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Human Rights: is the concept truly coherent with the Christian moral teaching?

Abstract: The text explores the evolution of anthropological perspectives within Christianity, specifically focusing on the concept of rights. It traces the historical shift from a pre-modern emphasis on the social nature of humans to the emergence of individualistic anthropology in the 17th century. The tension between freedom and justice becomes a central theme, with human rights seen as a means of protecting individual autonomy from social coercion. The text explores the concept of personhood in Christianity, emphasising its central role in understanding the Trinitarian identity of God and its significance in Christology. It examines the classical definition of a person as an individual substance of reasonable nature, highlighting its limitations when applied to social aspects of human life. The author expresses scepticism about reconciling the concept of human rights with Christian anthropology, asserting that the rights-focused ethics is rooted in a non-Christian philosophical framework. The conclusion acknowledges the contemporary dominance of the rights-focused ethics but warns against the temptation to create a new “Christianity” compatible with this framework, urging a recognition of the anti-Christian nature of the ethical foundations of the modern Western society.

Keywords: anthropology, human rights, person, Christology

I. Introduction: on rights in general

1. The concept of subjective rights, as we understand it, is in itself by no means “ever existing”. Technically speaking, it has emerged in its proper meaning as we know it today, in ethics and subsequently in jurisprudence as an effect of a radical shift in anthropology that took place in modern times. We ceased to understand the human being as having a social nature that is inseparable from the social context and started to understand man in terms of a free undetermined individual, subsequently creating society in contractual terms. In scholarly writings, this

process has manifested itself in attributing the Latin term *ius* with the specific meaning of a moral faculty possessed by an individual to shape his relationships with others according to his will as agreed with the will of the others. However, this had not been the case for a long time prior to the 17th century.

This close dependence of the concept of rights on anthropology is clearly visible in European writings, where the word *right* is qualified with the adjective “subjective” in order to emphasize its unbreakable relationship with an autonomous (will-driven) subject. The concept of the *right* (as expressed in Latin with the word *ius*) in that modern meaning describes a legally authorized faculty of a subject to act according to his/her autonomous will, and is distinct from the concept of objective law (*lex*) as describing an objective legal rule.¹ Such a concept – as demonstrated in the aforementioned distinction between *ius* and *lex*, attributing both terms with a distinct and specific meaning – was unknown to ancient Romans² or to Thomas

¹ T. Hobbes, *Leviathan*, I, 14, ed. R. Tuck, Cambridge University Press 1996, p. 91: “... *jus* and *lex*, *right* and *law*, yet they ought to be distinguished, because *right* consisteth in liberty to do, or to forbear; whereas *law* determineth and bindeth to one of them: so that *law* and *right* differ as much as obligation and liberty, which in one and the same matter are inconsistent”. This distinction was repeated by Spinoza: “*Per ius enim civile privatum nihil aliud intelligere posumus, quam uniuscuique libertatem ad esse in suo statu conservandum, quae edictis summae potestatis determinatur, solaque eiusdem auctoritate defenditur. ...*”. Benedicti de Spinoza, *Tractatus theologico-politicus*, XVI § 40, in: *Opera quae supersunt omnia*, vol. 3, ed. C. Hermanus Bruder, Lipsiae 1846, p. 214. Immanuel Kant also differentiated between “*Der Rechte als systematischer Lehre*” which has a clearly objective character, and “*Der Rechte als (moralischer) Vermögen Andere zu verpflichten*”, which is precisely the subjective right. Kant divides each of those perspectives on Law into its natural (primary) and social (secondary) dimensions. I. Kant, *Die Metaphysik der Sitten*, Hrsg. J. H. Kirchmann, Leipzig 1870, pp. 39-40. The same distinction dominates in the works of the *Naturrecht Schule*: “*Lex dicitur regula, juxta quam actiones nostras determinare obligamur. ...*” (...) “*Facultas ista, seu potentia moralis agendi dicitur Jus. ...*”, Ch. Wolff, *Institutionis Juris naturae et Gentium ...*, Halae Magdeburgicae 1763, §39 and § 46, pp. 20 and 23. Subsequently, it became the fundament of the modern civil law: “*Recht (Recht im subjectiven Sinn, subjectives Recht) ist eine von der Rechtsordnung (Recht im objectiven Sinn, objectives Recht) verliehene Willensmacht oder Willensvorschrift concreten Inhalts*”, B. Windscheid, *Lehrbuch des Pandektenrechts*, vol. 1, Düsseldorf 1875, § 37, p. 91. For a brief synthetic presentation of this issue, see my: “*Prawa człowieka jako prawa podmiotowe*”, in: *Słowniki Społeczne: Etyka polityczna*, ed. P. Świercz, Ignatianum University Press, Kraków 2021, pp. 281-283.

² In Roman law, being an intellectual matrix of the Western legal culture, the term *ius* meant either law in general or law as a set of objective rules regulating either a particular sphere of social life or the functioning of a particular community (substantive law), depending on the context. The term *ius* was also used to denote a place where the *magistrates*’ jurisdiction was exercised. It was also the name for the first stage in a formulary litigation. Occasionally, this term was also used to define a legally granted possibility of action (*facultas agendi*), which can be translated as “right” or “entitlement”. It was, however, by no means a dominating meaning of the term “*ius*”. See: J. Kamiński, “*Ius*”, in: *Prawo rzymskie. Słownik encyklopedyczny*,

Aquinas.³ The term *ius* was indeed used by medieval lawyers in the meaning of entitlement, thus very close to the subjective right. However, it was never opposed to *lex*, neither it was understood as liberty.⁴ This modern meaning was invented by the protestant philosophers of the 17th century in order to explain in a new

ed. W. Wołodkiewicz, Wiedza Powszechna: Warszawa 1986, p. 81; A. Stępkowski, “Human Rights”, in: *Social Dictionaries: Political Ethics*, ed. P. Świercz, op. cit., pp. 281-282.

