

PONTIFICAL COMMISSION «JUSTITIA ET PAX»

# THE CHURCH AND HUMAN RIGHTS

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## FOREWORD

The dynamic quality of faith constantly calls the People of God to a careful and effective scrutiny of the “signs of the times.” Today among the various “signs of the times” is the increasing attention focused on human rights throughout the world. This attention stems from the ever more sensitive and profound consciousness of individuals and groups for human rights as the centre of organized social life. It is stimulated by the continued multiplication of violations of human rights, and the consequent voices of protest insistently being raised against these violations.

The Pontifical Commission Justice and Peace has taken the occasion of the twenty-fifth anniversary of the United Nations’ Universal Declaration of Human Rights (10 December 1948 - 10 December 1973) to prepare this paper, *The Church and Human Rights*, for the National Justice and Peace Commissions with the hope that it might serve as an instrument of study and reflection on the rights of the human person.

Progress has already been made in research, promulgation and international agreement about human rights and their application. However, much remains to be done. As the Holy Father observed in *Octogesima Adveniens*: “Human rights are still too often disregarded, if not scoffed at, or else they receive only formal recognition. In many cases legislation does not keep up with real situations. Legislation is necessary, but it is not sufficient for setting up true relationships of justice and equality” (OA 23).

For this reason, it is urgent to animate the People of God toward a concerted programme of common concrete activity in promotion and defence of human rights.

To deepen understanding of the problems of development and peace, especially in their doctrinal, pastoral and apostolic dimensions, is one of the tasks the Holy Father has given to the Pontifical Commission Justice and Peace (Motu Proprio C.C.E. II, 2; 6 January 1967). The problem of human rights falls within this mandate for “while the promotion of the rights of the human person leads to peace, at the same time peace contributes toward the realization of this aim” (Message of Pope Paul VI to the United Nations on the 25th anniversary of the Declaration of Human Rights).

This paper has a very definite and limited aim. It is not, nor does it wish to be, a directive nor an official guide. Neither does it set out the goal for the work of National Commissions. Rather it is a starting point, raising questions, stimulating research, suggesting activities and offering doctrinal and theological reflection. Granted the diversity of local situations, this paper can perhaps help National Commissions in the work which they have already undertaken with such dedication and insight. It can offer them new impetus as they fulfil their task of bringing Christians, as persons and as community, to a greater awareness, of informing their consciences and of committing themselves with greater zeal to respect and promote the fundamental rights of the human person in society. It is my deep wish that this paper will prove useful, and with that in mind I am pleased to offer it with trust to all of you.

Maurice Cardinal Roy  
President of the Pontifical Commission “Iustitia et Pax”  
Vatican City  
10 December 1974  
International Human Rights Day



## ABBREVIATIONS AND SOURCES

- AA = Decree on the Apostolate of the Laity, *Apostolicam Actuositatem*, Second Vatican Council, AAS, LVIII (1966), 837-64; English translation, *The Documents of Vatican II*, ed. W. Abbott (New York: America Press, 1966), pp. 489-521. DH = Declaration on Religious Freedom, *Dignitatis Humanae*, Second Vatican Council, AAS, LVIII (1966), 929-946; English translation, Abbott, pp. 675-696.
- GS = Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes*, Second Vatican Council, AAS, LVIII (1966), 1025-1120; English translation, Abbott, pp. 199-308.
- LG = Dogmatic Constitution on the Church, *Lumen Gentium*, Second Vatican Council, AAS, LVII (1965), 5-71; English translation, Abbott, pp. 14-101.
- MM = Encyclical of Pope John XXIII, *Mater et Magistra*, AAS, LIII (1961), 401-464; English translation, Typis Polyglottis Vaticanis (1971).
- OA = Apostolic Letter of Pope Paul VI, *Octogesima Adveniens*, AAS, LXIII (1971), 401-41; English translation, Typis Polyglottis Vaticanis (1971).
- PP = Encyclical of Pope Paul VI, *Populorum Progressio*, AAS, LIX (1967), 257-99; English translation, Typis Polyglottis Vaticanis (1967).
- PT = Encyclical of Pope John XXIII, *Pacem in Terris*, AAS, LV (1963), 257-304; English translation, Typis Polyglottis Vaticanis (1971).
- JW = Document of 1971 Synod of Bishops, *Justice in the World*, AAS, LXIII (1971), 923-42; English translation, Typis Polyglottis Vaticanis (1971).

N. 13. The English translation of the documents of the Second Vatican Council are taken from *The Documents* of Vatican II, ed. W. Abbott (New York: America Press, 1966). All other citations are from English editions published by Typis Polyglottis Vaticanis.

# THE CHURCH AND HUMAN RIGHTS

## I. INTRODUCTION

1. The twenty-fifth anniversary of the Universal Declaration of Human Rights (10 December 1948 - 10 December 1973) has afforded Christians another opportunity to reflect on their responsibilities in this area, both as Christians and as human beings.

The Pontifical Commission Justice and Peace, in response to the Holy Father's mandate to promote justice and peace throughout the world, is especially committed to the struggle for the promotion and defence of human rights and to do all possible toward this end.

2. This present document, which deals in a purposely limited way with the problem of human rights seen from a Christian perspective, is primarily intended to offer some reflections and practical criteria to the National Justice and Peace Commissions. It should be regarded as a "starting point" not as a finished product for its goal is simply to offer a few general considerations aimed at making the People of God more aware of their responsibilities and more ready to act in promotion and defence of human rights.

3. First of all, the fundamental importance and the indivisible interrelationship between human rights and duties are emphasized. As the Holy Father affirmed in his Message to the United Nations on the occasion of the 25th anniversary of the Universal Declaration of Human Rights: "While the fundamental rights of man represent a common good for the whole of mankind on its path towards the conquest of peace, it is necessary that all men,

ever more conscious of this reality, should realize that in this sphere to speak of rights is the same as spelling out duties.”<sup>1</sup>

4. Modern man is so quick to defend his own right that he often seems to forget or at least underestimate the logical and real relationship which exists between the two aspects of the same right: *facultas* and *obligatio*, existence of right and its consequent responsibility.

Man can demand complete respect for his fundamental rights only when he conscientiously respects the duties which such rights imply.

5. The Encyclical *Pacem in Terris* demonstrates the psychological origin of the relation between rights and duties when it states that when man becomes conscious of his rights he must become equally aware of his duties. Thus he who possesses certain rights has likewise the duty to claim those rights as marks of his dignity, while all others have a similar obligation to acknowledge and respect those rights.<sup>2</sup>

6. The fundamental correlation between rights and duties becomes manifest in two stages. The first stage occurs when the possessor of a right, aware of the right and the respect owed to it, also becomes aware of the duties which are inseparable from this right and of his obligation to discharge those duties. The same Encyclical states: “The natural rights with which we have been dealing [which refer to the fundamental rights of the human person set out in the Encyclical’s preceding paragraphs] are, however, inseparably connected, in the very person who is their subject, with just as many respective duties; and rights as well as duties find their source, their sustenance and their inviolability in the

<sup>1</sup> Paul VI, “Message to the UN on the 25th Anniversary of the Universal Declaration of Human Rights,” 10 December 1973, *L’Osservatore Romano*, English edition, 20 December 1973, no. 51, p. 10; *AAS*, LXV (1973), 677.

<sup>2</sup> Cf. PT 18. Even on the plane of fundamental human rights the case of anyone who enjoys a right but abuses it must be regarded as unlawful.

Natural Law which grants or enjoins them. For example, the right of every man to life is correlative with the duty to preserve it; his right to a decent standard of living with the duty of living it becomingly; and his right to investigate the truth freely, with the duty of seeking it and of possessing it ever more completely and profoundly.”<sup>3</sup> The second stage comes about in the relationship that exists between the right of one person and the obligation of others to recognize and respect it, since “in human society to one man’s right there corresponds a duty in all other persons: the duty, namely, of acknowledging and respecting the right in question. For every fundamental human right draws its indestructible moral force from the Natural Law which in granting it imposes a corresponding obligation. Those, therefore, who claim their own rights, yet altogether forget or neglect to carry out their respective duties, are people who build with one hand and destroy with the other.”<sup>4</sup>

7. This reciprocity of rights and duties, besides being philosophically and juridically a unity of indivisible interrelationship, also provides men and women with a means of realizing integrally human, material and spiritual values. *Pacem in Terris* states: “When the relations of human society are expressed in terms of rights and duties, men become conscious of spiritual values, understand the meaning and significance of truth, justice, charity and freedom and become deeply aware that they belong to this world of values. Moreover, when moved by such concerns, they are brought to a better knowledge of the true God who is personal and transcendent, and thus they make the ties that bind them to God the solid foundations and supreme criterion of their lives.”<sup>5</sup>

8. Further, the present paper wants to call to mind that, in dealing with human rights, neither the defence of these rights nor the discharge of duties can be limited to the individual alone. It is

<sup>3</sup> PT 12.

<sup>4</sup> PT 13.

<sup>5</sup> PT 18.

necessary to open our minds and to widen the range of our actions beyond the sphere of the individual so as to include the rights and duties of whole societies with their groups and minorities.<sup>6</sup>

To speak of human rights and responsibilities in fact means to speak not only of the rights and responsibilities of individuals but also those of the community.

9. A study of the world today raises grave questions for serious consideration. A merely superficial glance is sufficient to recognize that the rights of the human person are systematically violated in an ever larger number of countries and communities. Racial and ethnic discrimination, the violent subjection of large majorities to the exercise of power by minorities, the persecution of dissident intellectuals, physical and mental torture, brutality and terrorism against defenceless peoples, deprivation of religious liberty even by force, widespread legalization of abortion, exploitation of migrant workers, extreme poverty, hunger and illiteracy, which are still the lot of large sections of mankind, are only some of the many examples of widespread offenses against human rights in various parts of the world, to the serious loss both of individuals and segments of society.

10. This state of affairs appears even more complex when one realizes that even people of good intent, who wish to exhort citizens to the defence of justice, in their exposition of injustices at times perhaps incomplete, often use the communications media in such a way that they frequently make the public less sensitive to injustice.

Yet if we Christians wish to be peacemakers and to spread harmony among nations, we cannot “remain indifferent in the

<sup>6</sup> *Pacem in Terris* teaches: “Political communities are reciprocally subjects of rights and duties. The same moral law, which governs relations between individual human beings, serves also to regulate the relations of political communities with one another.” PT 30.

face of the many grave and often systematic violations of human rights.”<sup>7</sup> “We cannot conceal our serious anxiety at the persistence and aggravation of situations we bitterly deplore.”<sup>8</sup>

11. This paper is not intended as an exhaustive handbook or guideline. Rather, as its prime goal, it seeks to encourage National Justice and Peace Commissions, and through them, to animate Christians, both individually and collectively, to engage in specific commitments and effective initiatives to redefine, defend and promote human rights on the national and international plane.

12. Finally, this paper’s aim, in the spirit of *Octogesima Adveniens* (no. 4), is not to assume the role of local churches but to stimulate them to act within the framework of their local and national situations, planning programmes that promote and defend the rights of the human person as an individual, a group or a society, according to the needs and circumstances of their countries.

<sup>7</sup> Paul VI, Message to the UN on the 25th Anniversary of the Universal Declaration of Human Rights, *op. cit.*, p. 3.

<sup>8</sup> *Ibid.*





## II. ASSESSMENT OF HISTORICAL DEVELOPMENTS AND CURRENT STANDPOINTS

### *A. HISTORICAL APPROACH*

13. In 1963, Pope John XXIII in *Pacem in Terris* praised “an act of the highest importance”<sup>1</sup> performed by the United Nations, namely, the promulgation of the Universal Declaration of Human Rights. He traced the historic development which brought about this declaration on the dignity, liberty and equality of every human being, and, as the Church’s Supreme Teacher, he took an unequivocal stand in respect to human rights. He was indeed restating the constant affirmation of liberty which Christianity from earliest times has ascribed to all men through the defence of religious liberty. This basically implied the gradual acquisition of complete liberty of thought, speech and assembly, now sanctioned by modern legislation. He was reaffirming the Church’s adherence to all proclamations maintaining that everyone is a person endowed with rights and duties; and he was at the same time asserting that the effective realization of these convictions would depend on the emergence in history of an international community with fully developed and effective power to influence the behaviour of societies, if not of individuals.

14. Human personality, through the emergence and exercise of conscience, is an ontological and psychological reality which is au-

<sup>1</sup> “Cuius Consilii providentiae perspicuo est argumento Professio Universalis iurium humanorum,” John XXIII, *Pacem in Terris*, 47; *AAS*, LV (1963), 295.

tonomous in the civil sphere. Within its own sphere its liberty and basic rights take precedence in certain cases over social and political structures. This insight is historically a typical affirmation of Christian social and political thought whose doctrinal formulation is intimately linked to the exegesis of the Biblical texts.

15. Patristic and medieval Christian thought used various valid insights of ancient philosophy and jurisprudence, both Greek and Roman, and thus developed its social concept of man and of human personality. This led to the secure affirmation of the world as essentially personal, having as its centre the human person with all his rights, which thus provided the key to interpreting all of man's social and political life. Such thought reached its highest expression in the writings of Saint Augustine and Saint Thomas Aquinas.

