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Human rights in a secularized society

Abstract: The article addresses the issue of the attitude of the Catholic Church towards the doctrine of human rights. This doctrine was originally developed on the grounds of Catholic reflection accompanying the phenomenon of colonial conquests. Its use in the context of the Peace of Westphalia and the French Revolution caused the Church to distance itself from the doctrine. The return came with the person of John XXIII and the Second Vatican Council. Pope John Paul II proved to be a particularly important promoter of human rights. However, during the period in which the Church officially lent support to the doctrine of human rights, significant changes occurred in the Western world due largely to secularization. As a result, the way human rights were interpreted changed fundamentally. This has caused the secular understanding of human rights that dominates Western politics to be increasingly distant not only from the Catholic interpretation of them, but also from their original expression in the UN Universal Declaration.

Keywords: Human rights, secularization, christians

Catholic thinking about human rights flourished at the beginning of the colonization by the Spanish conquistadores in the time of Charles V. Pope Paul III, who recognized the rights of Indians to property and freedom, wrote in a letter to the Archbishop of Toledo that he had to prevent the conquistadores from reducing Indians into slaves and depriving them of their properties. For the Indians were human beings and capable of believing and of salvation. They, therefore, should be invited to convert themselves to the Christian faith, but this should not be imposed on them. The fact that they were pagans was no motive to deprive them of their freedom and their belongings.¹

¹ “Breve *Pastoralis officium* ad archiepiscopum Toletanum” (29 May 1537), *DH* 1495; cf. Idem, papal bull *Sublimis Deus* (29 May 1537), see: <https://www.papalencyclicals.net/paul03/p3subli.htm>.

A group of moral theologians, belonging to the 'First School of Salamanca', laid the foundation for international law, among others, by also recognizing that the Indians had the right to property and that of not to be made slaves. The first of these theologians, the dominical friar Francesco de Vitoria (1484-1546), taught – like Paul III – that one could invite the Indians to accept the Christian faith, but was not allowed to impose it on them. In this way, he defended their right of freedom from being enforced to confess the Christian faith.² Neither the emperor³ nor the pope⁴ had the right to dominate the whole world and therefore also not the right to decide on the territories where the South American Indians were living. Francesco de Vitoria thought that the Indians had the right to self-government on the basis of the natural law and the *ius gentium*.⁵ The *ius gentium* says, according to De Vitoria, that territory “which belongs to nobody should be attributed to the one who inhabits it”.⁶ The term ‘*ius gentium*’ derives from the Roman jurist Gaius (in the middle of the second century).⁷ Thomas Aquinas describes the *ius gentium*, which together with human law is one of the two *modi* of positive law, as the conclusions not very remote from the principles of natural law. The *ius gentium*, apart from these conclusions, reflects the customs and traditions of various peoples. Being closely linked to the moral natural law, the *ius gentium* is basically universally valid and in the eyes of Francisco de Vitoria, forms, together with the universal dignity of the human being, a firm basis for universal human rights and international law. He, though not explicitly speaking of the Common Good, implicitly saw the Common Good as something which covers in the end the whole world.

² The source concerns notes of public lectures delivered by Francisco de Vitoria in 1537, published by his students under various titles. See, for instance, Francisco de Vitoria, *Relecciones teológicas*, J. Torrubiano Ripoll (ed.), Madrid: Librería Religiosa Hernández, 1917 (facsimile of the first edition of 1557), Part I, “Los indios antes de la llegada de los Españoleseran legítimos señores de sus cosas pública y privadamente”, particularly pp. 24-30.

³ *Ibid.*, Part II, “De los títulos ilegítimos por los que los bárbaros del Nuevo Mundo hayan podido venir a poder de los españoles”, I, pp. 31-39.

⁴ *Ibid.*, 2, pp. 39-47.

⁵ Cf. Salas V.M., “Francisco de Vitoria on the *ius gentium* and the *American Indios*”, *Ave Maria Law Review* 10 (2012), no. 2, pp. 331-341.

⁶ Francisco de Vitoria, *Relecciones teológicas*, op. cit., Part II, 3, p. 48.

⁷ *Institutiones Gai* I, § 1, in: *Gai Institutiones or Institutions of Roman Law by Gaius*, E. Poste (ed. and trans.), revised and enlarged by E. A. Whittuck, Oxford: Clarendon Press, 1904 (4th ed.).