- ³ See: J. Coleman, “Are There Any Individual Rights or Only Duties? On the Limits of Obedience in the Avoidance of Sin According to Late Medieval and Early Modern Scholars”, in: V. Mäkinen, P. Korkman eds., *Transformations in Medieval and Early-Modern Rights Discourse*, Springer: Dodrecht 2006, pp. 22, 24. For a closer explication, see: J. Finnis, *Aquinas. Moral, Political, and Legal Theory*, Oxford University Press 1998, pp. 134-135.
- ⁴ Brian Tierney demonstrated the use of the term *ius* in the meaning of “faculty to act”, as early as in the 12th century, arguing that subjective rights have long been a part of the Western thought (B. Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law 1150-1625*, Scholars Press: Atlanta, Georgia 1997). This specific way of understanding *ius* is, however, always closely related to *ius* and not to *libertas*; thus, it does not entail the proper meaning of the subjective right. Prior to Hobbes, no one placed *ius* and *lex* in opposition, and their meaning often overlapped in many ways. It is perfectly well demonstrated in the account of the term “*ius*” given by Francisco Suarez SJ, who is commonly believed to be the Catholic inventor of the subjective rights. While discussing the term *ius*, Suarez discerns in his *De Justitia et Jure* (II, 1) its three meanings: 1) what is just (*Jus, id est justum*); 2) the legal rule in objective sense (*Jus, id est lex, que est regula iuris generali*), and 3) the legitimate power stemming from the legal provision (*Jus, id est legitima potestas a lege concessa*). While the last (third) meaning of *ius* corresponds to that of the “subjective right”, Suarez does not reduce its sense to this third (not even to the first) meaning, whereas authors that claim Suarez was operating with the concept of the subjective rights, implicitly reduce his teaching to the third meaning. It is presented as something entirely new, whereas – taken in its entirety – it is still functioning within the framework of the traditional *ius commune* rooted in Roman law that did not discern a sharp distinction between *ius* and *lex*. Neither did Suarez attempt to explain *ius* in terms of *libertas*. See: Franciscus Suarez, *Appendix prima de Justitia et Jure, ad summam R.P. Francisci Suarez A.R.P. Franciscus Noel, Societas Jesu concinnata*, p. 3. The Appendix was added to the edition of the *Theologiae R.P. Doctoris Eximii Francisci Suarez, e societate Jesu, summa, seu Compendium* (...) Matriti: ex officina Antonii Sanz. 1732 (hereinafter referred to as Suarez, *Summa theologiae*). Finnis, quoting Suarez, repeated that “the true, strict and proper meaning of *Jus* is said to be: a kind of moral power [*facultas*] which every man has either over his own property or with respect to that which is due to him” (J. Finnis, *Natural Law and Natural Rights*, Oxford 1980, pp. 206-207 and, following him: V. Mäkinen, “The Evolution of Natural Rights, 1100–1500”, in: P. Korkman, V. Mäkinen, J. Sihvola (eds), *Universalism in International Law and Political Philosophy*, Helsinki Collegium for Advanced Studies: Helsinki 2008, pp. 107-108). In fact, this account by Suarez in his *De legibus ac Deo Legislatore* (lib. I, cap. 2) does not contain any indication as to the “true, strict and proper meaning of *jus*”, but Suarez presented this meaning of *jus* as the second one (after the first meaning of everything that is reasonable or equitable: *pro omni re, rationi consentanea, seu aequa*), which then was followed by several other meanings of the term *jus* present in Justinian’s *Digesta* (see note 2), emphasizing the importance of context for proper identification of a specific meaning in which the word *jus* was used (see: Suarez, *Summa theologiae*, vol. V, p. 350).

(modern) way the human nature (as an individual) as well as the nature of social life.⁵ This new anthropology is known as *individualism*. By that time, there was no strict discernment in using the words *right* (*ius*) and *law* (*lex*) in European legal culture, which Thomas Hobbes strongly criticized, attributing this to the ignorance of the common lawyers.⁶

In more general, ethical terms, the concept of *human rights* reflects the idea of legally enforceable conditions for human development and flourishing. Precisely, it is about the human ability to seek happiness with his/her own (i.e., individual) free choices. Human rights might be therefore presented as promising a just social life, but this is not an accurate point. Unlike the pre-modern way of using the Latin term *ius*, directly linking it to the category of justice,⁷ the modern human rights perspective makes the strongest possible association (equivalence) of *ius* with the idea of *libertas*.⁸ Justice is considered here not as a primary category of social life but as a secondary effect of the enforcement of individual freedoms of the members of society.

⁵ See: note 1.

⁶ T. Hobbes, *Leviathan*, I, 14, ed. R. Tuck, op. cit., p. 91: “For though they that speak of this subject use to confound *jus* and *lex*, *right* and *law*, yet they ought to be distinguished, because *right* consisteth in liberty to do, or to forbear; whereas *law* determineth and bindeth to one of them: so that *law* and *right* differ as much as *obligation* and *liberty*, which in one and the same matter are inconsistent”.

