

Human Rights and Catholic Social Doctrine

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A Human Rights journey that would analyze their evolution in the public culture and in the Catholic Church would require a long dissertation. It would be necessary to look into centuries of history and see how duties and rights were defined and how they were justified.

One conclusion is certainly evident, that major changes have taken place in the understanding of a person's obligations and rights and that these changes are tied to the philosophical or theological doctrine supporting them. It is interesting to observe that the best minds have wrestled with this topic in the course of history. Indeed there is a whole collection of classical works dealing with duties and rights from the dialogue on *The Laws* of Plato, the *Nicomachean Ethics* of Aristotle, to the *De Logibus* of St. Ambrose, the *Critique of Practical Reason* of Kant. Less known is a book by a priest from Sicily, Nicola Spedalieri, published in 1791 titled : *Dei Diritti dell'Uomo*, on the Rights of Men. Two years after the start the French Revolution of 1789, this work was attempting to accept and hold together the fact that by now the rights of the person were undeniable with the requirement that such rights should not lead human society to fragmentation and anarchy. For this reason, the author Spedalieri made an effort to root the existence of rights not so much on an abstract nature of the human being as Kant did, for example, but rather on the concrete sovereign design of the Author of human nature. Spedalieri opposed both the enlightened despotism, that rejected the principle of popular sovereignty and the primacy of religion in the government of the State, as well as the laicism principles of the French Revolution. The warranty to ensure the fundamental rights of the person is given, according to Spedalieri, by the Christian religion that has as essential principle love and charity toward the neighbor.

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Resuming the mentioned list of writings on duties and rights, during the Italian Risorgimento two short treaties were added: Silvio Pellico's *On the Duties of Men*, and Giuseppe Mazzini's *The duties of Men*.

At this moment of the journey it has become clear that a transition has taken place in society from prevalence of argumentation on duties and norms to a modern epoch, already announced by Spedalieri and by Pico della Mirandola in his *De Dignitate Hominis*, of individual rights and of a rational justification of them. Ancient societies gave priority to the solution of their collective needs while the individual was asked to sacrifice for the community. Such a perspective led to the development of the theory of the common good in the Middle Ages, when this theory was characterized by rather frequent abuses and interested interpretation by the political power of the day and of the place.

The journey, then, keeps advancing from duties to rights and from a theological to a rational justification. The friend and former Bishop of Vicenza, now passed away, Pietro Giacomo Nonis, offered this comment on this evolution: "For the history of humanity human rights represent an almond tree in flower, rich of promises and vitality, open to the future like what is about to bloom, with the vital energy of the "Word" that has created the world and that already contains in hope the future: the same ("Word") that impresses in every person an image of God himself, ontological and anthropological foundation of every right and every dignity (cfr. Gens. 1, 26). Consequently, these rights are such independently of any contingent circumstances: an action is good not because the law permits it, but because it is good, it must be permitted by the law.

The Christian concept of person and the French Revolution have brought together two very different currents of thought: their convergence prompted the emergence of the value of the individual.. The new understanding is expressed by Locke in this way: "To understand correctly the political power and derive it from its origins, we have to consider in which state all men find themselves according to

nature. This is a state of perfect freedom in regulating their own actions and to dispose of their own possessions and of their own person as they think best, within the limits of the law of nature, without asking permission or depending on anybody else's will". There seems to begin a dissociation between rights and duties and an underplay of their complementarity.

Confronted with these developments, the Popes resisted. The former Pontifical Commission *Justitia et Pax* remarked: "The profound changes kindled by the new ideals of liberty, progress and the defense of human or civic rights by the Illuminists and the French Revolution, the secularization of society in reaction to clericalism, the urgent need to resist indifferentism, naturalism and above all a totalitarian and anti-clerical laicism (liberal in thought but hostile to any form of religion) were often factors in motivating Popes to adopt attitudes of caution, negation and sometimes even of positive hostility and condemnation. It took from Napoleon to Leo XIII to start a new approach and to open a dialogue with the public culture. In fact, Gregory XVI and Pius IX took a very defensive position. A particularly telling encyclical is *Mirari vos* issued in 1832 by Pope Gregory XVI where, for example, it is written: "14. This shameful font of indifferentism gives rise to that absurd and erroneous proposition which claims that **liberty of conscience** must be maintained for everyone. It spreads ruin in sacred and civil affairs, though some repeat over and over again with the greatest impudence that some advantage accrues to religion from it..... Experience shows, even from earliest times, that cities renowned for wealth, dominion, and glory perished as a result of this single evil, namely immoderate freedom of opinion, license of free speech, and desire for novelty."