16. From the Renaissance onwards the numerous juridical, social and political problems which emerged, among other things, from the discovery of America and the first appearance of the modern State forced sixteenth century Christian thinkers to revise the doctrine of the human person and his basic rights. In this connection, it is enough to recall the works of Vittoria, Suarez, Las Casas and the whole Spanish school of law of that period.<sup>2</sup>

17. However, there have been periods in the Church's history when in thought and action the rights of the human person have not been promoted or defended with sufficient clarity or energy. Today the Church, through her Magisterium and activity, represents an important factor in the field of human rights. Her contri-

<sup>2</sup> We do not find in their writings any list of human rights. Instead, we find fully developed and defended the content of almost every fundamental right mentioned in modern declarations: from the right to live and the right to enjoy bodily integrity to the right to marry and to have one's family; from the right to social and political liberty (which implies some concession of public authority in favour of civil liberty) to the right to equality and security before the law; from the right to own property to the right of free association; from the right to emigrate to the right to settle in any part of the world.

bution is keenly appreciated and her comment sought by civil society in the common effort to make the full affirmation of man's fundamental rights truly effective and operative. But we must recognize that this was not always so.

There have been times when the historic evolution of the affirmation of human rights has been obscured both civilly and ecclesially by arguments and institutional structures which have impeded this process.<sup>3</sup>

18. As we are well aware, the Church's attitude towards human rights during the last two centuries too frequently has been characterized by hesitations, objections, reservations and, on occasion, even vehement reaction on the Catholic side to any declaration of human rights made from the standpoint of liberalism and laicism.

The profound changes kindled by the new ideals of liberty, progress and the defence of human or civil 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 anticlerical 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.<sup>4</sup>

19. Then during the nineteenth century the Church's Magisterium gradually took up the theme of human rights, making needed interpretations of the "new freedoms,"<sup>5</sup> proclaimed in the con-

<sup>3</sup> Cf. GS 43.

<sup>4</sup> Cf. Pius VI, Letter *Quod Aliquantum* (10 March 1791); Encyclical *Adeo Nota* (23 April 1791); Pius VII, Apostolic Letter *Post Tam Diuturnas* (29 April 1814); Gregory XVI, Encyclical *Mirari Vos* (15 August 1832); Pius IX, Encyclicals *Nostis et Nobiscum* (8 December 1849) and *Quanta Cura* (8 December 1864).

<sup>5</sup> Leo XIII, for example, states: "On many other occasions, notably in our Encyclical *Immortale Dei*, in discussing so-called 'modern liberties' we make a distinction between the good and the bad and show that whatever good there is in them is as old as truth itself and that the Church, so far from denying them

stitutions of modern States and inspired by the subjectivism and agnosticism of the French Revolution. These positions have often been viewed as a rejection of the modern world and its culture by the Church.

20. A turning-point (albeit on a small scale) in the Church's attitude occurred during the pontificate of Leo XIII. In a series of encyclicals he examined the problems of the modern State and initiated a more open treatment of fundamental human rights and, more especially, the citizen's right to engage in political action.

In the Thomist tradition, he recognized the State as existing in its own right and as enjoying a specific autonomy in its own order which implied a legitimate independence of ecclesiastical authority in its own field. While continuing to reaffirm the spiritual supremacy of the Church in tones which may seem to us over-insistent, Leo XIII undertook in his three great Encyclicals *Immortale Dei*, *Sapientiae Christianae* and *Libertas* a rehabilitation of the State and of the temporal order. Thus he incorporated whatever was true or healthy in the liberal institutions, such as the juridical incarnation of "human rights" formulated in 1789, into a Catholic vision of the State and of society.

21. Especially in his Encyclical *Libertas*, Leo XIII began the intricate work of refurbishing those ideas of Christian origin which were included among the fundamental aspirations of modern lay democracies. By so doing he paved the way within the Church to the recent clear and decisive affirmations made by the Magisterium on the fundamental rights of the human person.

22. In *Rerum Novarum*, Leo XIII placed particular emphasis on the social context of human rights, emphasizing the responsibility of public authority to insure that justice be observed in all labour relations.

has always approved them and put them into practice." Encyclical *Libertas*, 2; *Acta Leonis XIII*, VIII (1889), 213; *Acta Sanctae Sedis* V, XX (1887-8), 593-4.

In this Encyclical, which is “rightly acknowledged as the *Magna Charta* of the economico-social reconstruction of the modern era,”<sup>6</sup> “whose message continues to inspire action for social justice,”<sup>7</sup> and which is an example of “the Church’s prudent yet brave and generous concern for labour,”<sup>8</sup> Leo XIII first deplors the state of misery to which workers had been reduced and then makes their cause his own, pointing out very clearly the rights and duties both of employers and employees. He lays great emphasis on workers’ rights and claims for workers the right to work, the right to a just wage, the right to a fair amount of rest, the safety of women and children in factories, and the right of association. Above all he affirms that workers are entitled to respect and dignity as human persons,<sup>9</sup> ennobled by Christian character.

23. Human rights receive forceful vindication in *Quadragesimo Anno*, where Pius XI sets out not merely a positive formulation of human rights but also the general requirements of the common good with the duty of public authority to ensure proper development of social and economic conditions as the pre-condition for the actual realization of the variety of human rights. Again in *Divini Redemptoris* he offers a synthesis of the Church teaching on the rights of the human person.<sup>10</sup> Nor should we overlook the

<sup>6</sup> MM 3; cf. Pius XI, *Quadragesimo Anno*, AAS, XXIII (1931), 189.

<sup>7</sup> Paul VI, OA 1.

<sup>8</sup> John XXIII, *Ai Coltivatori Diretti* (20 April 1961), *Discorsi, Messaggi, Colloqui del Santo Padre Giovanni XXIII* (Vatican City: Typis Polyglottis Vaticanis, 1962), III, 218.

<sup>9</sup> In *Mater et Magistra* the Pope observes: “While some alleged that the Church, face to face with the social question, should confine herself to preaching resignation to the poor and exhorting the rich to generosity, Leo XIII did not hesitate to proclaim and defend the legitimate rights of the worker” (MM 3).

<sup>10</sup> Cf. Pius XI, *Divini Redemptoris*, 27-28; AAS, XXIX (1937), 78-9: “God has endowed man with manifold and various prerogatives: the right to live and to enjoy bodily independence together with the means necessary for existence; the right to strive to attain his ultimate end as determined by God; the right to association, to the ownership and use of property. Just as the right to marry

same Pope's brave and vigorous defence of "freedom for conscience," of the natural rights of man and of the family against totalitarian Fascism (*Non abbiamo bisogno*), Nazism (*Mit brennender Sorge*), Soviet Communism (*Divini Redemptoris*), and of the Mexican regime of 1917-1937 (*Nos es muy conocida*). Thus it is useful to recall his fight against the State's monopoly of education (*Divini illius Magistri*); his condemnation of Nazi racism and of sterilization in itself or for political purposes; his statement on property having both an individual and a social character, on safeguarding the rights and dignity of labour, on the need for family allowances and on the advisability of effective trade or craft unions.

24. With Pius XII the Church's Magisterium takes on an attitude and a positive defence even more sharply focussed on human rights.

His messages in which he denounces violations of fundamental human rights, defends the cultural and political rights of the human person, and puts forward concrete proposals for the reconstruction of the human community after the havoc of the war greatly influenced world public opinion in that historic epoch.<sup>11</sup>

His Christmas Broadcasts of 1942 and 1944 are particularly concerned with basic human rights.

In the first of these broadcasts Pius XII pleaded that the God-given dignity invested in man should be restored to the human person. Man should uphold respect for "the following fundamental rights: the right to maintain and develop one's corporal, intellectual and moral life and especially the right to religious formation and education; the right to worship God in private and

and to achieve its natural aims are of divine origin, so too the constitution and fundamental prerogatives of the family have been appointed by the Creator himself... not by human will or by economic factors" (*ibid.*).

<sup>11</sup> We may, for example, recall the five points for a just peace between nations (Christmas Message, 24 December 1939); the fundamental conditions essential for a new international order (Christmas Broadcast, 1941) and for the renewal of national societies (Christmas Broadcast, 1942).

public and to carry on religious works of charity; the right to marry and to achieve the aim of married life; the right to conjugal and domestic society; the right to work as the indispensable means toward the maintenance of family life; the right to free choice of a state of life, and hence, too, of the priesthood or religious life; the right to the use of material goods, in keeping with his duties and social limitations.”<sup>12</sup>

In his 1944 Christmas Broadcast Pius XII defends the right of all citizens to a share in public life and in the government of the State.<sup>13</sup>

In other discourses he upholds such specific rights as the right of every family to adequate living space;<sup>14</sup> the elementary, primordial right of parents to choose which type of education to give their children; the right to life and to bodily and psychological health.

Nor can it be forgotten that during the war years and in those immediately after, Pope Pius XII sought to create a peace which would be consonant with the dignity of the human person and with true equality among men and nations. He repeatedly called for the formation of a world-wide international agency to maintain the peace and to construct international institutions dedicated to safeguarding the vital fundamental rights of individuals and of

<sup>12</sup> Pius XII, Christmas Broadcast 1942, no. 13, *AAS*, XXX (1943), 19; English translation (Typis Polyglottis Vaticanis, 1971). “In any case, whatever be the change or transformation, the scope of every social life remains identical, sacred and obligatory; it is the development of man’s personal values, as the image of God; and the obligation remains with every member of the human family to realize unchangeable destiny” (*ibid.*, 7). In the same Broadcast, the Pope invited the younger generation to fight “for the dignity of the human person, and for the attainment of its destiny” (*ibid.*, 9 f.).

<sup>13</sup> Cf. *AAS*, XXXVII (1945), 13 ff.

<sup>14</sup> Cf. *AAS*, XXXIII (1941), 202–3.

whole peoples, and to prevent any possible usurpation of these rights.<sup>15</sup>

In fact, in his speeches and writings Pius XII explored and expounded in detail a new analysis of the whole doctrine of human rights, especially in the social, political and cultural fields. He underlined the human person as subject, object and foundation for the reconstruction of the human community on the national and international plane.<sup>16</sup>

25. During the pontificates of John XXIII and of Paul VI, especially in *Mater et Magistra*, *Pacem in Terris*,<sup>17</sup> *Populorum Progressio*, and *Octogesima Adveniens*, there were further developed the central place and the dignity of the human person; the rights not only of individuals but also of peoples to the total progress of the civil community on the social, economic and human plane; the urgent need to make these human rights effective and the necessity for organic political action to defend and promote them both on the national and the international level.

26. At this historic moment, the fathers of the Second Vatican Council echoed the Supreme Pastor.

The Pastoral Constitution *Gaudium et Spes* is clear proof that throughout the universal Church concern with the nature of man, his dignity and his role in the world and in contemporary history has reached a new depth, a new maturity.

<sup>15</sup> Cf. Pius XII, Christmas Broadcast, 1944, no. 15; *AAS*, XXXVII (1945), 19: ff.; and Pius XII, Christmas Broadcast, 1941, no. 17; *AAS*, XXXIV (1942), 16–9.

<sup>16</sup> “To safeguard the inviolable sphere of the rights of the human person and to facilitate the fulfilment of his duties should be the essential office of every public authority.” Discourse to commemorate the 50<sup>th</sup> Anniversary of the Encyclical *Rerum Novarum*, 1 June 1941, *AAS*, XXXIII (1941), 200; English translation, *op. cit.*, (Typis Polyglottis Vaticanis, 1971), no. 14.

<sup>17</sup> Cf. Reflections by Cardinal Maurice Roy on the Occasion of the Tenth Anniversary of the Encyclical “*Pacem in Terris*” of Pope John XXIII, 11 April 1963 - 11 April 1973, (Vatican City: Typis Poliglottis Vaticanis, 1973), *passim*.



Greater stress is laid on the fact that human promotion cannot be realized through the affirmation of fundamental human rights, except in a civil community which is organized both juridically and politically.

Man as a complete being is the key to the whole argument of the Pastoral Constitution. It proclaims the supreme grandeur of man's vocation, of his dignity, his fundamental rights, and affirms that there is a divine seed active within him. In this text the Council offers the whole of mankind the sincere cooperation of the Church in the attempt to establish the universal brotherhood which expresses his vocation.<sup>18</sup>

27. Following the line and spirit of the Council, the Synod of Bishops in 1971 produced the document *justice in the World* which states that only through service to the civil community can the People of God fulfil their duty and make a truly constructive and effective contribution to human liberation in the spirit of the Gospel. "Action on behalf of justice and participation in the transformation of the world fully appear to us as a constitutive dimension of the preaching of the Gospel, or, in other words, of the Church's mission for the redemption of the human race and its liberation from every oppressive situation."<sup>19</sup>

In the latest Synod (27 September - 26 October 1974) on *Evangelization and the Contemporary World*, the Bishops, fully conscious of their pastoral duty to proclaim the Good News, issued a message in which they publicly affirmed "their determination to promote human rights and reconciliation everywhere, in the Church and in the contemporary world."<sup>20</sup> After stating that the Church "firm-

<sup>18</sup> Cf. GS 3.

<sup>19</sup> JW, p. 6. Notice is drawn especially to the eight proposals at the end of the document which foster those initiatives and institutions which are working for peace, international justice, and the development of man, *op. cit.*, pp. 22-4.

<sup>20</sup> "Human Rights and Reconciliation," Message of the 1974 Synod of Bishops, approved by show of hands on 23 October. Cf. *L'Osservatore Romano*, English edition, 7 November 1974, no. 45, p. 2.

ly... believes that the promotion of human rights is a requirement of the Gospel and as such must occupy a central position in its ministry,"<sup>21</sup> the declaration goes on to specify certain rights which are today more directly menaced, such as the right to live and to have enough to eat, the right to religious liberty, social and economic rights, and political and cultural rights. It encourages all those who work in defence of human rights; it invites public authorities to promote justice and to give hope to those who are the victims of violations, and insists that "reconciliation is impossible without justice."<sup>22</sup>

28. This shows that the affirmation and defence of human rights is ever more closely linked with the need to transform social, political and economic structures. Thus the very terms in which the Magisterium defends the fundamental rights of the human person become more and more practical, explicit and incisive in relation to current social and political realities.