⁷ Basic for the pre-modern understanding of the term *ius* is the opening passage from Justinian’s *Digesta* taken from Ulpian (D. 1.1.1 pr.), where the jurist declares that *Iuri operam daturum prius nosse oportet, unde nomen iuris descendat. est autem a iustitia appellatum*. This essential link between *ius* and *iustitia* was fundamental for the pre-Hobbesian legal science, including for Grotius who directly inspired Hobbes, but still insisted on the essential connection between *ius* and *iustitia* when defining right as “a moral quality annexed to the person, justly (emphasis added by A.S.) entitling him to possess some particular privilege, or to perform some particular act” (H. Grotius, *On the Law of War and Peace*. Translated from the Original Latin *De Jure Belli ac Pacis* by A.C. Campbell, Batoche Books: Kitchener, Ontario 2001, p. 8 [De jure belli ac pacis, I, I, IV]). For the thirteenth century canonists, see e.g.: J. Coleman, “Are There Any Individual Rights...”, op. cit., p. 22.

⁸ Hobbes redefined *ius* as a legal name for *libertas* (freedom): “THE right of nature, which writers commonly call *jus naturale*, is the liberty each man hath to use his own power as he will himself for the preservation of his own nature; that is to say, of his own life; and consequently, of doing anything which, in his own judgement and reason, he shall conceive to be the aptest means thereunto”. T. Hobbes, *Leviathan*, I, 14, ed. R. Tuck, op. cit., p. 91. The same approach is then taken by Immanuel Kant: “*Freiheit (Unabhängigkeit von eines Anderen nöthigender Willkür), sofern sie mit jedes Anderen Freiheit nach einem allgemeinen Gesetz zusammen bestehen kann, ist dieses einzige, ursprüngliche, jedem Menschen kraft seiner Menschheit zustehende Recht*”. I. Kant, *Die Metaphysik der Sitten*, Hrsg. J.H. Kirchmann: Leipzig 1870, p. 40.

This precedence of freedom before justice is important here, as the primary practical obstacle to individual freedom in this perspective stems from social life – out of the living together with others. Those “others” next to whom we live (our neighbours), create numerous obstacles to unconstrained individual decisions. Such social limitations might be considered as something natural (requirement of justice) if we consider man as a being endowed with social nature. However, if we consider man as an individual (and this is the case in our contemporary culture), those social constraints are more likely to be perceived as instances of social coercion and injustice. Hence, *human rights* are understood as a means of protecting the autonomy of individuals from this social coercion.

If human rights are to be considered as conditions necessary for human development and flourishing, a reservation must be added, that it is the case if we consider man as an individual. As already mentioned, the concept of the *rights* is strictly related to individualistic anthropology, considering equality and freedom as primary features of a human being. The free will has been believed in this context to be the basic manifestation of human rationality.

This way of understanding man was by no means characteristic of the *Magisterium* of the Catholic Church. The latter had consistently emphasized the social character of human nature. Human rationality manifested itself first and foremost in the understanding of the ethical structure of the Creation, understanding the – so determined – difference between good and evil.⁹ Therefore, the acceptance of the concept of *subjective rights* in the *Magisterium* was possible only upon the prior acceptance of individualistic anthropology.

Here, an anthropological question stands in the very centre of our dilemma. The answer to the question regarding human identity – are we individuals or social beings? – is determining all intellectual culture and all the social institutions. It might be presented as a question about competitive precedence between two basic categories for social life: the freedom and the justice. What was first? Either

⁹ “And it is a characteristic of man, that he alone has any sense of good and evil, of just and unjust (...) and the association of living beings who have this sense, makes a family and a state”. Aristotle, *The Politics of Aristotle*, trans. B. Jowett, vol. 1, Clarendon Press: Oxford 1885, p. 4; τοῦτο γὰρ πρὸς τὰ ἄλλα ζῶα τοῖς ἀνθρώποις ἴδιον, τὸ μόνον ἀγαθοῦ καὶ κακοῦ καὶ δικαίου καὶ ἀδίκου καὶ τῶν ἄλλων αἰσθησὶν ἔχειν: ἡ δὲ τούτων κοινωνία ποιεῖ οἰκίαν καὶ πόλιν. Aristotle, *Aristotelis Politica*, ed. W. D. Ross, *Aristotle's Politica*. Clarendon Press: Oxford 1957, 1.1253a.

justice comes first and determines the way we understand freedom, or it has been preceded by freedom, which determines the way justice is to be understood.

The first option presupposes man's social nature; the second one presupposes individualistic human nature. The former was determining pre-modern intellectual culture, the latter is the foundation of modern (and subsequently post-modern) intellectual culture. For the first one, it was *virtue* that constituted a means for affirming justice; for the second, it is the *right* that allows affirmation of individual freedom.

From an anthropological perspective, this inherent relation between individualistic (solipsistic) anthropology and human rights constitutes a sufficient element to say that human rights are not conformant to Christianity and its anthropology. The Church has considered individualism as a mistaken anthropology for a long time. In contrast, She has always been teaching about man as a social being, whose rationality allows members of society to recognize their duties towards others, in subordination to the requirements of the common good¹⁰ and not be treated as a means for determining and enforcing individual interests. Therefore, the Church was not in the position to suddenly change her mind and just openly embrace individualism. However, the ongoing pressure of the surrounding intellectual culture, which has lasted since the 18th century, has resulted in inventing and accepting a specifically Christian way of thinking in individualistic terms, albeit using the language that was familiar, considered as safe, and thus accepted in the Church.