From reserve to appreciation of human rights

Though Catholic Theologians were the first to develop the idea of human rights, the interest among them vanished after the Peace of Westphalia was concluded in 1648. The peace treaties implied that the sovereignty of the particular states was recognized, and the ruler of the state determined the religion of the inhabitants. This was not personal freedom of religion, but a cooperative one. Persons who wanted to maintain their own religion were granted the possibility to emigrate (art. V, § 30).⁸ This treaty meant the end of the medieval world order, in which there had been a commonwealth of Catholic nations under the Pope and the Emperor. Because all authority came from God (Rom. 13,1-4), the Pope as the vicar of Christ had the first place, both due to his spiritual authority and his temporal power. The Pope lost his authority over the States, which were now considered sovereign. Moreover, the whole people of several states were considered to become or remain heretic.⁹ Pope Innocent X (1644-1655) therefore rejected the Peace of Westphalia in sharp terms in his Bull *Zelo domus dei* (November 20, 1648). He termed it among others “null,” “invalid” and “unjust” (§ 3).¹⁰ This was the beginning of a struggle between the Pope and the states about his authority over them with regard to spiritual and moral questions. The concept of right in the peace treaty of Westphalia made Catholicism reserved to the idea of human rights.

The relationship between the papacy and the states did not become better with the origin of the democratic states in the nineteenth century. However, this relationship started to improve under Pope Leo XIII. In his encyclical letter *Au milieu des sollicitudes*, addressed to French Catholics, he recognized the right of the people of a nation to opt for their own form of government. Diverse forms of government may be good on the condition that they realize the end for which God had instituted government (Rom. 13,1-4), i.e., the Common Good, and correspond to right reason and the natural moral law (cf. *Gaudium et spes* no. 74).¹¹ This neutral stance towards the actual type of government was maintained by the Second Vatican Council:

⁸ See: Mirbt C., *Quellen zur Geschichte des Papsttums und des Römischen Katholizismus*, Tübingen: Verlag von J.C.B. Mohr, 1911 (3rd improved and extended ed.), p. 291; it actually consists of two treaties, one firm in Münster, the other in Osnabrück.

⁹ Ryan E. A., “Catholics and the Peace of Westphalia”, *Theological Studies* 9 (1948), no. 4, pp. 590-599.

¹⁰ Mirbt C., *Quellen zur Geschichte des Papsttums ...*, op. cit., pp. 294-295.

¹¹ Leo XIII, “Lettre Encyclique *Au milieu des sollicitudes* (16. Februar 1896)”, ASS 24 (1891-1892), pp. 519-529.

“According to the character of different peoples and their historic development, the political community can, however, adopt a variety of concrete solutions in its structures and the organization of public authority. For the benefit of the whole human family, these solutions must always contribute to the formation of a type of man who will be cultivated, peace-loving and well-disposed towards all his fellow men” (*Ibid.*).¹²

However, Paul VI explicitly preferred democracy:

“In order to counterbalance increasing technocracy, modern forms of democracy must be devised, not only making it possible for each man to become informed and to express himself, but also by involving him in a shared responsibility” (*Octogesima adveniens* n. 47).

Still, until John XXIII, the Church was still reserved about the Declaration of Human Rights, adopted by the United Nations General Assembly in 1948. The reason did not concern the contents of the human rights, listed in the declaration, but the fact that they were established by secular authorities, as was the case with the Peace of Westphalia. Moreover, the foundation of the rights was rooted in the liberal tradition, which had its main source in the Enlightenment philosophy. They therefore had an individualist character and did not refer to the common good.¹³ Hence, Pope Pius XII said in his radio message for Christmas 1948:

“The Catholic doctrine on the State and the Christian society has always been founded on the principle that the people according to the divine will form together a community, having an end and obligations in common. Also in a time in which the proclamation of this principle and its practical consequences evoke fierce reactions, the Church has

¹² The translation of the documents of the Roman magisterium have been taken from the website of the Vatican (www.vatican.va), unless otherwise indicated.

¹³ Utz observes that exactly due to the fact that the declaration was founded on an individualistic-liberal concept of right, one had to add an article on everybody's duties to the community, in order to overcome exaggerated expectations: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized” (art. 28,1); see A-F. Utz, *Sozialethik*, Heidelberg/Louvain: F.H. Kerle Verlag/Verlag E Nauwelaerts, 1963, II. Rechtsphilosophie, pp. 168-169. The Catholic tradition of relating human rights closely to the Common Good goes back to Thomas Aquinas' definition of law. According to Thomas, a law is essentially aimed at the Common Good (Thomas Aquinas, *Summa Theologiae*, I-II,90,2c; cf. *Ibid.* 3c).

refused her consent to the erroneous concept of an absolutely autonomous sovereignty, lacking social obligations. The Catholic Christian, convinced that every human being is his neighbour and that every people is a member, with equal rights, of the family of the Nations, unites with a great heart these generous efforts, of which the first results may be quite modest, and the manifestations collide with strong oppositions and obstacles, but which tend to pull the particular States out from the narrowness of an egocentric mentality”.¹⁴

He added that it is just this mentality which had a big role in the origin of the conflicts of the past and could lead to new conflicts in the future if it were not overcome. As we will see below, his concerns about the foundation of the rights would later prove prophetic.