29. No less important are the teachings in the human rights field undertaken by bishops and Episcopal Conferences throughout the world in conformity with the Church's Magisterium. National Commissions not only have a role of studying and reflecting upon their bishops' teaching but also of reciprocating and sharing their research, studies and experiences in order to promote practical action in defence of the dignity of the human person and of his fundamental rights.

30. The Church then has flung open her windows. The Second Vatican Council formally approved this "opening" with the Constitutions *Dignitatis Humanae Personae* and *Gaudium et Spes*. This process shows the following stages: 1. radical changes in social structures enabling the Church to learn something of these changes in themselves; 2. the Industrial Revolution and the consequent

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

advance of the common man calling out to the Church to defend workers' rights and the dignity of the human person (Leo XIII); 3. the rise of totalitarian States drawing the Church to a renewed consciousness of her duty to protect the natural and fundamental rights of the human person (Pius XI) and his political and cultural rights; 4. papal insistence that the old moral and paternalistic concept of the State be replaced by a juridical and constitutional one in which the true subject of politics is the human person, the citizen (Pius XII); 5. the demands and the prospects of the post-World War II situation moving the Church yet further towards a recognition of the dignity of the human person and of his rights as the only sure foundation for justice (Pius XII, John XXIII, Paul VI).

31. Through all these tragedies the Church has come to realize not only the fact of human rights but also the fact that her own liberty is intimately bound up with respect for the inviolable rights of the human person. In *Gaudium et Spes* the Church, quite conscious of what she has given to the world, has recognized "how richly she has herself profited by the history and development of humanity";<sup>23</sup> she has further admitted that "in working out her relationship with the world she always has great need of the ripening which comes with the experience of the centuries."<sup>24</sup>

32. In the last analysis the Church has widened the scope of her defensive action beyond the boundaries of Christendom - protecting her rights and her people - to the whole "society of man," safeguarding the rights of all on the basis of common human nature and natural law.

33. Without exaggeration, one could say that the Church, especially in the second half of the twentieth century, has acquired an important position of responsibility towards human society and

<sup>23</sup> GS 44.

<sup>24</sup> *Ibid.*, 43.

human rights, by way of spiritual leaven, claiming on behalf of all men, individually and collectively, an order of justice and love. Human rights, now sanctioned by the Universal Declaration, find in the Church's Magisterium not only a general consensus but a deeper understanding and a fuller expression that at times surpasses anything before it.

34. Stimulated by the rapid advance of modern culture, the Church has enriched her own comprehensive notion of the rights of the human person, always fully human and open to his supernatural vocation, so that, without in any way weakening her condemnation of false rights, she has adopted an attitude which is positive and encouraging rather than negative and disapproving, and now supports and even reinforces the historical process, as it is.

35. A function of the Church today is to guide and stimulate people concretely by means of the Magisterium to affirm the inalienable values of the person in social and political structures. This is the clear sign of the essential, and indeed irreplaceable, foundation of human rights.

## *B. DOCTRINAL APPROACH*

### *1. Teaching of the Magisterium*

a) Central theme and supporting arguments in regard to human rights on the plane of reason and natural order

36. The teaching of the Magisterium on fundamental human rights is based in the first place or is suggested by the inherent requirements of human nature itself on the level of reason and within the sphere of Natural Law. Let us briefly recall some of the more important points.

## § 1. *Liberty and Fundamental Rights\**

37. Recognizing that the social order is directed towards the good of the person,<sup>25</sup> that everyone is a person endowed with intelligence and free will<sup>26</sup> and that the human person is and must be the source, subject and goal of all social institutions,<sup>27</sup> the Magisterium affirms:

1) that all men are equal in nobility, dignity and nature,<sup>28</sup> without any distinction of race,<sup>29</sup> sex,<sup>30</sup> or religion;<sup>31</sup> 2) that everyone therefore has the same fundamental rights and duties;<sup>32</sup>

3) that the rights of the human person are inviolable, inalienable and universal;<sup>33</sup>

4) that everyone has a right to existence, to bodily integrity and well-being, to everything necessary to maintain a decent standard of living, such as food, clothing and shelter, means of subsistence and any other services indispensable to social security;<sup>34</sup>

5) that everyone has a right to a good reputation and respect,<sup>35</sup> to protection of privacy<sup>36</sup> and to an honest representation;<sup>37</sup>

\* *N.B.* In order not to overburden the text, only some passages of the Church's Magisterium on fundamental human rights of individuals and of peoples are cited.

<sup>25</sup> Cf. Pius XII, *passim*; *Common Catholic doctrine*; GS 26.

<sup>26</sup> Cf. PT 3.

<sup>27</sup> Cf. OA 14; GS 25; MM 58.

<sup>28</sup> Cf. PT 31; OA 16; GS 29.

<sup>29</sup> Cf. PT 18; OA 16; GS 29; PP 63.

<sup>30</sup> Cf. GS 29; OA 16; "Council's Message to Women," 8 December 1965.

<sup>31</sup> Cf. GS 29; Paul VI, "Message to the UN on the 25th Anniversary of the Universal Declaration of Human Rights," *op. cit.*, p. 10; Declaration *Nostra Aetate*, 5.

<sup>32</sup> Cf. OA 16.; GS 26; PT 3.

<sup>33</sup> Cf. PT 3; GS 26.

<sup>34</sup> Cf. PT 4; MM 8, 10, 50; GS 26; "Message of 1974 Synod," *op. cit.*, p. 2.

<sup>35</sup> Cf. GS 26; PT 5.

6) that everyone has a right to act in accordance with the right norms of his own conscience<sup>38</sup> and to investigate the truth freely following the ways and means proper to man.<sup>39</sup> This may in certain circumstances involve the right of dissent for reasons of conscience from some rules of society;<sup>40</sup>

7) that everyone has the right to express his ideas and opinions freely<sup>41</sup> and to be correctly informed about public events;<sup>42</sup>

8) that everyone has the right to worship God according to the right norm of his own conscience, to practise his religion both in private and in public, and to enjoy religious liberty;<sup>43</sup>

9) that the person's fundamental right is to have all his rights safeguarded by law; namely, to a protection that is impartial, inspired by the true norm of justice, and at the same time effective.<sup>44</sup> This means that all are equal before the law<sup>45</sup> and any judicial procedure should give the accused the right to know his accusers and also the right to a proper defence;<sup>46</sup>

10) finally, the Magisterium asserts that fundamental human rights are inseparably interconnected in the very person who is their subject with just as many respective duties; and that rights as

<sup>36</sup> Cf. GS 26.

<sup>37</sup> Cf. Paul VI, "Address to Officers of the Italian National Press Federation," 23 June 1966, *Insegnamenti di Paolo VI* (Vatican City: Typis Polyglottis Vaticanis, 1966), IV, 312. Cf. also other addresses made on various occasions by Paul VI, John XXIII and Pius XII to journalists.

<sup>38</sup> Cf. PT 6; GS 26; DH 2, 3.

<sup>39</sup> Cf. PT 5; DH 3.

<sup>40</sup> Cf. GS 78, 79; cf. also JW, p. 22: "Let conscientious objection be recognized and regulated by law in each nation."

<sup>41</sup> Cf. PT 5; GS 59, 73; JW, p. 18.

<sup>42</sup> Cf. PT 5, 31; "Message of 1974 Synod," *op. cit.*, p. 2.

<sup>43</sup> Cf. PT 6; GS 26, 73; JW, p. 11; "Message of 1974 Synod," *op. cit.*, p. 2.

<sup>44</sup> Cf. PT 11; Pius XII, Christmas Broadcast, 1942, *op. cit.*, no. 16.

<sup>45</sup> Cf. OA 16.

<sup>46</sup> Cf. JW, p. 18; *ibid.*, p. 11.

well as duties find their source, their sustenance and their inviolability in the Natural Law which grants or enjoins them.<sup>47</sup>

## § 2. *Civil, Political, Economic, Social and Cultural Rights*

38. In the context of civil, political, economic, social and cultural rights also, the Church's Magisterium throws light on some other fundamental liberties —rights of association, marriage and family, participation in public affairs, work, private property, education, and the development of peoples—, which constitute the key sectors of all individual or collective action. According to this teaching:

1) all men have the right of free assembly and association,<sup>48</sup> as also the right to structure organizations according to the will of their members in order to achieve their desired objectives;<sup>49</sup>

2) every human being has the right to freedom of movement and of residence within the confines of his own country, and also the right to emigrate to other countries and to take up residence there;<sup>50</sup> special consideration and assistance should be extended to exiles and refugees,<sup>51</sup> in accordance with the humanitarian principle of the right to asylum;

3) every human being has the right to choose freely the state of life which he prefers, and to found a family with equal rights and duties for husband and wife or alternatively, the right to follow a vocation to the priesthood or the religious life;<sup>52</sup>

4) the family, grounded on marriage freely contracted, monogamous and indissoluble, is the primary and essential cell of human society, and must therefore be accorded every economic, social,

<sup>47</sup> Cf. PT 12, 13; OA 24.

<sup>48</sup> Cf. PT 9; GS 73; CIC nos. 682-725.

<sup>49</sup> Cf. PT 9; MM 3.

<sup>50</sup> Cf. PT 10; OA 17; MM 5.

<sup>51</sup> Cf. Decree *Christus Dominus*, 18; GS 84.

<sup>52</sup> Cf. PT 7; GS 26.

cultural and moral consideration which will strengthen its stability, facilitate the fulfilment of its specific mission, and ensure an ambience for its healthy development;<sup>53</sup>

5) parents have the right to beget children, and prior rights in their support and education within the family;<sup>54</sup>

6) children and young people have a special right to education and to morally correct conditions of life and communications media;<sup>55</sup>

7) women are entitled to the respect due to the dignity of the human person and must therefore be granted equality with men to participate in the educational, cultural, economic, social and political life of the state;<sup>56</sup>

8) old people, orphans, the sick, and those who are rejected have the right to such care and assistance as may be required;<sup>57</sup>

9) from the dignity of the human person derives everyone's right to take an active part in public affairs and to contribute personally to the common good,<sup>58</sup> as well as the right to vote and the right to have a voice in social decisions;<sup>59</sup>

10) everyone has the right to work, to develop his own personality and talents in the exercise of his profession<sup>60</sup> and also the right, exercised with due responsibility, to free initiative in the economic field.<sup>61</sup> These rights imply the right to working conditions in which physical health is not endangered, morals are safeguarded and young people's normal development is not impaired.

<sup>53</sup> Cf. OA 18; PT 7.

<sup>54</sup> Cf. GS 52; MM 50; "Message of 1974 Synod," *op. cit.*, p. 2.

<sup>55</sup> Cf. JW, p. 11; GS 26.

<sup>56</sup> Cf. OA 13; GS 29; JW, p. 17. The Synod proposes that a mixed commission be formed to study woman's share of responsibility and participation in the community life of society and the Church.

<sup>57</sup> Cf. JW, p. 12.

<sup>58</sup> Cf. PT 11; "Message of 1974 Synod," *op. cit.*, p. 2.

<sup>59</sup> Cf. GS 75, 68; JW, p. 18; OA 47; MM 16.

<sup>60</sup> Cf. OA 14; GS 26, 67; MM 10.

<sup>61</sup> Cf. PT 8.



Women have a special right to working conditions in accordance with their needs and their duties as wives and mothers;<sup>62</sup> everyone must be granted the right to a reasonable amount of free time and necessary recreation;<sup>63</sup>

11) everyone engaged in manual or intellectual work is entitled to a wage or salary determined according to justice and equity, and therefore sufficient to allow both the worker and his family to maintain a standard of living consonant with human dignity in due proportion to the resources available;<sup>64</sup>

12) workers have the right to strike as an ultimate means of defence of their other rights;<sup>65</sup>

13) everyone has the right to have a share of earthly goods sufficient for himself and his family. Private ownership, therefore, insofar as it provides everyone with a wholly necessary area of independence, both for himself and for his family, should be regarded as an extension of human freedom and as a right which is not absolute or unconditioned but limited. In fact, by its very nature private property has a social quality deriving from the law of the communal purpose of earthly goods as ordained by the Creator; earthly goods should in equity find their way into the hands of all men and all peoples, and should therefore never be used to the detriment of the common good;<sup>66</sup>

14) all men and nations enjoy the right to development, regarded as a dynamic interpretation of all those fundamental human rights on which the aspirations of individuals and nations are based;<sup>67</sup> this includes the right to equal opportunities in the cultur-

<sup>62</sup> Cf. PT 8.

<sup>63</sup> Cf. MM 10, 66; GS 67.

<sup>64</sup> Cf. OA 14; GS 67; Paul VI, "Address of 1 May 1968," *AAS*, LX (1968), 330-331; *L'Osservatore Romano*, English edition, 9 May 1968, no. 6, pp. 1, 8; MM 11; PT 8; *Quadragesimo Anno*, *AAS*, XXIII (1931), 201-202.

<sup>65</sup> Cf. OA 14; GS 68.

<sup>66</sup> Cf. GS 69-71; PP 22-23; PT 8; OA 43; MM 3, 4, 18, 19, 20, 22.