This anthropological shift was possible due to a specific interpretation of the concept of *person*, upon which a new anthropology was built that allowed Christians to think about man in individualistic terms without admitting it openly and using a plethora of rhetoric qualifications masking perfectly this fundamental change. In order to avoid such an open acknowledgement, *personalism* is believed to be a kind of "third way anthropology", allowing Christians to accept an individualistic concept of rights, while believing at the same time that it does not amount to the acceptance of individualism as such.

Personalism became particularly important after World War II. It provided a common ground for friendly dialogue with the Western intellectual culture,

¹⁰ See, e.g., the account about Albertus Magnus as described by J. Coleman, "Are There Any Individual Rights or Only Duties? On the Limits of Obedience in the Avoidance of Sin According to Late Medieval and Early Modern Scholars", *op. cit.*, pp. 6-7.

which had already been based on the individualistic anthropology for a long time. After the War, the Church wanted to engage actively in the reconstruction of the social order, aiming to influence the modern culture. Personalism seemed to be a perfect tool to this end, allowing a constructive dialogue with those who understood the human as an individual, whilst marking a certain rhetorical distinctiveness between the concept of a *person* and the concept of an *individual*. At the same time, the same concept appeared to be a useful *locum argumentationis* in debates with the so-called collectivist Marxism, where it played a role similar to liberal individualism. In this way, the concept of person allowed challenging atheistic Marxism, at the same time preserving considerable distinctiveness from individualism.

This allowed to present *personalism* as a perfect anthropological approach, and subsequently led Roman-Catholic Christianity to the acceptance of *rights*. In this context, the rights have been understood as a means of protecting the human *person* as required by the *dignity* of that *person*. This was done for the first time in an open and systematic way by pope John XXIII in his encyclical *Pacem in terris*.¹¹ However, before discussing the acceptance of rights in this papal document, it is necessary to look more closely at the way, by dint of which the concept of *person* came to be officially presented as the foundation for Christian anthropology. One remark is necessary here: the passage below is not discussing *personalism* as a specific philosophical current, which appeared at the end of the 19th century. It is focused precisely on the way by which the well-known theological notion of “person” started to be used in the social teaching of the Church as an anthropological concept – synonymous with the notion of “man” understood as an “individual”.

¹¹ Ioannes XXIII, Enc. *Pacem in terris*, 9: “(...) *illud principium pro fundamento ponendum est, omnem hominem personae induere proprietatem; hoc est, naturam esse, intellegentia et voluntatis libertate praeditam; atque adeo, ipsum per se iura et officia habere*”; Ioannes XXIII, *Sermo*, 4 Ian. 1963: AAS 55 (1963), p. 91. “*Centro di ogni preoccupazione vuole essere la persona umana, creata a immagine e somiglianza di Dio, e redenta dal Sangue Prezioso di Cristo. A l rispetto della persona vanno orientate le attività im mediate: famiglia, scuola, politica e economia, arte e letteratura, stampa e divertimento*”. The rights perspective, however, appears repeatedly in his earlier encyclical *Mater et magistra* (1961): no. 8, 16, 22, 43, 108, 211. Still, John XXIII paid attention to find support for this novelty in the *Magisterium*, invoking the authority of his predecessor, pope Pius XII: “*Nuntius radiophonicus, datus pridie Nativ. D.N.I.C. anno 1942*”: AAS 35(1943), p. 17: “*La dignità della persona umana esige dunque normalmente come fondamento naturale per vivere il diritto all’uso dei beni della terra; a cui risponde l’obbligo fondamentale di accordare una proprietà privata, possibilmente a tutti*”. See also: *Ibidem*, p. 19, and *Mater et magistra*, 114.

II. The Person

1. The concept of person is at the very heart of Christianity. It is crucial for the understanding of the divine truth about the Trinitarian identity of the One God. Moreover, it manifested its fundamental importance for the Christology when the second person of the Trinity – the Son of God and the Divine Logos – has incarnated and became man. The Lord Jesus was described as one person endowed with two natures, neither mixed nor changeable.¹² Hence, the concept of the *person* was central to Christological disputes since the very beginning. Therefore, it is difficult to imagine a more familiar concept for Christians. Christological debates of the 4th and the 5th centuries resulted in the Boethian definition of the *person*, described as an individual substance of reasonable nature (*rationalis naturae individua substantia*).¹³ This also meant that the theological concept became the object of interest to philosophers. Such a description of the person has two crucial points.

The first is the rational nature of the *person*, and the second one is the distinctiveness of each person as a separate *substantia*. The second feature resulted, *inter alia*, in using the noun “subject” (*hypostasis* – ὑπόστασις) as a synonym of the word “person”. An individual character of a person allowed to explain the distinctiveness of persons within the Holy Trinity or to emphasise the divine origin of man as a being created intentionally and individually by the highest Reason – God Himself. On its part, a rational character of *person* enabled explaining the creation of man in the image and likeness of his Creator. Therefore, the concept of *person* was also important in elucidating some aspects of anthropology as emerging from the Bible. However, next to those attractive features, the concept of *person* also suffers from some significant limitations when considered as a key concept for anthropology.