Pope John XXIII, though observing that not everything in the declaration met with unqualified approval, nevertheless fully embraced the concept of human rights in his encyclical *Pacem in terris* (1963). He called the Declaration “a step in the right direction” as “a solemn recognition of the personal dignity of every human being” (*Ibid.*, 144). The encyclical maintains that the Church does not consider it the responsibility of the State to establish basic rights and does not accept the individualist-liberal foundation of rights:

“But the world’s Creator has stamped man’s inmost being with an order revealed to man by his conscience; and his conscience insists on his preserving it. Men ‘show the work of the law written in their hearts. Their conscience bears witness to them’ (Rom. 2,15). And how could it be otherwise? All created being reflects the infinite wisdom of God. It reflects it all the more clearly, the higher it stands in the scale of perfection (Ps. 18,8-11). But the mischief is often caused by erroneous opinions. Many people think that the laws which govern man’s relations with the State are the same as those which regulate the blind, elemental forces of the universe. But it is not so; the laws which govern men are quite different. The Father of the universe has inscribed them in man’s nature, and that is where we must look for them; there and nowhere else (*Ibid.*, no. 5-6).

¹⁴ Pius XII, “Nuntius radiophonicus *Gravi et ad un tempo*”, AAS 41 (1949), pp. 5-15, particularly p. 10.

In line with Tradition, Pope John XXIII upheld the close relationship between rights and the Common Good (*Ibid.*, no. 12, 46, 53-60, 139).

He enumerated a whole series of rights: the basic rights to life, to bodily integrity and the means needed for the development of life (*Ibid.*, no. 11), rights concerning moral and cultural values, such as the right of man to be respected, to his good name and to freedom in investigating the truth, that of freedom of publication, “within the limits of the moral order and the common good,” and those to choose one’s profession and to be informed on public events, to share in the benefits of culture, good general education and to advanced studies according to the person’s talents (*Ibid.*, no. 12-13). He also recognized the right “to worship God in accordance with the right dictates of his own conscience” both publicly and privately, by which he prepared the document of the Second Vatican Council *Dignitatis humanae*, which recognizes the right to freedom of religion (*Ibid.*, no. 14). Moreover, he mentions the “right to choose freely one’s state in life” (*Ibid.*, no. 15-16). He accentuates that it is primarily the right of parents to educate their children (*Ibid.*, no. 17). He gave attention to economic rights, mainly the right to have the opportunity to work (*Ibid.*, no. 18), which right he also attributed to women, i.e., that they “must be accorded conditions of work as are consistent with their needs and responsibilities as wives and mothers” (*Ibid.*, no. 19). Furthermore, he recognized the right to private property, also that of private ownership of productive goods (*Ibid.*, no. 21), and the rights of meeting and association (*Ibid.*, no. 23-24), the rights to emigrate and immigrate (*Ibid.*, no. 25), and political rights, which implied that man could take an active role in public life, make his own contribution to the common welfare and had the right to legal protection of his rights (*Ibid.*, no. 26-27). All these rights are accompanied by corresponding duties on the part of the subject of the rights, other people and the State (*Ibid.*, no. 28-30).

The controversy between the Church and the States concerning the authority of the Church over them in moral issues was settled by the explicit recognition by the Second Vatican Council of the independence and autonomy of earthly realities and herewith the autonomy of secular authorities:

“If by the autonomy of earthly affairs we mean that created things and societies themselves enjoy their own laws and values which must be gradually deciphered, put to use, and regulated by men, then it is entirely right to demand that autonomy. Such is not merely required by modern man, but harmonizes also with the will of the Creator. For

by the very circumstance of their having been created, all things are endowed with their own stability, truth, goodness, proper laws and order” (*Gaudium et spes*, no. 36).

This does not imply, however, an absolute autonomy of secular affairs and societies, because they remain dependent on the Creator (*Ibid.*). The order he laid in his creation, known by the moral natural law, must be respected.