<sup>67</sup> Cf. JW, pp. 9, 24; cf. also PP 43 *passim*; GS 9.

al, civic, social and economic spheres and to an equitable distribution of national resources;<sup>68</sup>

15) everyone also has a natural right to share in the benefits of a culture, and therefore the right to a basic education and to technical and professional training in keeping with the level of educational development of the country to which he belongs; every effort should be made to ensure that persons be enabled, on the basis of merit, to go on to higher studies so that they may occupy posts and take on responsibilities in accordance with their natural gifts and acquired skills;<sup>69</sup>

16) not only individuals but also communities and particularly minority groups enjoy the right to life, to personal and social dignity, to free association, to development within a safe and improved environment, and to an equitable distribution of natural resources and of the fruits of civilization;<sup>70</sup> the Magisterium makes a special plea on behalf of minorities, claiming the need for public authorities to promote their betterment with effective measures, to conserve their language, their culture, their ancestral customs, and their accomplishments and endeavours in the economic order;<sup>71</sup>

17) the right of every people to keep its own identity is affirmed.<sup>72</sup>

39. The value which the Church ascribes to man, then, is one of incomparable greatness. In this connection, Pope Paul VI said a few years ago: “No anthropology equals that of the Church in its evaluation of the human person. This is true as regards man’s in-

<sup>68</sup> Cf. OA 16; “Message of 1974 Synod,” *op. cit.*, p. 2.

<sup>69</sup> Cf. GS 60; PT 5; MM 10.

<sup>70</sup> Cf. Paul VI, “Message to the UN on the 25th Anniversary of the Universal Declaration of Human Rights,” *op. cit.*, p. 3; GS 68; MM 11.

<sup>71</sup> Cf. PT 33; GS 73.

<sup>72</sup> Cf. Paul VI, “Address to the Uganda Parliament,” *AAS*, LXI (1969), 582; *L’Osservatore Romano*, English edition, 7 August 1969, no. 32, pp. 1, 12; cf. JW, p. 10.

dividuality, his originality, his dignity; as regards the intangible richness arising from his fundamental rights; as regards his sacredness, his capacity for education, his aspiration to complete development, his immortality, etc. A code could be composed out of the rights which the Church recognizes in man, and it will always be difficult to limit the fullness of the rights which derive from man's elevation to the supernatural by reason of his insertion in Christ."<sup>73</sup>

b) Central themes and supporting arguments in regard to human rights on the plane of faith and of a specifically Christian outlook

40. The mystery of the Incarnation - the Son of God assuming human nature - threw a new light on the concept of man and of his dignity suggested by natural reason. "The truth is that only in the mystery of the Incarnate Word does the mystery of man take on light... Christ, by the revelation of the mystery of the Father and His love, fully reveals man to man himself."<sup>74</sup>

The ordinary Magisterium of the Church has provided teaching on fundamental human rights in the light of faith and of Christian perspectives which enrich the meaning of the rights by explaining them in depth and in the context of contemporary facts.

*Pacem in Terris* emphasizes the principle that every human being is a person and adds: "If we look upon the dignity of the human person in the light of divinely revealed truth, we cannot help but esteem it far more highly; for men are redeemed by the blood of

<sup>73</sup> Paul VI, "Address to the General Audience on Wednesday, 4 September 1968," *Insegnamenti di Paolo VI* (Vatican City: Typis Polyglottis Vaticanis, 1968), VI, 886-887; *L'Osservatore Romano*, English edition, 12 September, 1968, no. 24, p. 1.

<sup>74</sup> GS 22.

Jesus Christ, they are by grace the children and friends of God and heirs of eternal glory.”<sup>75</sup>

“The dignity of man is the dignity of the image of God,” said Pius XII in his famous Christmas Broadcast of 1944.<sup>76</sup> This Christian view of man is the basis of the Church’s pastoral motivation for defending human rights, whether of individuals or of groups.

41. “By virtue of the Gospel committed to her, the Church 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.”<sup>77</sup>

Pope Paul VI, in a communication to the United Nations’ Secretary-General, Dr. Kurt Waldheim, reaffirmed this view of faith in the defence of the rights of the human person. “The Church, concerned above all with the rights of God, can never dissociate herself from the rights of man, created in the image and likeness of his Creator. She feels injured when the rights of a man, whoever he may be, and wherever he may be, are ignored and violated.”<sup>78</sup>

The Holy Father spoke out ever more clearly, however, in the opening passages of his recent Message to the United Nations on the occasion of the 25th anniversary of the Universal Declaration

<sup>75</sup> PT 3.

<sup>76</sup> *AAS*, XXXVII (1945), 15.

<sup>77</sup> GS 41. The 1974 Synod in its Message on Human Rights says: “While the truths about human dignity and rights are accessible to all, it is in the Gospel that we find their fullest expression and our strongest motive for commitment to their preservation and promotion,” *op. cit.*, p. 2.

<sup>78</sup> Paul VI, “Message to UN Secretary General,” *AAS*, LXIV (1972), 215; *L’Osservatore Romano*, English edition, 17 February, 1972, no. 7, p. 5.

of Human Rights. He reaffirmed his endorsement of the United Nations' initiatives for justice and peace and therefore of the general ideal contained in the Universal Declaration, "impelled by the consciousness of Our mission which is to render immediate, living and actual to men the message of salvation which Christ proclaimed."<sup>79</sup> This faith vision in the defence and the promotion of human rights, both of individuals and of groups, is based upon and explicated by Christian Revelation which paves the way to a simpler, surer and more comprehensive knowledge of human rights and of the laws which are inscribed by the Creator in man's moral and spiritual nature and which govern his social activities.

42. No one can doubt that there is a continuously growing awareness of the exalted dignity of the human person not only among Christians but also throughout the human family.

It is the ferment of the Gospel which "has aroused and continues to arouse in man's heart the irresistible requirements of his dignity," proclaims the Second Vatican Council. "God's Spirit, with a marvellous providence... is not absent from this development."<sup>80</sup> Indeed Christ is still at work in the hearts of men through the power of his Spirit. Not only does he arouse a desire for the age to come, but also "animates, purifies and strengthens those noble longings too by which the human family strives to make its life more human."<sup>81</sup>

Coming down to practical consequences, the Council condemns whatever is opposed to life itself, both of individuals and of groups, such as any type of murder, wilful self-destruction, genocide, euthanasia, abortion, contraception and sterilization. It condemns whatever violates the integrity of the human person such as mutilation, corporal or mental torture, attempts to coerce

<sup>79</sup> Paul VI, "Message to the UN on the 25th Anniversary of the Universal Declaration of Human Rights," *op. cit.*, p. 3.

<sup>80</sup> GS 26.

<sup>81</sup> GS 38.

the will itself. It condemns whatever offends human dignity such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children, disgraceful working conditions. “All these... poison human society... Moreover they are a supreme dishonour to the Creator.”<sup>82</sup>

43. The Second Vatican Council further acknowledges that all men share a basic equality since they all have the same nature and origin, are all created in God’s likeness, and, in fact, “have all been redeemed by Christ and enjoy the same divine calling and destiny.”<sup>83</sup> For this reason, “with respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, whether based on sex, race, colour, social status, language or religion, is to be overcome and eradicated as contrary to God’s intent.”<sup>84</sup>

This equal dignity of persons and groups demands that a more humane and just condition of life be realized, eliminating “excessive economic and social differences between the members of the one human family or population groups”<sup>85</sup> as contrary to the Christian law of brotherhood and love.

This is the reason why Pope Paul VI, speaking of the right of peoples to development and self-fulfilment, considers it an obligation of his apostolic mission to endorse “the legitimate aspirations of men today, not hesitating, to see there the action of ‘evangelical ferment in the human heart,’ calling with deep concern and hope on all men to live as brothers, since they are all sons of the living God.”<sup>86</sup>

<sup>82</sup> GS 27; cf. also GS 47, 51, note 14.

<sup>83</sup> GS 29.

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> Paul VI, “Message to the International Conference at Teheran on the 20th Anniversary of the Declaration on Human Rights: 15 April 1968,” *AAS*, LX (1968), 284; *L’Osservatore Romano*, English edition, 2 May 1968, no. 5, p. 4.

44. In short, the Church's defence of human rights is an incapable requirement of her mission of justice and love in the spirit of the Gospel message.

Indeed the 1971 Synod of Bishops clearly states: "Of itself it does not belong to the Church, insofar as she is a religious and hierarchical community, to offer concrete solutions in the social, economic and political spheres for justice in the world. Her mission involves defending and promoting the dignity and fundamental rights of the human person."<sup>87</sup>

To accomplish her evangelical mission for the salvation of mankind, the Church has the right, as the Second Vatican Council teaches, "to pass moral judgment, even on matters touching the political order, whenever basic personal rights or the salvation of souls make such judgments necessary."<sup>88</sup>

## 2. *Theological Reflection*

45. On the basis of the statements formulated by the Church's Magisterium regarding the dignity and fundamental rights of the human person, both individually and in groups, modern theologians have intensified their study of these problems, developing ideas and drawing practical conclusions notably from the theologies of the *imago Dei*, of the Incarnation, of the Church and of liberation.

The chief elements of this study on the nature of man may be briefly summarized as follows.

46. According to the teaching of the Book of Genesis, man is made in the image of God (Cf. Gn 1:26–27). This signifies that every human being is endowed with intelligence, will and power which exist in this full perfection, free of contingency; only in God. These gifts of God constitute the essential basis of the rights

<sup>87</sup> JW p. 15.

<sup>88</sup> GS 76.

and dignity enjoyed by man as such, independent of his particular personal talents, background, education or social status. Everyone, therefore, has imprinted on his conscience the moral sense which moves him to act according to the laws laid down by the Creator (Cf. Rm 2:15). Man's freedom to behave according to the dictates of conscience constitutes the most forceful expression of his inalienable nobility. As he preached the message of the Kingdom of God to the crowds in Palestine, Christ, himself, fully respected man's genuine freedom, not in any way forcing man but inviting him to respond freely to the Gospel message (Cf. Mk 8:34). As he died upon the cross for all mankind and became through his resurrection the second Adam and the universal source of salvation, Jesus won for all men the power to become sons of God (Cf. Jn 1:12) and to be changed by the Holy Spirit into a new creature.<sup>89</sup> All those who are in fact incorporated in Christ by faith and baptism form the People of God, in which "there are henceforth no more distinctions between Jew and Greek, slave and free, male and female, but all of you are one in Christ Jesus" (Cf. Ga 3:28). All men of all times and places are destined to share in this sublime equality and supernatural brotherhood.

These truths, as set out in Holy Scripture, form the biblical foundation and theological basis of man's dignity and fundamental rights. Insofar as man was created by God and for God, by the power of the Word of the Almighty, which called him into existence, he is destined and orientated towards God as his ultimate goal and perfection."<sup>90</sup>

47. Being an image of God, man possesses and truly enjoys a spiritual nature, subsisting in itself and constituting an ontological whole, open to truth, goodness and beauty - qualities which man

<sup>89</sup> Cf. Ep 4:23–24; Jn 3:5 ff; Tt 3:5 ff; cf. also LG 7; GS 37; Decree *Ad Gentes* 7, 15.

<sup>90</sup> Cf. Declaration *Nostra Aetate*, 1; GS 92, 24, 45; cf. also "Message of 1974 Synod," *op. cit.*, p. 2.



is constantly seeking in order to achieve his own perfection until he finds absolute truth, goodness and beauty in God himself.<sup>91</sup> But man is not merely a natural being; he is also an historical one, and as one century succeeds another, by discerning the signs of the times, he continually finds the divine likeness shining through his being with brighter and brighter light.

The consequence of this fundamental ontological datum at the level of consciousness is the fact that man is by his very nature open to the Absolute and can indeed find his perfection and final satisfaction only in God<sup>92</sup> who has made man for himself and to whom man has to give himself unreservedly: “Thou hast made us, O Lord, for thyself, and our hearts are restless until they rest in thee.”<sup>93</sup>

It is God, therefore, who created human life and who has loving dominion over it. Every man has a right to life insofar as this is given him by God himself; and together with the right to life he has also been given by the Creator the right to his own full self-development.<sup>94</sup>

48. For us Christians, the human person is the apex of everything created. His great dignity is like a reflection of the divine image, an indelible imprint on his very being, and as such ranks above all other things,<sup>95</sup> “so that man can never be considered a mere instrument to be used for the benefit of others. Unfortunately, modern technological and political mentality sometimes

<sup>91</sup> Cf. GS 15.

<sup>92</sup> Cf. St. Thomas, *I Ethic*, Lect. 1; cf. also GS 24.

<sup>93</sup> “Creasti nos ad te, Domine, et inquietum est cor nostrum. donec requiescat in te” (St. Augustine, *Confessiones* I, 1).

<sup>94</sup> “In the design of God every man is called upon to develop and fulfil himself, for every life is a vocation” (PP 15).

<sup>95</sup> Cf. GS 26.

seems to ignore this, forgetting the values and the rights of the human spirit.”<sup>96</sup>

Since man is a person and the subject of any action, there is no human reason or pretext in the scientific or in the social, political and economic order which could ever justify a change in his function or status from subject to object.

49. Furthermore, every person has a special relation with God, grounded in the mystery of the Incarnate Word. When the Son of God became man, he entered into the world’s history as Perfect Man.<sup>97</sup> He lived in a particular nation, a particular culture, even in a particular minority group, and thus raised the whole human family and all its members, which is to say human nature with all its prerogatives, to the dignity of Sons of God. Thus in a definite way he sanctified all humanity.

It is precisely this choice by our Saviour of a particular nation or people, heirs of blessings destined for all nations, which gives value and dignity to every particular people, culture or nation.