But a pessimistic approach, nostalgic of the past is not very useful: problems remain unsolved and a bitter spirit loses the will to react and to commit itself to undertake the necessary action to promote justice and solidarity. Some sixteen centuries ago St. Agustin, while the Vandals were sieging his episcopal residence,

said that “we have greater reason to rejoice than to complain of our times”, and began writing the City of God.

Without ignoring the evils of the time, with a more constructive outlook Leo XIII addressed the rights of workers, of people’s participation in the functioning of the State, etc., and opened the way for the systematic development of the Social Doctrine of the Church and of a solid foundation of the rights of the person. The promotion of human rights becomes an integral component of the mission of the Church. Paul VI in 1974 appealed for human rights and stated: “ Human dignity has its root in the image and in the reflection of God present in every person. For this all persons are essentially equal among themselves. Integral personal development is manifestation of the image of god in us. In the moment we live in, the Church has acquired the liveliest awareness of this truth. She also very firmly believes that the promotion of the rights of man is a requirement of the Gospel and that it must occupy a central place in her ministry.”²

The ferment transforming the Church’s attitude has been the growing awareness that men and women have acquired of their dignity as persons. This new, even revolutionary, event characterizes our times: everyone feels to be a value in himself, wants to be recognized as such, participates in the formulation of decisions and refuses to be used as a second class citizen. The Vatican II Declaration on Religions, Freedom opens with these words: “A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man, and the demand is increasingly made that men should act on their own judgment, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty. The demand is likewise made that constitutional limits should be set to the powers of government, in order that there may be no encroachment on the rightful freedom of the person and of associations. This demand for freedom in human society

² III ASSEMBLEA GENERALE DEL SINODO DEI VESCOVI. APPELLO PER I DIRITTI DELL'UOMO. Mercoledì, 23 ottobre 1974

chiefly regards the quest for the values proper to the human spirit. It regards, in the first place, the free exercise of religion in society. This Vatican Council takes careful note of these desires in the minds of men. It proposes to declare them to be greatly in accord with truth and justice. To this end, it searches into the sacred tradition and doctrine of the Church-the treasury out of which the Church continually brings forth new things that are in harmony with the things that are old....”³

For believers this dignity, identical for everyone from conception to natural death, as often restated in the Church’s teaching, is rooted in their being created in the image of God and destined to communion with Him. Thus understood, human dignity is the ultimate reason because of which rights can be claimed for ourselves and for others.

Continuing this line of reasoning, the equality in dignity of all persons demands that no unjust discrimination in fundamental rights should exist both in social and cultural areas, that more human and just conditions of life be achieved by eliminating among the members and the peoples of the one human family excessive differences. “One of the salient features of the modern world,” writes Vatican II in *Gaudium et Spes*, ” is the growing interdependence of men one on the other, a development promoted chiefly by modern technical advances. Nevertheless brotherly dialogue among men does not reach its perfection on the level of technical progress, but on the deeper level of interpersonal relationships. These demand a mutual respect for the full spiritual dignity of the person. Christian revelation contributes greatly to the promotion of this communion between persons, and at the same time leads us to a deeper understanding of the laws of social life which the Creator has written into man's moral and spiritual

³ DECLARATION ON RELIGIOUS FREEDOM . *DIGNITATIS HUMANAE* . ON THE RIGHT OF THE PERSON AND OF COMMUNITIES . TO SOCIAL AND CIVIL FREEDOM IN MATTERS RELIGIOUS . PROMULGATED BY HIS HOLINESS POPE PAUL VI ON DECEMBER 7, 1965

nature.....24. God, Who has fatherly concern for everyone, has willed that all men should constitute one family and treat one another in a spirit of brotherhood.”

Clearly economic and social rights cannot be overlooked. The person is at the center of society whose structures and institutions should provide the conditions for all persons to grow and flourish. Therefore the 1974 Synod concludes that the mission of the Church “involves defending and promoting the dignity and fundamental rights of the human person” (n. 37).