The growing gap between the Church and society after the Second Vatican Council

The Church, by recognizing the independence of secular authorities, opened herself up to the world. This was one of the special ends of the Second Vatican Council, which John XXIII mentioned in the address of 11 October 1962, by which he opened the Council.¹⁵ However, it was very disappointing that the world from its side did not open itself to the Church, but instead alienated itself from her in the period immediately after the Council. Until the Council, the controversy between the Church and the secular world concerned the way in which values, norms, and rights were founded (for instance by way of the rationalist philosophy of Descartes and that of Kant or by way of positivism), but not their contents. The values, norms, and rights taught by the Church and those accepted by secular society were largely the same. The Napoleonic Code in 1810 and the French National Bloc in 1920, for instance, qualified procured abortion and contraception as crimes.¹⁶ They did so in for pragmatic reasons, i.e., in order to raise the birth rates and thus the number of available soldiers, but – unlike the Church – did not qualify them as morally evil because they implied a transgression of the natural moral law. Notwithstanding the different arguments, the contents were the same. However, this rapidly changed in the second half of the 60s of the last century. The values, norms, and rights of the secular world started to differ deeply from the teaching of the Church. People started to demand for themselves the right to contraception, abortion and later also that of euthanasia and assisted suicide. The availability of hormonal contraceptives on a large scale enabled people to have free sexual relationships, detached from marriage and procreation. One, therefore, started to accept the right to have free sexual relationships. This led to the sexual revolution. The detachment of sexual relationships from procreation implied that also other

¹⁵ John XXIII, “Discorso durante la solenne apertura del Concilio Vaticano II (October 11, 1962)”, no. 8.1-8.4, AAS 54 (1962), pp. 785-795, particularly pp. 793-794.

¹⁶ Roy O., *Is Europa nog christelijk?*, Utrecht: KokBoekencentrum, 2020 (original title: *L'Europe est-elle chrétienne?*, Edition du Seuil, 2019), p. 52.

sexual acts and relationships which in themselves do not lead to procreation were morally justifiable, like homosexual acts and relationships. In the last decades, the right to enter into a so-called homosexual marriage – or at least partnership – was regulated by law. The first country to legalize the so-called same-sex marriage was the Netherlands in 2001.¹⁷ In the last decades, the gender theory or queer theory has been widely spread, above all by way of educational programmes for schools imposed on countries by international organizations like the United Nations¹⁸ and in the form of medical programmes by the World Health Organization.¹⁹ By the way, sexual education at school in this way is an infringement on the right primarily of parents to educate their children (cf. *Casti Connubii* no. 16), also sexually, according to the right dictates of their conscience and thus their religious convictions, on the condition that they do so in a way which serves the good of the children and the common good.

What caused the radical change in the contents of secular values in the second half of the 1960s?²⁰ The answer is secularization, which was, however, by then not a new phenomenon. Secularization is a complex phenomenon which occurred in diverse stages and at diverse levels. Many are inclined to think that secularization is due to scientific progress, a common belief in the second half of the nineteenth century. Scientific progress was undoubtedly a factor, but only one factor among many, and not even the most influential one. The Reformation, introducing a sharp separation between the divine and the profane world, caused the first and fundamental wave of secularization. The peace of Westphalia, which deprived the Catholic Church of its authority over the States in religious and moral matters and gave this to secular authorities, was a part of this wave of secularization. A further wave of secularization was brought about by Enlightenment

¹⁷ “Wet van 21 december 2000 tot wijziging van Boek 1 van het Burgerlijk Wetboek in verband met de openstelling van het huwelijk voor personen van hetzelfde geslacht (Wet openstelling huwelijk)” [Act of 21 December 2000 amending Book 1 of the Civil Code in connection with the opening of marriage to same-sex couples (Marriage Opening Act)], *Staatsblad van het Koninkrijk der Nederlanden* (2001), 9, particularly E, Article 30, 1.

¹⁸ Cf. United Nations, “LGBTQI+,” see: <https://www.un.org/en/fight-racism/vulnerable-groups/lgbtqi-plus>.

¹⁹ World Health Organization, “Moving One Step Closer to Better Health and Rights for Transgender People,” see: <https://www.who.int/europe/news/item/17-05-2019-moving-one-step-closer-to-better-health-and-rights-for-transgender-people>.

²⁰ The next two paragraphs have largely been taken from: W. J. Eijk, 134. “Der christliche Glaube im demokratischen Staat und im öffentlichen Raum”, in: *Zum 95. Geburtstag: Festschrift für den Heiligen Vater em. Benedikt XVI. 16. April 2022*, K. Braun, G. Ratzinger, R. Zörb (eds), Rohrbach: Wenzlik Consulting & Publishing, 2022, pp. 44-76, particularly pp. 50-54.

philosophy, the rationalist founding of values and norms by Descartes and Kant and the State theory of Hobbes, which founded values in a way different from that by the Church, which founded these on the moral natural law. This wave was intensified by the French Revolution. This does, by the way, not take away, of course, the fact that Enlightenment philosophy and the French Revolution brought forth good things, too, among which the constitutional state.