By his death on the cross Christ has redeemed through his blood every man, every race, every group, every culture. His life on earth was one total gift of himself to the Father for the salvation and liberation of men. He proclaimed the universal fatherhood of God to all mankind, the law of love for one’s neighbour, and the intervention of divine justice in favour of the needy and the oppressed.<sup>98</sup> His supreme revelation was that “God is love” (1 Jn 4:8); he therefore taught that the fundamental law of human perfection, and of the transformation of the world, is “the new commandment”: “A new commandment I give unto you, that you love one another; even as I have loved you, that you also love one another” (Jn 13:34).

<sup>96</sup> Paul VI, “Address to the Members of the International Congress on Canon Law,” *L’Osservatore Romano*, English edition, 4 October 1973, no. 40, p. 2.

<sup>97</sup> Cf. GS 38.

<sup>98</sup> Cf. Lk 6:20–23.

50. Christ made this law of love for one's neighbour his own personal commandment and enriched it with a new meaning. For he wanted to identify himself with his brethren as the object of love. Indeed, by "taking on human nature he bound the whole human race to himself as a family through a certain supernatural solidarity and established charity as the mark of his disciples, saying, 'By this will all men know that you are my disciples, if you have love for one another' (Jn 13:35)."<sup>99</sup> "To those therefore who believe in divine charity he gives assurance that the way of love lies open to all men and that the effort to establish a universal brotherhood is not a hopeless one."<sup>100</sup>

51. At that point Christ carried his solidarity with even "the least" of his brethren to the point of affirming: "Whatever you have done for any one of these brothers of mine, even the least, you have done it to me" (Mt 25:40). He furthermore commanded the Apostles to go out and proclaim the Good News to all men, because it was in brotherhood and solidarity that the human race would become God's family, in which love would be the fulfilment of the law. In this way man's commitment to his neighbour becomes merged with his commitment to God, and his response to God's love is expressed in love and service to men.

52. But Christian love "implies an absolute demand for justice, namely a recognition of the dignity and rights of one's neighbour. Justice attains its inner fullness only in love. Because every man is truly a visible image of the invisible God and a brother of Christ, the Christian finds in every man God himself and God's absolute demand for justice and love."<sup>101</sup> The practice of brotherly love and human and Christian solidarity to promote and defend human rights must therefore conform to the true sense of that central

<sup>99</sup> AA 8.

<sup>100</sup> GS 38.

<sup>101</sup> JW p. 14.

message of the Gospel and to the needs of men to whom it is addressed.

53. Through the Paschal Mystery Christ has restored the unity of all men in one people and one body. He has spread the Spirit of love abroad in the hearts of men. That is why all Christians are called upon everywhere “to live the truth in love” (Ep 4:15).

54. These truths, revealed by God to man through Christ, are not only the basis and foundation of the Church’s teaching on human nature and human rights, both individually and collectively. They also establish the Church’s responsibility in her mission of actively advancing persons and nations together with their fundamental rights.

55. The problems of human rights are manifest and operative, not only for the individual, but also to a higher degree in society and public affairs; for this reason they have both a private and public aspect.

Although the Church with her religious role has no proper mission in the political, social or economic order, she is far from looking on religion as purely private and has always firmly stated that “out of this religious mission itself comes a function, a light and an energy which can serve to structure and consolidate the human community according to the divine law.”<sup>102</sup>

That is why the Catholic Church has never confined her moral teaching to private or individual ethics; but on the contrary, and with ever greater insistence in modern times, she has spoken out to the world on questions of public morality such as social justice, the development of peoples, human rights, war and peace, and racism. This is part of her pastoral mission.

56. The Church is the continuation and the presence of Christ in the world and in history. She continues the prophetic mission

<sup>102</sup> GS 42.

of Jesus, whose words and actions are all for the good of men to save, heal, liberate and assist them all.

The Bible, and in particular the New Testament, presents Christ's work as one of liberation. God himself in the fullness of time sent his Incarnate Son into the world to free men from every form of slavery to which they were subject by reason of sin and of human egoism, from ignorance, destitution, hunger, oppression, hatred or injustice (Cf. Ga 4:4–5).

Jesus' first preaching was to proclaim the liberation of the oppressed. By his death on Calvary Christ freed us from sin that we may enjoy the fullness of true freedom (Cf. Ga 5:13). Sin, the root of all injustice and oppression, is in fact an egoistic turning-back upon ourselves, a refusal to love others and therefore to love God himself. The fullness of liberation consists in communion with God and with all our fellowmen.

57. In continuing the prophetic mission of her founder the Church must also preach more forcefully and realize more effectively this liberation of the poor, the oppressed and the outcast, working with others "building a world where every man, no matter what his race, religion or nationality, can live a fully human life, freed from servitude imposed on him by other men or by natural forces over which he has not sufficient control."<sup>103</sup>

Today there are structural impediments which deny access of large sections of society to the spiritual and material goods which belong to the community in which they live.

These obstacles foment alienation. They offend the dignity of the human person, and in effect estrange large masses of people who have no normal outlets or means of expression to claim and establish their fundamental rights.

The irresponsible behaviour of those who allow such a state of affairs to continue is incompatible with the demands of the Gospel and must be boldly condemned. "This is the reason why the

<sup>103</sup> PP 47.

Church has the right, indeed the duty, to proclaim justice on the social, national and international level, and to denounce instances of injustice, when the fundamental rights of man and his very salvation demand it.”<sup>104</sup>

The proof that such prophetic denunciation is authentic and sincere can be seen in readiness to accept suffering, persecution, even death as Christ himself did.

58. To imitate Christ and to be his true continuation in the world, the Church as a whole, like every Christian community, is called to work for the dignity and rights of man, both individually and collectively; to protect and promote the dignity of the human person; and to denounce and oppose every sort of human oppression. It is the risen Christ who inspires the Church in the campaign for human rights; and she knows that the prayers and sufferings of the People of God, particularly those who are victims of injustice in the field of human rights, are the noblest and most effective contribution to this activity.

59. Finally, theological reflection urgently reminds us of one final aspect which is of supreme importance for the Christian - namely, the eschatological view of man and of his fundamental rights.

We know by Revelation that the Kingdom of God is already mysteriously present here on this earth, and that when the Lord returns on the Day of judgment this Kingdom will reach its perfection: a new heaven and a new earth (Rv 21:1), the place where righteousness,<sup>105</sup> perfect felicity and lasting peace await us at the end of time.

Only then, “after we have obeyed the Lord and in his Spirit nurtured on earth the values of human dignity, brotherhood and freedom, and indeed all the good fruits of our nature and enter-

<sup>104</sup> JW, p. 14.

<sup>105</sup> Cf. 2P 3:13. Or GS 39.

prise,” will we find them again, “but freed of stain, burnished and transfigured.” Then will Christ deliver up to the Father his everlasting and universal kingdom. But even if these good fruits, which constitute human values, liberties and rights, will not be completely and perfectly realized except in our future homeland, this should not be an excuse for slackening our speed or effort in the struggle for justice. Rather it should impel us to even greater commitment in order to offer people a definite approximation or anticipation of the new world.





### III. PASTORAL ORIENTATIONS

#### *A. PASTORAL FACTORS IN THE PROMOTION AND DEFENCE OF HUMAN RIGHTS OF INDIVIDUALS AND GROUPS*

60. The mission of the Church, in obedience to God's command and in response to the grace and love of the Holy Spirit, is to be fully present to all men and nations, to lead them by the example of her life, her preaching, the Sacraments and other means of grace to live the faith, in the freedom and the grace of Christ, strengthening them so that they can participate fully in the Christian mystery.<sup>1</sup>

61. The way in which the Church carries out this mission, through the collaboration and prayers of every member of the People of God, is commonly called "pastoral."

Guided by the bishops and promoted by appropriate institutes and other organizations, pastoral activity has developed methods and techniques which naturally need constant review to keep them up to date but which are nonetheless certainly tried and proved instruments of the apostolate among men today. Pastoral activity to protect and promote human rights among the People of God can be developed in many ways. It is helpful to be aware of them; some constitute a positive mission to affirm and promote human rights, together with others which are negative, prophetically denouncing violations of such rights when they occur.

Both functions of affirmation and of denunciation must not be regarded as two separate or self-sufficient enterprises but rather as

<sup>1</sup> Cf. Decree *Ad Gentes*, 5.

complementary and interdependent. These two aspects of pastoral activity may well develop along different lines within the context of a local church, but they will always be of an apostolic and missionary character.

62. It is the mission of the hierarchy to be a source of inspiration, support and guidance in the struggle for human rights. If her evangelical mission is to be effective, the Church must first and foremost stimulate in the world the recognition, observance, protection and promotion of the rights of the human person, beginning with an act of self-examination, a hard look at the manner and degree in which fundamental rights are observed and applied within her own organization.

In this connection the Synod of Bishops in 1971 frankly and logically observed: "While the Church is bound to give witness to justice, she recognizes that anyone who ventures to speak to people about justice must first be just in their eyes."<sup>2</sup> With equal clarity, the 1974 Synod has recently declared: "From her own experi-

<sup>2</sup> JW, p. 17. In this passage the Synod spells out the principle quoted above with the following explanation: "Those who serve the Church by their labour, including priests and religious, should receive a sufficient livelihood and enjoy that social security which is customary in their region. Lay people should be given fair wages and a system for promotion. We reiterate the recommendations that lay people should exercise more important functions with regard to Church property and should share in its administration. We also urge that women should have their own share of responsibility and participation in the community life of society and likewise of the Church" (*op. cit.*, p. 17). The Synod adds that the Church should also recognize and allow the faithful the "right to suitable freedom of expression and thought. This includes the right of everyone to be heard in a spirit of dialogue which preserves a legitimate diversity within the Church." Furthermore, the form of judicial procedure should give the accused "the right to know his accusers and also the right to a proper defence" and finally, "the members of the Church should have some share in the drawing up of decisions, in accordance with the rules given by the Second Vatican Council and the Holy See, for instance with regard to the setting up of councils at all levels." *op. cit.*, p. 18.

ence the Church knows that her ministry of fostering human rights in the world requires continued scrutiny and purification of her own life, her laws, institutions and policies... In the Church, as in other institutions and groups, purification is needed in internal practices and procedures, and in relationships with social structures and systems whose violations of human rights deserve censure.”<sup>3</sup>

### *1. Pastoral Activity, Politics and Human Rights*

63. The pastoral function of the Church in defending and promoting human rights inevitably leads us to consider the relations between pastoral activity and politics. Local churches and many other Christian groups have recently become concerned with this theme. We should like to emphasize the importance of their concern and of their contributions to better understanding. Indeed, from *Pacem in Terris* until today the Papal Magisterium has repeatedly intervened to explore the basic principles of this problem in depth with the hope of developing such spiritual conditions as may enable both Christians and Christian communities, even with the wide variety of conditions in which they find themselves, to make specific choices and to determine political decision and action.<sup>4</sup> In the face of such widely varying situations it is more and more difficult for the Magisterium in a single statement to put forward a solution which has universal validity.<sup>5</sup>

64. There can be no doubt, however, that the Catholic Church, as indeed the other Christian Churches, has a collective responsibility where politics are concerned.

<sup>3</sup> “Message of 1974 Synod,” *op. cit.*, p. 2.

<sup>4</sup> Cf. OA 46.

<sup>5</sup> Cf. OA 4.

There is a tendency in some quarters to discredit any social or corporate witness by Christians as “triumphalist” and to reserve approval solely to individual, anonymous intervention.

But this would seem to forget that the Church is herself a social body. “She would fail in her mission if she omitted to bear a common witness on the great questions where the spiritual and temporal good of man is at stake.”<sup>6</sup>

65. Therefore, Christian communities and the Church’s numerous organizations, both local and regional, must take up responsibly and realistically the specific problems of society today. These must include certain aspects of politics in order to treat them with due discernment in the light of the Gospel.<sup>7</sup> Christians, especially those who professionally engage in politics, must have the courage “to define the evangelical significance of their action and to start discussions on precise points of interest today,”<sup>8</sup> such as war, violence, international injustice and, what primarily concerns us here, the promotion of human rights, knowing that politics “are a demanding manner —but not the only one— of living the Christian commitment to the service of others.”<sup>9</sup>

66. Contact with real life will sharpen their consciences so that they may see in the often confused succession of political events the eager aspirations which the Spirit of God has planted in men’s hearts. In this way Christians may quickly uncover “the injustices

<sup>6</sup> “Letter of Cardinal J. Villot to the LX Session of the *Semaines sociales de France*” held at Lyons, 5-10 July 1973, *La Documentation Catholique*, 5-19 August 1973, no. 1637, p. 716; *L’Osservatore Romano*, English edition, 19 July 1973, no. 29, p. 4.

<sup>7</sup> “It is up to the Christian communities to analyze with objectivity the situation which is proper to their own country, to shed on it the light of the Gospel’s unalterable words, and to draw principles of reflection, norms of judgment and directives for action from the social teaching of the Church” (OA 4).

<sup>8</sup> “Letter of Cardinal J. Villot,” *op. cit.*, p. 4.

<sup>9</sup> OA 46.

and sufferings that the present evolution secretes, in order to convert the minds of men and guide towards the structural changes likely to remedy them.”<sup>10</sup> In this sense faith appeals to politics.