2. The first limitation stems from the fact that, whereas the concept of *person* allows us to explain man’s likeness to God, for the same reason it cannot be considered as synonymous with a human being. The person, as understood in

¹² “Unum eundemque Christum Filium Dominum unigenitum, in duabus naturis, inconfuse, immutabiliter, indivise, inseparabiliter agnoscendum, nusquam sublata differentia naturarum propter unionem magisque salva proprietate utriusque naturae, et in unam personam atque substantiam concurrente (εἰς ἓν πρόσωπον καὶ μίαν ὑπόστασιν), non in duas personas partitum aut divisum sed unum eundemque Filium et unigenitum Deum Verbum Dominum Jesum Christum”, *Enchiridion symbolorum, definitionum et declarationum de rebus fidei et morum*, ed. H. Denzinger, 31st edition, C. Rahner: Basilea 1957, p. 71.

¹³ Boethius, *Liber de persona et duabus naturis contra Eutychem et Nestorium*, 55, see also 58. Boethius, *Theological Tractates and the Consolation of Philosophy*, H. F. Stewart, William Heinemann Ltd., Harvard University Press: Cambridge, Massachusetts 1918, p. 92.

Christian philosophy, is by far wider a concept than man is. Indeed, Christian theologians and philosophers had never equated the “person” and “man”. Boethius expressly stated that the category of person is equally applicable either to man, or to angels, or to God himself (*at hominis dicimus esse personam, dicimus Dei, dicimus angeli*).¹⁴ Already in this perspective, it seems that the concept of the person, while perfectly suitable for describing a divine dimension of human nature and of human life directed towards eternal ends, it is hardly applicable to social philosophy or – speaking in classical terms – to practical philosophy focused on temporal human life (albeit by no means losing its eternal destination).

This is even more obvious if we take the account of the *person* by Aquinas. The most important account of the concept of the person by the *Doctor Angelicus* is to be found in his article 1 of question 29 in the first part of his *Summa Theologiae*¹⁵ or in his first book of the *Scriptum super Sententiis* in distinction 23.¹⁶ Contemporarily, this account of the term *person* is commonly referred to as a discussion on anthropology. This is, however, obviously, not true. The whole question 29 of the first part of his *Summa Theologiae* is devoted to the Holy Trinity, as is distinction 23 in the commentary to Peter Lombard’s *Sentences*. These are the passages about God and not about man. Moreover, in the *Summa*’s questions dealing with anthropology,¹⁷ Aquinas seldomly speaks about man in terms of *person*. If it is the case, it has been done only in a supranatural context¹⁸ and not referring to social life. It appears that the notion of *person* hardly applies to the temporal dimension of human life.

Aquinas himself does not explain the reason, why the “personalistic dimension” of human existence did not attract his mind when referring to ethics and other branches of practical philosophy.¹⁹ It seems that Aquinas was drawing a *de facto* clear

¹⁴ Boethius, *Liber de persona et duabus naturis contra Eutychem et Nestorium*, 31. Boethius, *Theological Tractates and the Consolation of Philosophy*, op. cit., p. 84.

¹⁵ “*persona significat id quod est perfectissimum in tota natura; scilicet subsistens in rationali natura*”, STh, I, q. 29, a. 3, co.

¹⁶ In I Sent., d. 23, q. 1, a. 1 co. “... *hoc nomen persona significat substantiam particularem, prout subjicitur proprietati quae sonat dignitatem*”. Quotation according to an electronic edition available at: <https://www.corpusthomicum.org/snp1022.html>.

¹⁷ STh I qq. 75-102.

¹⁸ When referring to the human soul as not being in itself the person (STh I q. 75 a.4) or a human likeness to God (STh I q. 92 a. 2; q. 93).

¹⁹ An outstanding expert in the Aquinas’ philosophy, J. M. Bocheński, denied a personalistic character of Aquinas’ ethics, arguing that personalism owes intellectual inspiration to Immanuel Kant and not to Aquinas. *Między logiką a wiarą. Z Józefem M. Bocheńskim rozmawia Jan Parys* [Between Logic and the Faith. J. Parys’ conversation with J. M. Bocheński], 3rd ed., Noir sur Blanc, Warszawa 1995, pp. 129–130.

distinction when considering man in the divine (supranatural) perspective, referring directly to human relation with God (creation of each particular man as well as the personal responsibility for everyone's deeds culminating in the final judgement). On the other hand, when discussing the temporal perspective of human (hence social) life, the personalistic perspective in dealing with human affairs is virtually absent from Aquinas' teaching. It can therefore be said that it is appropriate to consider a man as a *person* when we deal with human life in the perspective of theoretical philosophy – undetermined by time – but it is not appropriate for the purposes of practical philosophy, which is fully determined by time and space.

There is a particularly good illustration of this distinction when considering the question of man as a sexual (i.e., naturally endowed with specific sex) being. The concept of a person gives no space for examining human nature in the perspective of its inner differentiation resulting from sex, which is so fundamental to social life and to ethics. Whereas, when speaking of man from a theological or metaphysical perspective, there is no particular need to talk about men and women. Equally, the same situation is present when speaking about individuals – an *individual* is sexless, as is the *person*. Therefore, when reading the description of man's creation in the Bible, we can read that God had not created an abstract person nor an abstract individual. On the contrary, He had created a man and a woman. Both descriptions of the creation of man (Gen. 1, 27; Gen. 2, 7, 18-23) express this truth that the real human existence may only be either the male or female existence.