One must make a difference, according to Charles Taylor, between three levels of secularization, closely related to one another: the secularization of the State, the secularization in the sense of the decline of the percentage of people who go to Church on Sunday and the secularization at the level of the experience of the individual, which, being determinant for the first two, is the most important level.²¹ The secularization started during the Reformation and as a result of the Peace of Westphalia at the level of the State, whereas the population remained deeply religious, especially in the United States and somewhat less in Western-Europe. Through Enlightenment philosophy and the French Revolution, the number of believing Christians and that of churchgoers dropped, especially among the elites and later in the nineteenth century among labourers, but many people still remained active Christians. However, this rapidly changed in the second half of the 1960s. Secularization, though not a new phenomenon as mentioned above, became a mass phenomenon at the time. It mainly involved secularization at the level of people's personal experience. Due to the fast-growing prosperity, people in Western countries were enabled to live more independently from one another. This led to the present culture, qualified by Taylor as the culture of expressive individualism and authenticity, characterized by a radical ethical relativism. This culture implies that the individual is not only supposed to have the right, but also the obligation to distinguish him or herself from others, by their appearances and by choosing among others an own religion, philosophy of life and set of ethical values.²² People are considered to be autonomous in these respects, on the condition of not causing damage to others.²³ This development made people generally think that ethical values, norms, and rights were intrinsically relative.

²¹ Taylor Ch., *A Secular Age*, Cambridge/London: The Belknap Press of Harvard University, 2007, pp. 1-4.

²² Ch. Taylor, *A Secular Age*, op. cit., Chapter 13 and 14, pp. 473-535.

²³ Cf. the four principles which Beauchamp and Childress see as "prima facie binding principles" in their influential book on bioethics: the principle of the respect for autonomy of decisions, the principle of non-maleficence, the principle of beneficence and that of justice: R. L. Beauchamp, J. F. Childress, *Principles of Biomedical Ethics*, New York/Oxford: Oxford University Press, 1994 (4th ed.).

Pope Benedict XVI spoke several times of the “dictatorship of relativism,” because one is not allowed to contradict this idea.²⁴ In practice, there is a quite strong conformism, because people, though feeling themselves autonomous, intend to follow the common opinion, a tendency which is still boosted by the appearance of the social media. This explains the strength of the public opinion.²⁵ It thus concerns more the feeling of being autonomous than really being autonomous. The person who thinks that he is autonomous, has no need of a being transcending him, like institutions, society, the Church, not to mention God. The individualist culture therefore also became a deeply secular culture, characterized by a radical ethical relativism. The individual, feeling autonomous, understands neither the existence of a universally valid moral natural law, nor the idea of Church leaders, who – led by the Holy Spirit – are able to speak with authority on religious or moral questions. Because in democratic states the individuals choose their political representatives, these have changed laws more and more in accordance with ethical relativism. Consequently, in many countries, the right to contraception and abortion is regulated by law. Several countries in the last decades created or are about to create legal possibilities for euthanasia and medically-assisted suicide, the right to so-called same-sex marriages of partnerships and that to choose the own gender identity and to adapt the biological sex to the chosen gender identity by sex reassignment medical treatment and surgery. The State considers itself to be neutral in this sphere, which is a mythos because it actually takes a set of ethical values as the point of departure for its legislation.

The consequence of the ethical relativism of the hyper-individualistic culture is a shift of the interpretation of the meaning of right. The Church on the basis of moral natural law views the right to the marital act or the right to life as a right to use them in order to realize the integral personal development of the acting person himself or fellow human beings. However, the present hyper-individualistic culture considers these rights as rights to dispose of the marital act, the human body or of human life as a means to a self-chosen end, whereas they are intrinsic values, i.e., ends in themselves, never to be disposed of as means to an end. The warning by Pius XII of the risk posed by the individualist-liberal foundation of

²⁴ “Mass «Pro Eligendo Romano Pontifice» Homily of His Eminence Card. Joseph Ratzinger Dean of the College of Cardinals (April 18, 2005)”, see: https://www.vatican.va/gpII/docu-ments/homily-pro-eligendo-pontifice_20050418_en.html.

²⁵ Ch. Taylor, *Varieties of Religion Today: William James Revisited*, Cambridge/London: Harvard University Press, 2002, pp. 79-107; Idem, *A secular age*, op. cit., pp. 482-486.

the Declaration of Human Rights of the United Nations in 1948 (see above) proved to be justified.