67. It is furthermore imperative to find common guidelines for concrete political action by Christians, in order to unite their energies for more effective combined effort without artificially diminishing the legitimate variety of possible options.<sup>11</sup> In this regard, the Apostolic Letter *Octogesima Adveniens* observes that “Christian organizations, under their different forms, have a responsibility for collective action. Without putting themselves in the place of the institutions of civil society, they have to express, in their own way and rising above their particular nature, the concrete demands of the Christian faith for a just, and consequently necessary, transformation of society.”<sup>12</sup>

This collective action, however, presupposes a greater sharing of responsibility and of decision-making among citizens. This admission to responsibility is in turn a basic demand of man’s nature, a concrete exercise of his freedom and an indispensable path to his development.<sup>13</sup>

68. The whole Church, then, is called to be an active leaven in political society. In return for this collaboration she will receive from political society “precious stimuli to adapt her own internal life to the exigencies thus perceived. In this sense there is a certain appeal to the Church by politics.”<sup>14</sup>

69. Conscious both of her prophetic mission in the political sphere and of her own specific nature and identity, the Church by casting a new light on man in every sector of his existence is active in the political world, intervening daily in its operations and

<sup>10</sup> “Letter of Cardinal J. Villot,” *op. cit.*, p. 4.

<sup>11</sup> Cf. OA 50; cf. also LG 31; AA 5; GS 75.

<sup>12</sup> OA 51.

<sup>13</sup> Cf. OA 47; GS 68, 75; MM 16.

<sup>14</sup> “Letter of Cardinal J. Villot,” *op. cit.*, p. 4.

giving it practical assistance without becoming identified or confused with it. As the Second Vatican Council teaches, the Church's role is to be "a sign and a safeguard of the transcendence of the human person."<sup>15</sup> Indeed, by teaching that man will exhaust his human aspirations and potentialities only if he fails to transcend temporal values, even those of greatest importance, the Church at the same time makes clear to the civil community the existence of values, goods and ends of a higher order - moral, spiritual and religious values which determine the destiny of the human person and which necessarily are projected on society. Since the Church's mission is to promote and defend these values in every man's conscience and life, and since every man is a member of the political community, the Church is also in this way able to influence the life of the community, affirming and promoting principles of the highest consequence in political and social life such as the principles of human dignity, universal brotherhood, freedom and responsibility, justice and love, and solidarity among citizens and peoples.

The Church's prophetic mission is not, however, exhausted by simple acts of assent or dissent, but must in virtue of her eschatological hopes and promises throw into sharp relief the fulfilment of all things in the world to come, and the contingent character of the present. It is through her pastoral activity that the Church discharges this prophetic mission in the political field. Now, when one considers that politics play a large part in fundamental human rights, all that we have said above is easily applied without argument. Common testimony, doctrinal reflection, sensitization of consciences to uncover injustices, collective or individual action by Christians must constitute the obligatory stages of a true pastoral policy to promote the fundamental rights of the human person.

<sup>15</sup> GS 76.

## 2. Pastoral Activity: Proclamation

70. The Church's first duty in this field is to proclaim by word and by example the Gospel message of peace and justice in regard to human rights. The words of their pastors should always encourage Christians to devote themselves, singly or in groups, to promoting these rights, and thus join in support of both those who are engaged in this hard battle and those who are victims of oppression.

Pastoral proclamation will find its chief force in demonstrating how the Christian basis of any theory of human rights is respect for the human person as an end in himself, not as a social instrument, and how the content of human rights is at the very heart of the Gospel itself. More particularly, the Church will always present the defence of the rights of the human person, singly or collectively, in the light of the Gospel of love for one's neighbour: "Thou shalt love thy neighbour as thyself" (Mt 22:39).

71. This faith in love which inspires the Church to undertake the promotion of man's inalienable rights is the faith which obliges each of us to take on the responsibility for helping our brethren, all our brethren, both near and far, to mature as men and women, children of God.

72. Testimony in word and deed by local churches and by individual Christians will make a particularly strong and lasting contribution if it is properly planned and organized.

This is why *Octogesima Adveniens* in discussing the choices and commitments which the Christian community has to make in order to bring about the social, political and economic changes urgently needed in their nations points out that it is up to these Christian communities to act "with the help of the Holy Spirit, in communion with the bishops who hold responsibility and in dialogue with other Christian brethren and all men of good will."<sup>16</sup> A

<sup>16</sup> OA 4.

valid pastoral activity of approbation and reprobation in favour of human rights will thus bear the marks of charismatic inspiration, hierarchical and ecclesial order, joint action with other Christian churches and with non-Christian religions, openness to the world of today and collaboration with it. In its search for adequate means and forms of promoting the human person and his rights, the People of God will find its inspiration; strength and creativity in the Gospel which “has truly been a leaven of liberty and progress in human history... and always proves itself a leaven of brotherhood, of unity, and of peace.”<sup>17</sup>

Impelled by this faith, the Pontifical Commission Justice and Peace and the World Council of Churches, on the occasion of the 25th anniversary of the Universal Declaration of Human Rights, issued a joint appeal “to local churches, and particularly to Christian leaders and educators, to initiate or intensify programmes of instruction and sensitization on human rights, and corresponding duties so that every person... may be aware of the quality of human life to which he is entitled.”<sup>18</sup>

73. Every dynamic movement in human history for making the world a better, more just and brotherly place, for overcoming social inequalities, and for freeing man from whatever dehumanizes him while making him more aware of his dignity, has its source, its motive power, and its final perfection in Christ’s works of salvation. Freedom is a gift from Christ, and every promotion of human rights is a thrust to liberation, to repulse egoism which is the negation of love.

74. Therefore, to take part in the process of liberating the whole man, as seen in the light of the Gospel, is an indispensable

<sup>17</sup> Decree *Ad Gentes*, 8.

<sup>18</sup> Pontifical Commission Justice and Peace and the World Council of Churches, “Joint Statement on the 25th Anniversary of the Universal Declaration of Human Rights,” *L’Osservatore Romano*, English edition, 20 December 1973, no. 51, p. 10.



element in any genuine pastoral mission of effective and authentic proclamation.

75. It is an accepted fact that renewal in the temporal order is the specific province of the laity. The Second Vatican Council teaches that the laity must take on the renewal of the temporal order as their own special obligation. “Led by the light of the Gospel and the mind of the Church, and motivated by Christian love, let them act directly and definitively in the temporal sphere. As citizens they must cooperate with other citizens, using their own particular skills and acting on their own responsibility. Everywhere and in all things they must seek the justice characteristic of God’s Kingdom.”<sup>19</sup>

Human rights, deriving from man’s human and intrinsically social nature, are not merely natural humanitarian rights or, as some people believe, non-political rights, but rather have a content and political implications.

There can be no question but that their observance and application belong to the social sphere and are in a special sense the work of the laity, men and women.

76. Nonetheless, priests and men and women religious, in their capacity as citizens of the earthly community and in fulfilment of their pastoral mission, are called upon to defend and promote human rights. For this reason the Synod of Bishops in 1971 af-

<sup>19</sup> AA 7; also cf. GS 43; LG 31-33; AA 29.

The evangelical mission of the Church requires that even in respect to human rights, specific fields of action should be defined so that the layman may enjoy the freedom of action which he needs and which is his due, and not look to his Bishops and priests for what they are unable to give. “From priests they may look for spiritual light and nourishment. Let the layman not imagine that his pastors are always such experts, that to every problem which arises, however complicated, they can readily give him a concrete solution, or even that such is their mission. Rather, enlightened by Christian wisdom and giving close attention to the teaching authority of the Church, let the layman take on his own distinctive role” (GS 43).

firmed in *The Ministerial Priesthood*: “Together with the entire Church, priests are obliged, to the utmost of their ability, to select a definite pattern of action, when it is a question of the defence of fundamental human rights, the promotion of the full development of persons and the pursuit of the cause of peace and justice; the means must indeed always be consonant with the Gospel. These principles are all valid not only in the individual sphere, but also in the social field; in this regard priests should help the laity to devote themselves to forming their consciences rightly.”<sup>20</sup>

77. As in the past, so today in many local churches there has been no dearth of devoted Christians, priests and laymen, missionaries and natives, men and women, who have fought for the rights of the poor and of minority groups. Today in many countries the Church is involved in the fight against every type of discrimination or oppression, claiming for all men fair and equal access to economic, cultural, social and spiritual benefits.

Unfortunately, this is too often left to isolated efforts. Often there is lacking the planning and coordination which are indispensable to the exertion of effective influence on public opinion, government policy, and economic, social and political structures.

### *3. Pastoral Duty: The Prophetic Role of Protest*

78. Today more than ever the Church appears to be committed to the service of mankind, “open to the world in order to help it solve its problems.”<sup>21</sup> Her own credibility requires her to make specific acts or statements in condemnation of aggression and aggressors.

<sup>20</sup> 1971 Synod of Bishops, *The Ministerial Priesthood* (Vatican City: Typis Polyglottis Vaticanis, 1971), p. 18.

<sup>21</sup> Paul VI, “Address to the Diplomatic Corps, 10 January 1972,” *AAS*, LXIV (1972), 55; *The Pope Speaks*, (1972), vol. 16, no. 4, p. 311.

The defence of human rights to which the Church is committed implies protest against any violation of these rights, past or present, temporary or permanent.<sup>22</sup> This is all the more necessary when the victims of such injustice cannot defend themselves.

79. In 1972 Pope Paul VI, addressing the Diplomatic Corps, repeated the words of the 1971 Synod of Bishops and emphasized that “the mission of bishops demands that we should denounce injustice courageously, with charity.”<sup>23</sup> In his message, to the United Nations, 10 December 1973, the Pope referred to the persistent and steadily increasing violations of human rights and forcefully asserted: “To all the silent victims of injustice, We lend Our voice of protest and of entreaty.”<sup>24</sup> Certain categories of these victims had already been singled out by His Holiness for special attention - victims of racial or ethnic discrimination, victims of colonial oppression, those who suffer from the suppression of religious liberty, those who are denied freedom of expression, prisoners who are ill-treated or tortured, political opponents who are eliminated by violence, and finally, those human beings who are weak and defenceless such as babies not yet weaned.

80. In certain periods or circumstances of real difficulty in the history of nations, only the voice of the Church, stern and decisive, can make herself heard, to protest and to condemn. Any such protest demands courage, charity, prudence and firmness. Above all it must be a truly human and Christian testimony, in sincere dialogue with all parties concerned, and based on justice and objectivity.<sup>25</sup> The Church cannot remain neutral when human

<sup>22</sup> Cf. JW, pp. 14–15.

<sup>23</sup> “Address to the Diplomatic Corps,” *op. cit.*, p. 309.

<sup>24</sup> Paul VI, “Message to the UN on the 25th Anniversary of the Universal Declaration of Human Rights,” *op. cit.*, p. 3.

<sup>25</sup> Cf. JW, p. 20. The Synod adds: “We know that our denunciations can secure assent to the extent that they are an expression of our lives and are manifested in continuous action” (*ibid.*).

rights are truly violated. But the charity which she has for all men will lead her, on the one side, to reprove tyranny and injustice according to circumstances, place and time and, on the other, to relieve distress according to the words of the *Didache*: “Thou shalt not hate any man, but shalt reprove some and show mercy to others” (*Didache*, Chap. II).

81. The hierarchical Church is able to set a truly evangelical example when in such situations she makes every effort to bring the guilty to understand the process which led to the violation of human rights, to convince them of their responsibility and to lead them to conversion. In this way the Church clearly demonstrates that her mission is not only one of defending truth and denouncing error but also of affirming and protecting genuine human values, both temporal and eternal, in the best and fullest way.

82. We all know how current human situations become daily more complex, more unstable and more ambiguous. Before making any formal judgment or taking action against apparent violations, it is imperative to obtain a reliable and objective knowledge of all the facts and then to act only after deep and serious reflection.

83. Not only the denunciation itself but its form and content should be decided in agreement with other members of the Church’s family. It is most desirable that any such decisions will be taken in cooperation with our separated Christian brethren and indeed with all men of good will.<sup>26</sup>

84. It would be a very grave error to regard prophetic protest as the exclusive testimony of bishops, priests or religious. Within the Church, denunciation of any violation of human rights is the duty of the laity no less than of the hierarchy if and when circumstances demand it.

<sup>26</sup> Cf. OA 4; JW, p. 21.

Everyone who has been baptized has his own particular and indisputable responsibility within the Church. Where human rights are violated the laity have a special duty to denounce such violations and at the same time ensure that whatever action they take is coherent and well-coordinated. In this way, their words will not be empty and they will be an effective witness in the name of the Church for the whole community. This support for human rights opens up a vast field of possibilities for the faithful, especially for National Justice and Peace Commissions.

85. However, denunciation is not the only method of putting things right; there are other ways of acting which may be better in certain circumstances, such as “symbolic acts” or “acts of solidarity” with the poor and the oppressed when their human rights are injured.

86. In any case, where local political conditions are unfavourable and where open protest would expose individuals to further repression by governments, some way must be found of expressing the universal Church’s concern for intolerable conditions of this sort.

87. At the same time, as the Holy Father observed: “Mere denunciation, often too late or ineffective, is not sufficient. There must be an analysis of the deep-rooted causes of such situations and a firm commitment to face up to them and resolve them correctly.”<sup>27</sup>

It is not enough, therefore, simply to utter prophetic denunciations if we are really to fulfil our obligations to renew the temporal order on sound principles. “These words will lack real weight unless they are accompanied for each individual by a livelier awareness of personal responsibility and by effective action. It is too easy to throw back on to others responsibility for injustic-

<sup>27</sup> “Message to the UN on the 25th Anniversary of Universal Declaration of Human Rights,” *op. cit.*, p. 3.

es.”<sup>28</sup> In every nation it is important to make a close detailed examination of the relations between theory and practice, between protection of fundamental human rights and liberties as expressed by signed or ratified international treaties and declarations, on the one hand, and, on the other, the day-to-day struggle within each nation for social and economic justice, for real equality without any discrimination, and for a higher standard of living. It is a sad fact that numerous principles sanctioned by the United Nations which bear directly on the urgent needs of people in the developing countries are often openly flouted or ignored with impunity.