Looking from the biblical perspective, this splitting of humankind into two sexes is a natural feature of man, constitutive for human existence. A human being may exist only either as a man or a woman, and not as an abstract asexual *person*. This basic feature of biblical anthropology can hardly be properly described, when speaking about man in terms of a *person*. However, when speaking about man in the perspective of his eternal destiny (salvation), it seems there is no such difficulty. St Paul has expressed this in his letter to the Galatians (3, 28): “*There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus*”.²⁰ Paul says that the named distinctions, being still of

²⁰ Strikingly, in the parallel thought as expressed in 1 Corinthians 3:11, the absence of differentiation between man and woman is virtually missing in the most important codices, though it is still inserted into some of secondary importance, probably constituting a supplementary interpolation from the Galatians. See: I. Kwielicka, “Historia przekładu jednego wersetu biblijnego z listu św. Pawła do Kolosan: Kol. 3, 11”, *Łódzkie Studia Teologiczne*, 3/1994, p. 53.

fundamental importance for social life, are losing their relevance while speaking about the universal vocation of each man to know the one true faith. However, all the New Testament (not even mentioning the Old Testament) would never support the thesis that those social differences should be abolished or are meaningless for social life. St Paul himself emphasized substantial social differences between man and woman²¹ as being of first importance, also in the religious context.²² However, this social context is not affecting equal moral accountability of man and woman for their equal deeds.²³

3. The second doubt refers to the modern shift of paradigm in the Western intellectual culture, resulting in a radical change in the understanding of rationality. This directly affected the concept of person, understood as an “individual substance of reasonable nature” (*rationabilis naturae individua substantia*). The pre-modern classical approach understood rationality as deriving from the Highest Reason – God.²⁴ In this perspective, human rationality was dependent on the rational access of each man to the same supranatural matrix of rationality called by the Greeks the *Logos*, to which St John has referred in the Prologue of his Gospel. This one common source of rationality allows universal consensus among rational beings as to what is truth or falsehood, good or evil, beauty or ugliness.

The modern shift in the intellectual culture was based on the transition from the – dominant prior to that time – theistic approach to transcendence (assuming man’s rational access to God), into the deistic approach to transcendence (assuming there is no such rational access). God was still understood as existing; however, was no longer considered as accessible for human reason. Thus, God-Creator Himself, having created the Universe, ceased to constitute the common ground for intellectual culture. Rational contemplation of the Creator was replaced with the rational contemplation of creation. This shift in the intellectual culture amounted to a radical change in the understanding of rationality and was preceded by the protestant shift in theology as expressed in the *sola scriptura* directive. It required

²¹ See: 1 Corinthians, 11: 7-10; 1 Corinthians, 14: 35.

²² See: 1 Timothy, 2: 12.

²³ See: Luke, 16: 18.

²⁴ Cicero, *De legibus*, I, 22-23. “*Solum est enim ex tot animantium generibus atque naturis particeps rationis et cogitationis, quom cetera sint omnia expertia. Est igitur, quoniam nihil est ratione melius, eaque est et in homine et in Deo, prima homini cum Deo rationis societas.*” M. T. Cicero, *The Political Works of Marcus Tullius Cicero: Comprising his Treatise on the Commonwealth; and his Treatise on the Laws*, vol. 2, trans. F. Barham, Edmund Spettigue: London 1841-1842, p. 40.

that theology be focused on the empirically accessible text of the Bible, and subsequently resulted in the modern way of understanding science as an activity based on gathering and processing empirical data. The place of Metaphysics, which used to be attributed within the framework of the classical intellectual culture with the status of the *first philosophy*, was overtaken by Physics. Aristotle was replaced with Newton.²⁵

From the anthropological perspective, this shift in the intellectual culture resulted in considering human rationality no longer as the likeness to God, enabling to recognise, in common with others, the moral structure of the creation (its goodness and truthfulness) and enabling a peaceful common life.²⁶ Since the time of the modern era, human reason has become the source of individual distinctiveness of one man from another, allowing for independent and – moreover – divergent determinations of what is the good or what constitutes the truth. This no longer allowed thinking in terms of the common good. Instead, it has emphasized the freedom of individual human choices and inspired the thinking in terms of individual interests.

Since God – understood in a deistic way – has become very distant from the World and from man, the concept of *person* has lost its importance as a common perspective for man and for God. Moreover, such a common perspective has become intellectually unacceptable. God lost importance for the way we understand rationality. With this shift in the understanding of rationality, the concept of *person* (an individual substance of reasonable nature) became just a synonym for man (angels had already been removed from the rational perspective). In turn, the shift in the understanding of *person* corresponds perfectly with the modern individualistic anthropology, speaking about man in terms of an autonomous individual. The *person*, thus understood, became a rational being driven by self-interest, rather than a social being – a man whose reason enables him to know and care about the common good.

²⁵ For a more detailed explanation of this process, see my: “Trois approches théologiques et l’avenir de la culture juridique occidentale: de la solidarité vers la libération absolue”, in: *La loi de solidarité. Vers une fraternisation selon la théologie et le droit*, ed. Christine Mengès Le Pape, Presses de l’Université Toulouse Capitole 2021, pp. 564-565.

