cases in which the execution of the offender is an absolute necessity ‘are very rare, if not practically non-existent’”. In this sense, the death penalty has become an exceptional measure and should be applied only as *extrema ratio*.

The final shape of the current teachings of the Church towards the elimination of the death penalty was given by Pope Francis, who, by adopting an abolitionist position, goes much further than his predecessors [Grześkowiak 2016, 57]. Under the influence of Francis’ teachings, point 2267 of the *Catechism* gained the following content in 2018¹⁰: “Recourse to the death penalty on the part of legitimate authority, following a fair trial, was long considered an appropriate response to the gravity of certain crimes and an acceptable, albeit extreme, means of safeguarding the common good. Today, however, there is an increasing awareness that the dignity of the person is not lost even after the commission of very serious crimes. In addition, a new understanding has emerged of the significance of penal sanctions imposed by the state. Lastly, more effective systems of detention have

⁹ Amendments made by the Congregation for the Doctrine of the Faith in a letter of April 25, 1998.

¹⁰ Congregation for the Doctrine of the Faith, *Letter to the Bishops regarding the new revision of number 2267 of the Catechism of the Catholic Church on the death penalty, from the Congregation for the Doctrine of the Faith*, (01.08.2018), https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20180801_lettera-vescovi-penadimorte_en.html [accessed: 22.07.2023].

been developed, which ensure the due protection of citizens but, at the same time, do not definitively deprive the guilty of the possibility of redemption. Consequently, the Church teaches, in the light of the Gospel, that “the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person, and she works with determination for its abolition worldwide”.

John Paul II presented extensive and in-depth arguments against the admissibility of this penalty. He indicated both arguments resulting from a rationally conducted penal policy, as well as philosophical and anthropological considerations resulting from respect for the dignity of every human being, which also belongs to criminals. When analysing John Paul II’s attitude towards the death penalty, we should also take into account the speeches in which the Pope appealed for the abolition of the death penalty [Boike 2019, 49]. He also repeatedly called for a moratorium on the death penalty and expressed his appreciation for the Council of Europe, which led to the abolition of the death penalty among member states [Grzeškowiak 2017, 151].

CONCLUSION

The teachings and legislative activities of Saint John Paul II on human life and its legal protection are based on a coherent concept of a human being who has inherent dignity and inalienable rights resulting from it. This papal reflection has both a theological and universal dimension.

Referring to the Bible, the Tradition of the Church and the teachings of his predecessors, John Paul II firmly stated that every deliberate decision to deprive an innocent human being of his life is always morally evil and can never be licit either as an end in itself or as a means to a good end. It is in fact a grave act of disobedience to the moral law, and indeed to God himself.

At the same time, John Paul II built a dialogue with followers of other religions and non-believers – with “all people of good will”. He used argumentation based on universal values, noting the close relationship between the legal protection of human life and democracy. According to the teachings, the moral value of democracy depends on conformity to the moral law and values such as the dignity of every human person and respect for and inalienable human rights. First and fundamental among these is the inviolable right to life. In this way, Saint John Paul II created the basis for building a universal “culture of life”.

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