88. There is a serious discrepancy between official declarations on human rights and their observance in practice. It may be that this glaring contrast between theory and practice is due to the fact that very often human rights are wrongly considered as a political weapon, not as an effective and well-tried means of securing justice and peace. Often violations of human rights can be traced to specific economic or political situations which at least indirectly encourage such violations.

This factor needs to be studied in depth, because this very day the principal violations of human rights stem from the type of regime whose very structure, even if more or less disguised, is conducive to violence. This violence inevitably leads to failure to respect human rights. It is a mistake to suppose that these violations occur only at the individual level. Violations of individual rights are often easiest to denounce because they are the most conspicuous. But they are certainly not the only ones.

89. Looking at the current situation today, no form of government seems to take sufficient account of all human rights. Yet it is certain that one of the gravest forms of oppression with major consequences for social and individual rights is found in governments which consider man nothing more than an instrument of

<sup>28</sup> OA 48.

production or a necessary item in a consumer economy or in one which makes economic gain its ultimate goal. Freedom and the dignity of the human person suffer equal harm from governments which consider man as purely material and so reduce him to a mere “cog in the wheel” of the social system. This whole philosophy makes man an instrument to the supposed good of society ignoring individual rights and liberties.<sup>29</sup>

90. Local churches, and above all National Commissions, should therefore investigate and study the causes which underlie particular violations of human rights in their own country. If they are to make an effective contribution to a pastoral activity of protest in order to effect change they must try thoroughly to understand the mechanisms which sustain and govern the social and economic structures in which human rights are not and cannot be respected.

## *B. TOWARDS A COMPREHENSIVE EDUCATION FOR PROMOTING AND DEFENDING HUMAN RIGHTS*

91. The Church’s mission of peace covers the whole human race. “Peace and rights,” says Pope Paul VI, “are two benefits directly related to each other as cause and effect. There can be no peace where there is no respect for, defence and promotion of human rights.”<sup>30</sup> From this it follows that the Church is obliged to -work for both peace and human rights at the same time because both are the fruit of the love and liberation which Our Saviour came to bring to men.

The Church’s main contribution to the realization of human rights consists in a continuous and eminently practical process of

<sup>29</sup> Cf. OA 32-34; MM 13; also the “Message of the 1974 Synod,” *op. cit.*, p. 2.

<sup>30</sup> Paul VI, “Message to the UN on the 25th Anniversary of Universal Declaration of Human Rights,” *op. cit.*, p. 3.

education, first of all among her own members. The purpose of this education is to make Christians ever more conscious of the dignity of the human person, the brotherhood of man, the liberty and equality which all men share. Above all the Church endeavours to implant, foster and bring to flower the will to respect these fundamental rights in every moment of daily life.

92. What matters in education in respect for human rights is much the same thing as education for justice: “to teach men to live their lives in its entire reality and in accord with the evangelical principles of personal and social morality which are expressed in the vital Christian witness of one’s life.”<sup>31</sup>

All this implies a continuously growing awareness of the Christian’s special vocation in the social and political community and a profound sense of responsibility and dedication for the achievement of the common good.

Education for life in society involves “not only information on each one’s rights, but also their necessary correlative: the recognition of the duties of each one in regard to others,”<sup>32</sup> since the performance of duties depends upon self-discipline as well as acceptance of responsibilities and limitations on the exercise of personal and social freedom.<sup>33</sup>

Experience shows, however, that many Christians today are still a long way from bearing witness to respect for and observance of their duties in regard to the inviolable rights of man, particularly in the sphere of work, society, politics and economics, and even in education. It may be that the form of education which many members of the Church have received has given rise to a narrow individualism which is slow to recognize the rights of others, whereas they should have been made more open and ready to

<sup>31</sup> JW, p. 19.

<sup>32</sup> OA 24.

<sup>33</sup> Cf. DH 8.



live together in brotherly fellowship guaranteeing true peace and unity upon earth.

93. According to the Second Vatican Council, “a true education aims at the formation of the human person with respect to his ultimate goal, and simultaneously with respect to the good of those societies of which, as a man, he is a member, and in whose responsibilities, as an adult, he will share.”<sup>34</sup>

It cannot be denied that in this matter, too, the family, the school, the parish and many ecclesiastical and civil organizations such as political parties, trade unions and the communications media play an important role.<sup>35</sup>

But, as the Pastoral Constitution *Gaudium et Spes* admonishes us, educators particularly of the young “should regard as their most weighty task the effort to instruct all in fresh sentiments of peace”<sup>36</sup> and to cooperate readily with the rest of the community both at national and at international levels.<sup>37</sup>

A continuing education in understanding other people, which individuals will be able to receive from the social agencies mentioned above and more particularly from their educators, is the surest way to inculcate genuine respect for fundamental human rights.”<sup>38</sup>

94. Indeed, education in human rights means in effect education in awareness of the existence of other people, of one’s neighbours; to be aware that they have as much right to live as we have, to recognize the relations which bind us to them and for that very

<sup>34</sup> Declaration on Christian Education, *Gravissimum Educationis*, 1.

<sup>35</sup> Cf. *ibid.*, *passim*.

<sup>36</sup> GS 82.

<sup>37</sup> Cf. GS 89.

<sup>38</sup> “This indicates the importance of education for life in society in which there are called to mind, not only information on each one’s rights, but also their necessary correlative: the recognition of the duties of each one in regard to others” (OA 24).

reason make us social. Education in human rights means education in respect for other people, in respect for differences of opinion, of activity and even of singular traits of individuals or of groups. All too often we judge others too harshly and unjustly because of our own prejudice or preconceived ideas, though their intrinsic validity and historic background is easily explained by the fact of cultural pluralism. This means finding a place in our own cultural pattern or setting for other people's equally legitimate cultural traditions and expressions. In short, education to human rights means learning to respect the legitimate differences which distinguish every human being or cultural group and at the same time learning to perceive the identity of nature, the basic resemblance between human beings as between brothers and sisters.

95. Man is a social, indeed a communal being. The human person as such has a profound value of its own, but needs to be developed and can reach its fulfilment only *through* interaction with other people. "In the design of God every man is called to develop and fulfil himself, for every life is a vocation."<sup>39</sup> In this way education in human rights must call on a man's creative talents, his responsibility and his capacity for full growth. Before birth every man has in germ a set of aptitudes and qualities for him to bring to fruition. The development of these will be the result of the education he receives together with his own personal efforts.

But it is obvious that education in human rights cannot be given piecemeal. Wherever men live and have to meet the demands of living with others, questions of justice and of fundamental human rights are closely interwoven. Man is a single whole, a comprehensive entity, and all authentic education must be equally comprehensive in its outlook and approach.<sup>40</sup>

<sup>39</sup> PP 15.

<sup>40</sup> *Mater et Magistra* states: "Christian education should be complete in extending itself to every kind of obligation, hence it should strive to implant and foster among the faithful an awareness of the obligation to carry on in a Christian

96. Educators for peace and human respect will run counter to their responsibility if they confine these profound truths to mere precept and do not go on to bear living witness to them by their example. They ought not put their faith in a socialization based only on moral and disciplinary constrictions.

97. For every man the first fundamental right without which the others make no sense is the right to be really and truly a person. It is therefore necessary for education in human rights to help every person to become truly what he is; to jettison certain ideas and attitudes based on power and possession, to establish norms of conduct which may safeguard those rights and duties by virtue of which, on the basis of equality, liberty, fraternity and love, “each man can grow in humanity, can enhance his personal worth, can become more a person”<sup>41</sup> without any increase in possessions.

98. It is not difficult then to comprehend that every educator who tries to promote human rights must have a keen critical sense, tact and discretion if he is going to call in question certain individual or collective customs or attitudes based on defending one’s self against others and to replace such attitudes with new ones of responsibility, respect and cooperation. For this reason it will be necessary to pay great attention to preparing every person practically to cope with social and cultural pluralism and to realize brotherhood and equality not merely in theory but in practice.

manner their economic and social activities.... Consequently, it is not enough for this education that men be taught their social obligations, they must also be given by practical action the methods that will enable them to fulfil these duties” (MM 60).

<sup>41</sup> PP 15. “A man is more precious for what he is than for what he has. Similarly, all that men do to obtain greater justice, wider brotherhood and a more humane ordering of social relationships has greater worth than technical advances” (GS 35); cf. also PP 6.

This implies, at the same time, the recognition of other peoples' rights to legitimate freedom.

Human rights cannot be just an object of purely theoretical teaching without any relation to the conditions in which they may be realized. They must be put squarely in the actual context and dynamics of the society in which the person lives. Hence the importance of studying a right balance between the rights of the human person and the functions of groups or of whole societies.

99. The natural and human content of this educational process will be raised to a higher plane by theological reflection on the main points already expounded in the Church's teaching on the dignity of the human person. All persons are made in the image of God, the Father of all. They thus feel themselves, and indeed truly are, brothers and sisters, equal in dignity and freedom. "By reason of his union with Christ, the source of life, man attains to new fulfilment of himself, to a transcendent humanism which gives him his greatest possible perfection. This is the highest goal of personal development."<sup>42</sup>

### C. ECUMENICAL DIMENSION

100. If the defence and promotion of human rights are to be an effective, credible and truly evangelical witness, there must be a joint effort especially on the part of all those who, as followers of Christ, are called to put into practice Christian charity, mutual understanding, respect for others, justice, solidarity, and collaboration for the common good.

101. The 1971 Synod of Bishops in the document *justice in the World* repeated the teaching of the Second Vatican Council and emphasized the importance of cooperation with separated brethren to promote peace in the world and to establish this on a firm basis by encouraging the development of peoples. To this end it

<sup>42</sup> PP 16.

urged the Pontifical Commission Justice and Peace in conjunction with the Secretariat for Christian Unity to devote itself to developing this effective ecumenical collaboration.”<sup>43</sup> “This cooperation concerns first and foremost,” the Synod stressed, “activities for securing human dignity and man’s fundamental rights, especially the right to religious liberty. This is the source of our common efforts against discrimination on the grounds of differences of religion, race and colour, culture and the like.”<sup>44</sup>

102. From the dignity of the human person who has been created in the image and likeness of God, the Father of all men, and who has further been redeemed by the blood of Christ, must arise the spontaneous witness of all Christians to their faith. They should, as followers of Christ, demonstrate their awareness of their responsibility to defend the rights of their neighbours, male and female, individuals and groups, regardless of race, sex, class, religion, or political opinion.

103. The Joint Declaration of the Pontifical Commission Justice and Peace and of the World Council of Churches on the occasion of the 25th Anniversary of the Universal Declaration of Human Rights is intended to be at once an appeal and a spur to action in this matter for every Christian community.

There have been other similar initiatives in ecumenical collaboration organized by SODEPAX, such as the Beirut Conference (21-28 April 1968), the World Conference at Montreal (9-12 May 1969) and, above all, the Consultation at Baden in Austria (3-9

<sup>43</sup> The Pontifical Commission Justice and Peace and the World Council of Churches, Geneva, have set up a Committee for Development, Justice and Peace (SODEPAX). Similar agencies are being set up on a regional or national basis with the approval of the local Episcopal Conferences and are already active in every part of the world, promoting (through SODEPAX) ecumenical cooperation between Christians of all denominations and others of every religion and ideology.

<sup>44</sup> JW, p. 21.

April 1970), where human rights and their promotion as a contribution to peace were fully discussed.

The Baden Consultation affirmed: “In order to ensure the more effective protection of human rights it is urged that the Churches should promote an active educational campaign to ensure a fuller knowledge of the provisions of the Universal Declaration of Human Rights and subsequent instruments for the protection of human rights and their wider public diffusion; such an educational programme should be undertaken at pastoral level and through all the educational institutions under the control of the Churches. In school programmes the scope and importance of human rights should be highlighted by concrete practical examples by way of illustration.”<sup>45</sup>

This statement was repeated and reaffirmed by the World Conference on Religion and Peace held at Kyoto (16-21 October 1970), where representatives of the world’s major religions, Chris-

<sup>45</sup> *Peace - The Desperate Imperative: The Consultation on Christian Concern for Peace held at Baden, Austria, 3-9 April 1970* (Geneva, 1970), no. 68, p. 67. The Consultation urges the Churches to advocate the teaching in universities and similar institutions of the Law of Human Rights, and suggests the following guidelines for such courses:

- (a) The history of human rights, including the development of humanitarian international law and rules.
- (b) The protection of the person under the Law of Human Rights at national and international levels.
- (c) The protection of minorities under national and international law.
- (d) The elimination of all forms of racial and religious discrimination.
- (e) The status of the Universal Declaration of Human Rights and of international instruments on human rights as forming part of customary international law.
- (f) The status of the person under the international Law of Human Rights.
- (g) The protection of human rights in armed conflicts.
- (h) The development of national and international institutions for the protection of human rights.
- (i) The causes that impede implementation of human rights.” *Op. cit.*, no. 69, pp. 67, 68.

tian and non-Christian, discussed problems of disarmament, development and human rights.<sup>46</sup>

104. The possibilities of ecumenical action are countless, ranging from meetings for prayer together to prophetic denunciation, from initiatives to educate people on human rights, *en masse* or through small groups, to active intervention with the relevant authorities to defend a claim to some particular right or to safeguard some other right which has been violated. Every National Commission can and should encourage this sort of ecumenical collaboration between Churches or local Christian institutions, according to the needs and present circumstances of each country, in whatever ways seem best for the times.