²⁶ Aristotle, *The Politics of Aristotle*, trans. B. Jowett, vol. 1, op. cit., p. 4; τοῦτο γὰρ πρὸς τὰ ἄλλα ζῶα τοῖς ἀνθρώποις ἴδιον, τὸ μόνον ἀγαθοῦ καὶ κακοῦ καὶ δικαίου καὶ ἀδίκου καὶ τῶν ἄλλων αἰσθησιν ἔχειν: ἡ δὲ τούτων κοινωνία ποιεῖ οἰκίαν καὶ πόλιν. Aristotle. *Aristotelis Politica*, ed. W. D. Ross, op. cit., 1.1253a.

4. Both issues referred to above are strongly interrelated. It appears that the classical understanding of *person* is strongly connected with the classical intellectual culture and did not constitute an anthropological concept. Since the intellectual culture changed, the concept of *person* became clearly anthropological in nature and by no means different from the modern individualism. However, this modernized way of the understanding of *person* still represents some features characteristic of God. This manifests itself in considering the *person* in a solipsistic and mainly a-temporal way, not corresponding to the realities of social life.

This shift in the understanding of the concept of *person* has allowed Roman-Catholic Christians, living within the context of modern secular culture, to reconcile Christian anthropology with the individualism that had been dominating intellectual culture for a long time. In this way, the Christian Roman-Catholic version of individualism has been established under the name of *personalism*, and it was a logical consequence of the general modern shift in the Western intellectual culture. However, this process took place in a specific Catholic style, emphasizing the category of *dignity*, often supported with the passages taken from Aquinas and presenting *personalism* to be the most genuine catholic anthropology.

5. The argument of the supporters of this modern *personalistic* anthropology that was, in fact, a specifically Roman Catholic *individualism*, is based on the Aquinas' statements discussing the concept of *person*. That meaning of *person*, however, referred to God and not to man. Notwithstanding that fact, these statements are presented contemporarily as if they were referring directly to the human being. The person so understood is a particular substance (a being) that is endowed with the dignity consisting of its rational nature.²⁷ This rational nature (the dignity) of a *person* is the source of the particular (perfect) way of existence as a being, which is specific, individual, and independent of others (autonomous).²⁸ Hence, an emphasis is placed on the person's free choice while determining his or her good. Based on those texts, it is no longer rationality, which is emphasized in the concept

²⁷ "*Hoc nomen persona significat substantiam particularem, prout subjicitur proprietati quae sonat dignitatem*", Aquinas, *In I Sent.*, d. 23, q. 1, a. 1 co. "*Quia magnae dignitatis est in rationali natura subsistere, ideo omne individuum rationalis naturae dicitur 'persona'*", *Summa Theologiae* (STh), I, q. 29, a. 3, ad 2.

²⁸ "*Sed adhuc quodam specialiori et perfectiori modo invenitur particulare et individuum in substantiis rationalibus, quae habent dominium sui actus, et non solum aguntur, sicut alia, sed per se agunt, actiones autem in singularibus sunt. Et ideo etiam inter ceteras substantias quoddam speciale nomen habent singularia rationalis naturae. Et hoc nomen est persona*". STh, I, q. 29, a.1, co.

of *person*, but, rather, liberty manifesting itself in the free choice, that defines the good of that particular person. Rationality is presupposed as if an action taken by the person had to be rational by the very nature of the person. This change of emphasis from rationality to freedom, along with making the concept of person into a purely anthropological construct, allowed the development of a modern, substantially individualistic anthropology based on – albeit instrumentalized to this end – passages taken from Aquinas. In this way, a specific individualism in a Thomistic guise and dedicated to Roman-Catholics, was invented.

6. It is to be remembered that the passages by Aquinas, upon which this individualistic anthropology was built, refer to the *persons* within the Holy Trinity and not to man. They include metaphysical and not anthropological content. Moreover, Aquinas distinguished perfectly between rationality and freedom as attributed to God or angels and the same attributed to man. He has explained that the rational nature of a *person* operates in a very different manner in angels (not to mention God, being Himself the Highest Reason) and in man. A human being, as endowed with sex and the physical body, existing in time and space (going through very different phases of development characterised with a different degree of autonomy²⁹), needs the process of socialisation, which is a necessary (!) condition for enabling the actual operation of human rational nature. This basic factor makes for Aquinas' fundamental distinction between different kinds of persons: men, on the one hand, and God as well as the angels, on the other.

Aquinas discusses this in *questio* 59, when comparing the human rationality to that of the angels. He states there that the intellect of angels is far more perfect than that of humans. For this reason, the free will of angels is far more superb than the human one³⁰ because angels make a free choice without prior reflection, which is necessary for man,³¹ who requires reflection in order to avoid errors that would result in choosing the evil instead of the good. Three questions later (in *STh*

²⁹ It is sufficient to note here how much different is the rationality of an adult man and that of a child in the prenatal stage of development. Still, we refer to both of them as *person*. Their level of autonomy, the ability to use reason and, consequently, their social position, differ drastically. Yet, from the supranatural and eschatological perspectives, these differences are no longer relevant. In this specific perspective, they could still be equally considered as persons. This demonstrates that considering a man as a *person* requires considering him out of the social context.

³⁰ *STh* I, q. 59 a. 3 s.c.: “*liberum arbitrium esse in Angelis etiam excellentius quam in hominibus, sicut et intellectum*”.

³¹ *STh*, I, q. 59, a. 3, ad 1.