In the aftermath of the disastrous Second World War, it seems to me that the political international community and the Church were walking together when the United Nations’ Universal Declaration of the Human Rights was agreed in 1948. This important and seminal document and the Charter of the United Nations give priority to the human person , for example, in the Preamble of the U.N. Charter we read “ We the Peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...”

New treaties and declarations have given a strong boost to the development of civil and social rights increasingly centering them on the interest of the individual. At this new moment of the journey , almost 70 years from the UDHR, we have come a long way , almost full circle. From rights focusing primarily on the State and the community in the past to rights focusing primarily on the individual. Today two situation confront us. First, the application of these rights has not been coherent notwithstanding the generous engagement of the individuals and groups and the incorporation of human rights in national legislations. A mere superficial glance is sufficient to recognize that the rights of the human person are systematically violated in many countries and communities. Racial and ethnic discrimination, the violent subjection of large majorities to the exercise of the

power by minorities, the persecution of dissident intellectuals, physical and mental torture, brutality and terrorism against defenseless people, deprivation of religious liberty even by force, widespread legalization and practice of abortion, violation of women, extreme poverty, all these problems that are still the lot of large segments of mankind, are some examples of widespread offenses against human rights. Data just collected by the organization Terre des Hommes tell us that in the world 2 girls out of 3 age 10 to 14 are regularly subjected to violence. U.N. data released a few days ago inform that in 2016 eight hundred thousand children have been killed or mutilated in the various world conflicts. We cannot remain indifferent in the face of these violations. Thus, it becomes crucial to raise the question on what human rights should really be based to make a bigger difference in the lives of people. Second, secularization has progressively eliminated religious motives from the world of thoughts, actions and social institutions. Radical liberalism progressively emptied the meaning of rights limiting them to the right to exercise always and everywhere individual freedom, even though in contrast with that of others. The real risk and danger is that of reducing the sphere of rights to the sphere of what is legally recognized, a crude positivism. The challenge remains of harmonizing human rights that belong to “subjective rights” with the natural order that belongs to the “objective right”. The Social Doctrine of the Church answers that human rights should reflect the ontological and ethical truth of the human person.. Saint John Paul II says in *Centesimus Annus*, 13:

” ...from the Christian vision of the human person there necessarily follows a correct picture of society. According to *Rerum novarum* and the whole social doctrine of the Church, the social nature of man is not completely fulfilled in the State, but is realized in various intermediary groups, beginning with the family and including economic, social, political and cultural groups which stem from human nature itself and have their own autonomy, always with a view to the common good. ...The denial of God deprives the person of his foundation, and

consequently leads to a reorganization of the social order without reference to the person's dignity and responsibility. The lack of implementation of human rights seems a constant in history, even though progress has been made. Today we face an additional more radical problem, a disconnection between reality and ideology, a way of thinking that undermines human rights extending them to personal desires. The ways that for a while converged now diverge. The task ahead is the recommitment to Christian realism regarding the human person and society. Addressing the German Bundestag Pope Benedict remarked: Man too has a nature that he must respect and that he cannot manipulate at will. Man is not merely self-creating freedom. Man does not create himself. He is intellect and will, but he is also nature, and his will is rightly ordered if he respects his nature, listens to it and accepts himself for who he is, as one who did not create himself. In this way, and in no other, is true human freedom fulfilled.” In fact Christian realism counteracts extreme, self-destructive individualism, and protects the innate dignity of every person. As *Gaudium et Spes* reminds us: “The Church, therefore, by virtue of the Gospel committed to her, proclaims the rights of man; she acknowledges and greatly esteems the dynamic movements of today by which these rights are everywhere fostered. Yet these movements must be penetrated by the spirit of the Gospel and protected against any kind of false autonomy. For we are tempted to think that our personal rights are fully ensured only when we are exempt from every requirement of divine law. But this way lies not the maintenance of the dignity of the human person, but its annihilation.” (n.41).

In conclusion, the current crisis obliges us to re-plan our journey and to make it an opportunity for discernment in which to shape a new vision for the future.

The ferment of the Gospel, with its message of love in truth, is called once more to be the force of renewal and transformation of public culture and thus ensure an effective protection of the dignity of every person and of the universality of human rights.