<sup>46</sup> Cf. The Kyoto Conference, *Disarmament, Development, Human Rights*, (New Delhi, India, 1970), pp. 33–5.

## IV. SOME PRACTICAL INITIATIVES

105. It is by inspiring Christians to take specific, practical initiatives in the field of human rights that local churches and, more particularly, National Justice and Peace Commissions find effective outlets for their pastoral activity.

One indispensable premise is careful research and study on the problems of human rights through an objective analysis of the causes of violations with a view to finding appropriate solutions and proposing practical remedies.

The Second Vatican Council teaches that when man consciously takes part in the various forms of social life, he carries out God's design that he should develop himself, exercise Christian charity and spend himself in the service of his fellows.<sup>1</sup> Would it not then be desirable for every local church to encourage the faithful to form study circles, forums, seminars and lecture courses on human rights to highlight by free and frank discussion the most urgent problems and their fundamental causes?

In these matters National Commissions can act in a variety of ways and in a wide range of sectors, both at national and at international planes. There have already been several experiments in meetings on various topics both at regional and at continental levels, chiefly through the National Commissions in Europe and Latin America. On these occasions it has been possible to single out points of considerable importance for joint action by all Christians.

<sup>1</sup> Cf. GS 57.



## 1. *Action at the International Level*

106. It is well known that human rights are a world-wide concern, transcending all national frontiers or regional cultures. But this “universality” does not mean that human rights are something abstract or static. Rather they are a matter of hard fact in constant evolution which everyone should observe and comprehend, especially in the context of the social conditions in his own country.

107. Collaboration with governmental and non-governmental organizations which help to defend and promote human rights within the community is an absolute necessity and a duty incumbent on every citizen and every Christian.

The choice of such collaboration may take one of many forms according to need or the exigencies of the moment. There is an almost infinite variety of choice. We here suggest a few, as simple examples, though we call attention of the National Commissions to the fact that some of the international instruments listed below should be treated with some reserve on certain points, despite their genuine desire to defend human rights.

108. To press for the application of international legal instruments, which provide concrete protection for human rights. Special attention should be paid to:

- The two International Covenants already quoted on “Economic, Social, and Cultural Rights” and on “Civil and Political Rights” with its relevant Optional Protocol (1966). It is urgent that these be ratified everywhere.<sup>2</sup>
- The International Convention on the “Elimination of All Forms of Racial Discrimination,” and appropriate measures to apply the norms set out therein (21 December 1965).

<sup>2</sup> Cf. Paul VI, “Message to the UN on the 25th Anniversary of the Universal Declaration of Human Rights,” *op. cit.*, p. 10; also the “Joint Statement of the Pontifical Commission Justice and Peace and the World Council of Churches,” *op. cit.*, p. 10.

- The UNESCO Convention on “Discrimination in Education,” (14 December 1960).

- The procedure laid down in Resolution 1503 (48th Session), approved in 1970 by the United Nations Economic and Social Council, which authorized the Sub-Committee for the campaign against acts of discrimination and for protecting minorities to set up a work group to study reports of any violations of human rights according to certain criteria of admissibility.

109. To follow with interest the progress of certain important draft conventions, some of which are still under review by the competent UN Commissions.

- The draft of the “International Convention on the Elimination of All Forms of Religious Intolerance.” If there are serious disagreements on the text of this Convention, it might be advisable to insist at least on a declaration on this matter.

- The draft “Convention on the Right of Asylum.”

- The draft “Convention on Freedom of Information.”

- Measures to reinforce the protection of freedom of association and of peaceful assembly.

- Due protection of the freedom and welfare of the family (*Statut de la famille*).

- More effective legislation at the national and international level to protect children in society, especially in the labour field.

110. To demand more effective protection against racial discrimination, especially during the “Decade against Racial Discrimination” launched by the United Nations on 10 December 1973.

- To determine what can be done about Apartheid and every socio-economic system which is based on racial, cultural, religious, ethnic or political discrimination.

- To stimulate specialized studies of these problems.

- To examine new forms of action and intervention for eradicating racism.

111. To protect the rights of women.

- To press for the ratification by all nations of the “Convention on Political Rights of Women.”
- To support and publicize the existing “Declaration on the Elimination of Discrimination against Women.”
- To protect woman’s role as mother, responsible for the home and the founts of life, and the first teacher of the next generation.
- To encourage a better social status for married and working women and a fairer recognition of their rights, especially those of protecting their children in case of legal separation or of widowhood.
- To determine a plan of action with specific practical initiatives within the context of each national society for defending women’s rights, especially on the occasion of “International Woman’s Year (1975).”

112. To demand greater protection for ethnic, linguistic or religious minorities.

- Minority groups who play their part in a nation’s life need adequate protection for their traditional customs and values, both religious and cultural. As social life becomes more and more pluralistic, the need for appropriate legislation increases.

113. To promote legislation on the social and economic rights of developing nations and peoples.

- The rights of all peoples to political autonomy, which were so strongly affirmed in the post-colonial period, need to be complemented by the recognition of those social and economic rights urgently needed for the proper development of many peoples in the Third World, at the same time avoiding the dangers of neo-colonialism.

- In the light of *Populorum Progressio* and of *Octogesima Adveniens* attempts must be made to form a body of international law on

this subject, taking full account of the experiences of the three UNCTAD Conferences.<sup>3</sup>

114. To favour a fuller personalization of human rights to a greater extent by examining ways of extending and applying them to cover the needs of particular categories of people in special circumstances, for example, the elderly, the sick, the disabled.

115. To take steps to provide more effective social and legal safeguards for certain rights, notably those which bear most directly on the dignity of the human person, such as:

- the right to religious liberty
- the right to be born, to live and to be adequately fed
- the right to be educated and to enjoy the benefit of culture
- the rights of foreign workers
- the right to decent working conditions, whether through workers' participation in management or through a wage sufficient to support the development of the worker's own person and that of his family.

116. National Commissions must pay particular attention to the defence of religious liberty, which is the basis of all other liberties and inseparably bound up with them. As the Holy Father states, "Alas, this most sacred of all rights is for millions of men, innocent victims of intolerant religious discrimination, ridiculed with impunity. And so We turn with confidence toward your distinguished assembly, in the hope that it will be able to promote, in such a basic area of man's life, an attitude in conformity with the unsuppressable voice of conscience and to banish conduct incompatible with the dignity of mankind."<sup>4</sup>

<sup>3</sup> On 12 December 1974 the General Assembly of the United Nations (29th Session) adopted a "Charter of the Economic Rights and Duties of States."

<sup>4</sup> "Message to the UN on its 25th Anniversary," *AAS*, LXII (1970), p. 686; *The Pope Speaks*, (1970), vol. 15, no. 3, p. 206.

117. To provide new legal measures at regional and international levels to strengthen the executive power protecting human rights.

- To support the plan to create a World Court or Tribunal for Human Rights as a final court of appeal in this matter.<sup>5</sup>

- To support the plan to create a High Commission for Human Rights within the structure of the United Nations, which would be supernational making full allowance both for the independence of each State in respect of its internal affairs and, at the same time, for the necessary observance of certain principles of international law which are already recognized and in process of being codified by the United Nations - an observance which national governments should not be free to disregard at whim.

- To support the proposal to create Regional Courts or Tribunals and Regional Commissions for human rights since agencies of this sort would be better able to hear local or regional cases of infringement of human rights which might arise, following the example of the Council of Europe or-of the Inter-American Commission.

118. To support the general recognition of every man's right of appeal to International Tribunals on rights of the human person.

- It is imperative that associations, groups and individuals be granted the right of individual recourse in international assemblies. If human rights are to be protected effectively, every man must be able to have such recourse as a guarantee against governmental and ideological pressures on the human person.

<sup>5</sup> Cf. *Acta of the General Assembly of Brazilian Bishops*, published 15 March 1973. Under Item 14 it is proposed to create a "World Tribunal on Human Dignity." Cf. also the "Baden Consultation," *op. cit.*, n. 78, p. 69: "It is strongly urged that it is essential that any implementation machinery created for the protection of human rights should be objective and not of a political nature; preferably it should be of a judicial nature. It should also be capable of being set in motion automatically upon the complaint of any aggrieved person or group, without the prior sanction or intervention of any political instance."

- Furthermore, to ensure this observance and the due application of human rights, might it perhaps be useful to suggest that the UN lay upon Members States the obligation to reply to enquiries into any violations of human rights, adopting judicial machinery like that of the European Commission for Human Rights? In the same way might it be a good thing to encourage the formation of a system of periodic inspection on the observance of human rights within the jurisdiction of individual States, similar to the permanent inspectorate of the International Labour Organization (ILO)?

- It would seem advisable, in any case, whenever circumstances permit or demand, to back up the UN in its protests against violations of human rights by offering whatever moral support may be needed.

## 2. *Action at the National Level*

119. This is where National Commissions are most especially called on to make an objective diagnosis of certain local conditions which infringe human rights in some particular sector and at the same time offer a choice of remedies. But it will not be possible for human rights to be studied and understood in the home, the school, the parish, the diocese, indeed throughout the nation, without using all the media of social communication, such as:

- the press, preparing, for example, popular editions of the Universal Declaration of Human Rights with quotations of passages from the social doctrine of the Church; the text and a short commentary of *Pacem in Terris* with its *Magna Charta* on human rights; pamphlets on racism, on people's rights to self-determination, on the right to development, on the right to be born; brief, succinct articles explaining the problems of human rights to appear in daily or weekly newspapers or periodicals, both Catholic and non-Catholic;

- radio and television, with talks or group discussions on any rights which have been particularly violated in their own society.

At parochial or diocesan levels it should be possible to organize Human Rights Campaigns at particular periods of the liturgical year, incorporating appropriate means of publicity, such as speeches, leaflets, posters, handbills and streamers, lecture courses, films, sermons and religious services. It is important, indeed imperative, that such campaigns should be planned by both clergy and laity together.

120. National Commissions also contribute by making Christians better informed and more sensitive about these matters by reminding them of:

1) their duty to watch out for any action or behaviour, in any quarter whatsoever, which is an affront to human rights;<sup>6</sup>

2) the need to bring pressure to bear on public authorities to ensure that those human rights which have already been affirmed by the United Nations in numerous Declarations and Conventions are incorporated into legal systems and given effect in administrative regulations of their own state;

3) the usefulness and need of making public those rights which have suffered most violation in their own country,<sup>7</sup> and to correct these abuses by informing the competent authorities both in the

<sup>6</sup> “A primary responsibility, in this regard, is for Christians to look at their own institutions —churches, schools, hospitals— to ensure that in each instance the demand of the Gospel is faithfully given witness.” “Baden Consultation,” *op. cit.*, no. 86, p. 72. It might be well worthwhile to do some research into the attitudes and behaviour of individuals and groups which either encourage or obstruct human rights in interpersonal relations.

<sup>7</sup> Governments should be urged seriously to consider the creation of the office of Ombudsman for defence of human rights. This has proved very effective in many countries as a simple and rapid means of correcting legal, executive or administrative malpractices. They should also consider setting up local “Commissions on Human Rights,” especially in large cities where there are minorities of considerable size.

Church and in the State and by alerting public opinion and keeping it regularly informed;

4) the need and opportunity to make the public aware of the attitude of the national government towards ratifying the UN Convention for safeguarding fundamental human rights, especially the two Covenants with the additional Protocol of 1966;

5) the need to welcome and encourage young people to play their part in defending and promoting human rights and to make their distinctive contribution towards social development in this field.<sup>8</sup>

121. In conclusion, whatever action we take whether at national or international levels -must always bear the stamp of healthy realism and Christian optimism.

While fundamental human rights are an incalculable social benefit for every culture, we must not forget their historic background or their dynamic dimension. In every age rights emerge in new dimensions, and old problems are seen in a new light. "On a permanent basis, therefore, law is continually developing. It is thus necessary to be involved in the search for new aspects of human rights at the same time as one works on the institution of those already acquired. This is one of the tasks of the Christian's prophetic role."<sup>9</sup>

122. At times the grave problems of human rights may make it seem as if their full realization is, humanly speaking, a Utopia; but then the eschatological dimension will inspire us to continue working with undiminished fidelity and zeal towards the coming of a new heaven and a new earth (Rv 21:1).

<sup>8</sup> The Baden Consultation "suggests that the Christian Church should strive now to define the evolving rights of young people in both a legal and a social context, and to seek within the Church structure to allow for full and equal youth participation in the cause of peace." *op. cit.*, no. 65, p. 65-6.

<sup>9</sup> *Ibid.*, no. 83, p. 71.



We know that legal means are not enough by themselves to ensure the protection of human rights. The lack of success of international agencies in this respect makes us daily more conscious of their limitations. For this reason it is necessary to endeavour to create, both at national and international levels, a new social and political order, which will have structures capable of satisfying the demand for justice among peoples, societies and individuals.

The very concept of human rights may perhaps reflect too closely the Western humanist tradition; but in fact its worldwide range and universal character should make it possible, with a reasonable degree of flexibility and a pluralist outlook, to embrace the widely differing thinking and circumstances of all the nations in the world. Here again the cooperation of National Commissions should prove invaluable.

Finally, the dynamism of our faith always accompanies us as we defend and promote human rights, carefully scrutinizing the signs of the times in all circumstances in order to build up for all men “a human city, one that is to be peaceful, just and fraternal and acceptable as an offering to God.”<sup>10</sup>

<sup>10</sup> OA 37.