As an aside, it should be noted that another factor explaining ethical relativism and, in particular, the aforementioned shift from a right of use to a right of disposing of human life and sexuality is its materialistic and dualistic view of man. This considers the mind, the centre of rational thinking, autonomous decision-making and of the capacity to have specific human social relationships, which is conceived as a product of complicated biochemical and neurophysiological processes in the human brain, as the human person. Hence, this view of man is called the 'identity theory of mind'. The human person, conceived as the mind, is considered as an end in himself. One mainly does justice to the person, conceived as the mind, as an end in himself by respecting his autonomy. The human body is, however, considered as something extrinsic to the human person and therefore not participating in its intrinsic value as an end in himself. The body is viewed as a means for the human person to express himself. The view of man grants to the human person the right to dispose of his body to a large extent, also in the most radical way, i.e., the right to dispose of life and death.²⁶

The Church's answer to the concept of human rights of the present secular culture

How did the churches react to these developments? The liberal Protestant churches adapted themselves to the secular world and integrated its secular values.²⁷ On the contrary, the magisterium of the Catholic Church did by no means adopt the new secular values but maintained its teachings on intrinsic values and norms and the related human rights. Benedict XVI conformed this in his allocution at a congress of the fraction of the European People's Party on 30 March 2006, qualifying the intrinsic values and the norms which stem from them as non-negotiable principles. These concern the protection of human life from conception until natural death, the recognition and promotion of the natural structures of the family, as the union of a man and a wife founded on marriage and its defence against attempts to equate it by law with radically other forms of commitment and the protection

²⁶ *Manual of Catholic Medical Ethics: Responsible Healthcare from a Catholic Perspective*, W. J. Eijk, L. M. Hendriks, J. R. Raymakers, J. I. Flemming (eds), Ballarat: Court Connor Publishing, 2014, pp. 64-67; Idem, "Is Medicine Losing Its Way? A Firm Foundation for Medicine as a Real *Therapeia*", *Linacre Quarterly* 84 (2017), no. 3, pp. 208-219 (<https://doi.org/10.1080%2F00243639.2017.1301112>).

²⁷ Cf. Roy O., *Is Europa nog christelijk?*, op. cit., pp. 59-62.

of the right of parents to educate their children. Pope Benedict emphasized that these principles are no truths of faith, but stem from human nature common to all human beings.²⁸

The great herald and defender of the Church's view of human rights is pope John Paul II. He calls the concept of freedom espoused by contemporary Western society as a pure individualist autonomy, a "caricature of freedom":

"[T]rue freedom is not advanced in the permissive society, which confuses freedom with licence to do anything whatever and which in the name of freedom proclaims a kind of general amorality. It is a caricature of freedom to claim that people are free to organize their lives with no reference to moral values, and to say that society does not have to ensure the protection and advancement of ethical values (...) There are many examples of this mistaken idea of freedom, such as the elimination of human life by legalized or generally accepted abortion".²⁹

John Paul II, by teaching the Church's doctrine concerning freedom and human rights, confutes those of the present secular individualist culture in many of his encyclicals and numerous allocutions. Of this teaching, I would like to highlight three points in particular.

First, he agrees with the present culture that freedom is the most fundamental right of the human being, but his explanation of human freedom is entirely different. Secular culture generally has a materialist view of man, implying that he is free because his mind, in fact, the result of complex biochemical and neurophysiological processes, through evolutionary progress of the brain reached such a level that he can think and take autonomous decisions. Moreover, as we mentioned previously above, the present secular culture holds that human freedom implies

²⁸ Benedict XVI, "Ad Congressum a « Popolari Europae Factione » propectu (30 March 2006)", AAS 98 (2006), no. 4, pp. 343-345; a part this paragraph has been taken from W. J. Eijk, "Der christliche Glaube im demokratischen Staat und im öffentlichen Raum", op. cit., pp. 49-50.

²⁹ Pope John Paul II, "Message for the celebration of the Day of Peace *To serve peace, respect freedom* (January 1, 1981)", no. 7, see: https://www.vatican.va/content/john-paul-ii/en/messages/peace/documents/hf_jp-ii_mes_19801208_xiv-world-day-for-peace.html; cf. *Redemptor hominis* no. 21: "Nowadays it is sometimes held, though wrongly, that freedom is an end in itself, that each human being is free when he makes use of freedom as he wishes, and that this must be our aim in the lives of individuals and societies. In reality, freedom is a great gift only when we know how to use it consciously for everything that is our true good".

the right or even the obligation of the individual to choose his own philosophy of life and his own set of ethical values. The Church, on the contrary, teaches that man is free because freedom belongs to his very essence, which is not the product of evolution, but is given to him by the Creator:

“Freedom in its essence is within man, is connatural to the human person and is the distinctive sign of man’s nature. The freedom of the individual finds its basis in man’s transcendent dignity: a dignity given to him by God, his Creator, and which directs him towards God. Because he has been created in God’s image (cf. *Gen.* 1,27), man is inseparable from freedom (...).”³⁰

And he adds: “Freedom of conscience and religion ... is a primary and inalienable right of the person,” because the highest value to be respected is that of his relationship with God, which he expresses in his religious convictions.³¹ The reason is that the relation with God and conscience belong to “the most intimate sphere of the spirit”³² of the human person. It is therefore impossible to explain the freedom of the human being without referring to his transcendent dimension, i.e., his relationship with God. By his spiritual soul he transcends the material world, though at the same time belonging to this by his body. Freedom, explained in this way, does certainly not mean the faculty to choose what you like, but the “faculty of self-determination with regard to what is true and what is good.”³³ What is true and good, is established by the divine eternal law, which man can know through his conscience, described by the Second Vatican Council as “the most secret core and sanctuary of a man, where he is alone with God, whose voice echoes in his depths” (*Gaudium et spes*, no. 16). It is clear that John Paul II, by observing that the freedom of conscience is the basic and inalienable right of the human person, does not

³⁰ Pope John Paul II, “Message for the celebration of the Day of Peace *To serve peace, respect freedom* (January 1, 1981),” op. cit., no. 5.

³¹ *Ibid.*, no. 6; here, he quotes his “Message on the value and content of freedom of conscience and of religion” (November 14, 1980),” no. 5, see: [³² *Ibid.*](https://www.vatican.va/content/john-paul-ii/en/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act.html#:~:text=On%20the%20eve%20of%20the%20Madrid%20Conference%20on,reference%20to%20the%20implementation%20of%20the%20Final%20Act; original French version: “<i>Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinki factum subscripserunt missus: de libertate conscientiae et religionis</i> (September 1, 1980),” AAS 72 (1980), pp. 1252-1260, particularly p. 1258.</p></div><div data-bbox=)

³³ Pope John Paul II, “Message for the celebration of the Day of Peace *To serve peace, respect freedom* (January 1, 1981),” op. cit., no. 5.

intend to say that he should always follow his conscience just like that. The secularized society with its ideal of the autonomy of the individual is inclined to view the individual's conscience in itself as infallible. His conscientious judgement in itself cannot be criticized, as far as his actions do no harm to the autonomy of other individuals. Against this view, John Paul II clearly teaches that conscience is not "the ultimate instance which decides what is good or what is right".³⁴ Conscience can err. In this context, he reminds of the warning of the apostle Paul: "Do not be conformed to this world, but be transformed by the renewing of your minds, so that you may discern what is the will of God – what is good and acceptable and perfect" (*Rm* 12,2). Without knowing the truth, man cannot be free. Jesus says: "You will know the truth, and the truth will make you free" (*Jn* 8,32; cf. *Redemptor hominis*, no. 12). Consequently, it is necessary to form one's conscience as to enable oneself to discern what is the fundamental truth, the true will of God, which conscience applies to the concrete act the person himself performs. Freedom, thus conceived, can only be exercised "in accordance with ethical principles and by respecting equality and justice".³⁵ In other words, freedom actually implies the freedom to do what you ought to do. Instead, the concept of human freedom of the present secular culture, meaning that you are allowed to do as you like, on the condition of not harming somebody else's autonomy, implies the right to perform morally evil acts, for instance the right to end human life in the form of procured abortion.³⁶ John Paul II emphasizes that freedom cannot be considered as "a pretext of moral anarchy".³⁷

John Paul II, teaching that freedom of conscience concerns the freedom to do as you ought to do, is speaking of the human person's freedom from external force as well as his inner freedom, which enables him to do what he ought to do. He can

³⁴ Pope John Paul II, "General Audience (August 17, 1983)", no. 3, see: https://www.vatican.va/content/john-paul-ii/it/audiences/1983/documents/hf_jp-ii_aud_19830817.html.

³⁵ Pope John Paul II, "Message on the value and content of freedom of conscience and of religion" (November 14, 1980)", op. cit., no. 5, see: [https://www.vatican.va/content/john-paul-ii/en/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act.html#:~:text=On%20the%20eve%20of%20the%20Madrid%20Conference%20on,reference%20to%20the%20implementation%20of%20the%20Final%20Act.](https://www.vatican.va/content/john-paul-ii/en/messages/pont_messages/1980/documents/hf_jp-ii_mes_19800901_helsinki-act.html#:~:text=On%20the%20eve%20of%20the%20Madrid%20Conference%20on,reference%20to%20the%20implementation%20of%20the%20Final%20Act.;); original French version: "*Civilibus Auctoritatibus quae sollemne foedus anno MCMLXXV Helsinki factum subscripserunt missus: de libertate conscientiae et religionis* (September 1, 1980)", AAS 72 (1980), pp. 1252-1260, particularly p. 1258.

³⁶ Pope John Paul II, "Message for the celebration of the Day of Peace *To serve peace, respect freedom* (January 1, 1981)", op. cit., no. 7.

³⁷ Pope John Paul II, "Homily during Holy Mass at the Logan Circle in Philadelphia (October 3, 1979)", no. 6, see: https://www.vatican.va/content/john-paul-ii/en/homilies/1979/documents/hf_jp-ii_hom_19791003_logan-circle-philadelphia.html.

strengthen this inner freedom through the formation of the acquired virtues, and fully receives it as a gift by being redeemed by Christ.

“Christ, the Redeemer of man, makes us free. The Apostle John records the words: ‘if the Son makes you free, you will be free indeed’ (*Jn* 8,36). And the Apostle Paul adds: ‘Where the Spirit of the Lord is, there is freedom’ (*2 Cor* 3,17)”³⁸

Moreover, John Paul II, in saying that conscience can err, observes that conscience in itself is obscured by sin. Like man in his entirety has to be redeemed by Christ, conscience has to be purified by the blood of Christ and be led by the light of the Holy Spirit (*Dominum et vivificantem* no. 43). In this context, John Paul II refers to the letter to the Hebrews: “how much more will the blood of Christ, who through the eternal Spirit offered himself without blemish to God, purify our conscience from dead works to worship the living God!” (*Heb* 9,14).

John Paul II remarks that the Declaration of Human Rights of 1948 does not indicate the ethical foundations of the rights, which was perhaps impossible in 1948, but he offers the assistance of the Church in achieving that:

“In this domain, the Catholic Church – and perhaps other spiritual families has an irreplaceable contribution to make, for she proclaims that it is within the transcendent dimension of the person that the source of the person’s dignity and inviolable rights is to be found, and nowhere else. By educating consciences, the Church forms citizens who are devoted to the promotion of the most noble values”³⁹

Secondly, John Paul II’s explanation of the freedom of religion and conscience is also entirely different from that of the Declaration of Human Rights of 1948 in another respect. The secular individualist culture views the freedom of conscience as a positive right: you are allowed to act according to your conscience, insofar as you do not harm the autonomy of other individuals. On the contrary, John Paul II, in accordance with the declaration on religious freedom of the Second Vatican

³⁸ Pope John Paul II, “Message for the celebration of the Day of Peace *To serve peace, respect freedom* (January 1, 1981)”, op. cit., no. 11.

³⁹ Pope John Paul II, “Address to the diplomatic corps accredited to the Holy See (January 9, 1989)”, no. 7, see: https://www.vatican.va/content/john-paul-ii/en/speeches/1989/january/documents/hf_jp-ii_spe_19890109_corpo-diplomatico.html.

Council *Dignitatis humanae* (no. 2), teaches that the right to religious freedom and to freedom of conscience is a negative right, which implies that the State, society, groups, or individuals are not allowed to force a person to do or accept something which is against his conscience or religious convictions or to prevent him from living according to his religious convictions or conscience (unless, of course his religious convictions or conscience tell him to do something which is morally evil). It concerns a right “understood as the fundamental right of the person not to be forced to act contrary to his conscience or prevented from behaving in accordance with it”.⁴⁰

Thirdly, secular ethics explains rights in an individualistic manner, whereas John Paul II – in line with the Catholic Tradition – does so from the perspective of the Common Good: “Man must therefore be able to make his choices in accordance with values to which he gives his support; this is the way in which he will show his responsibility, and it is up to society to favour this freedom, while taking into account the common good”.⁴¹ The diverse authorities in society who have the highest responsibility to guarantee the Common Good, have the obligation to “allow each person a juridically protected domain of independence, so that every human being can live, individually and collectively, in accordance with the demands of his or her conscience”.⁴² Each human person and each community “must respect the freedoms and rights of other individuals and communities. This respect sets a limit to freedom, but it also gives it its logic and its dignity, since we are by nature social beings”.⁴³

Conclusion

Like the secular culture, Catholic moral theologians since the fifties and the Church’s Magisterium from the sixties again accepted the concept of human rights with open arms, which they themselves had introduced and developed in the sixteenth century. In contrast to the secular culture, however, the Church’s Magisterium holds on to the foundation of human rights on the moral natural law and their close connection to the Common Good. The position of the Church is that human rights should not be interpreted individualistically and in isolation

⁴⁰ Pope John Paul II, “Address to the Italian Catholic Doctors Association (December 28, 1978)”, see: https://www.vatican.va/content/john-paul-ii/en/speeches/1978/documents/hf_jp-ii_spe_19781228_medici-cattolici-ital.html. In this address, the pope stimulates Catholic doctors not to procure abortion and confirms their right to conscientious objection against collaborating in abortion.

⁴¹ Pope John Paul II, “Message for the celebration of the Day of Peace *To serve peace, respect freedom* (January 1, 1981)”, op. cit., no. 6.

⁴² *Ibid.*

⁴³ *Ibid.*, no. 7.

from their accompanying duties. Nor should they be subjected to a reinterpretation detached from the anthropology out of which the Universal Declaration grew. In particular, this includes the right to life, to marry and to found a family or the right to freedom of conscience and religion.

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