I, q. 62, a. 8 ad 3), Aquinas explains the reason why this is the case. He indicates that the possibility of choosing between various actions leading to a specific goal, indeed testifies to the perfection of free will (being characteristic for each *person*, i.e., a rational being). However, this is so only when the will is directed towards an authentic good, that is, when it avoids the choice of evil. The choice of evil (sin) amounts to a defectiveness of the human will, and by no means to its perfection.³² Therefore, since the angels know the essence of God, their will is – in principle – driven only by the true good. In this respect, however, man is very different from the angels. Considering that the human nature is wounded by the original sin, people must always struggle for choosing the good and reject a temptation to choose the evil. Having said so in respect to the difference between the human rationality and that of the angels, we have to add that the difference is by far greater if speaking about God, Him being the pure intellect Himself. This seems to be a sufficient reason for rejecting as erroneous the anthropology based on the properties attributed to God.

What is more important, however, is that the rationality of the human nature must always be understood in terms of its social character. The man is rational, whilst being social at the same time. Therefore, the separation between human rationality and sociality is impossible if we accept that man is endowed with the social nature.³³ Perfection of human reason, and thus its ability to choose the true good, takes effect due to the process of socialization, including an ethical formation by dint of which man acquires *virtues* allowing for a proper operation of his/her practical reason.³⁴ Therefore, only a virtuous man can be truly rational in his/her actions, i.e., choosing the authentic good and not the evil. Hence, this ethical perfection does not stem directly from the status of the *person*, but takes

³² *STh* I, q. 62, a. 8 ad 3.: “*quod eligat aliquid divertendo ab ordine finis, quod est peccare, hoc pertinet ad defectum libertatis*”. A similar conclusion is to be drawn from *STh* I^a-II^{ae}, q.1, a. 2.

³³ For a closer explication of this unity of rationality and sociality of human nature, see my: “Human Dignity and Two Ways of Its Understanding”, in: J. M. P. Montero (ed.), *New Challenges for Law. Studies on the Dignity of Human Life*, Tirant Lo Blanche: Valencia 2020, pp. 44-46.

³⁴ It was well explained by Cicero when he described human rationality in terms of natural law: “(...) *lex est ratio summa, insita in natura, quae iubet ea quae facienda sunt, prohibetque contraria. Eadem ratio, cum est in hominis mente confirmata et perfecta, lex est. Itaque arbitrantur prudentiam esse legem, cuius ea vis sit, ut recte facere iubeat, vetet delinquere*”. *De legibus* I, 18–19; <http://data.perseus.org/citations/urn:cts:latinLit:phi0474.phi044.perseus-lat1:1.19>.

effect in the course of an ethical formation enabling man to behave in the rational way, i.e., the way characteristic of a *person* in the classical meaning of the term.

7. My conclusion to this *excursus* on the personalistic anthropology could be summarised as follows: the concept of *person*, as elaborated in Christian theology and philosophy, refers to *beings of rational nature* and *must not* be confused with or reduced to anthropology alone. The appropriate intellectual context to deal with the classical concept of *person* is the metaphysical one. It belongs to theoretical, rather than practical, philosophy. Therefore, the classical Christian concept of the *person* (a rational being) is properly applied to man primarily when considering him in the supranatural (including eternal), rather than temporal perspective. In the perspective of practical philosophy (ethical, political, or legal), the rational character of human nature is intertwined with its social character. Thus, the human ability to take rational action is conditioned with the ethical perfection of human reason that results in the acquiring of *virtues*, i.e., a constant practical disposition towards the moral good.

The contemporary (modernised) use of the term *person* in the Christian intellectual *milieu*, equates it, in principle, with a purely anthropological dimension of the human being and moves it from the metaphysical to the ethical and political context. This change has been determined by the modern shift in the understanding of rationality and for the most part, disregards the social character of human nature. Rationality is no longer referred to as the objective and intersubjective criterion of the true good but is implicitly ascribed to every action of man, who is believed to be a rational being by virtue of being a *person*. This implies that each individual may consider something else as rational or as good; hence, rationality becomes subjective and thus *relative*. Such a modernised way of the understanding of the concept of *person* amounts to being something akin to individualistic anthropology, despite its claims to be distinct and different from individualism. This alleged distinctiveness is but limited to a rhetorical use of classical quotations from Aquinas, departing, however, from classical philosophy in substance.

The shift in the Christian anthropology thus described had a determining impact on the social teaching of the Church and resulted in the acceptance of the concept of human rights.

III. The rights in the encyclical *Pacem in terris*

1. In this context, we can take a fresh look at point 9 of the encyclical *Pacem in terris* that has, openly and systematically, introduced the concept of “human rights” into the papal Magisterial documents. It is worth quoting here:

*“Any well-regulated and productive association of men in society demands the acceptance of one fundamental principle: that each individual man is truly a person. His is a nature, that is, endowed with intelligence and free will. As such he has rights and duties, which together flow as a direct consequence from his nature. These rights and duties are universal and inviolable, and therefore altogether inalienable”.*³⁵

This passage, as well as the entire encyclical, shows precisely this modernized approach to anthropology and ethics, somewhat camouflaged with quotes from Aquinas. In fact, it is a characteristic feature of the entire teaching of John XXIII, essentially representing a modernized approach, rhetorically balanced with a few traditional quotations, without any clarification as to the way those divergent perspectives could be reconciled.³⁶ However, an obvious priority is given to the modern perspective. This is clear if we consider the whole structure of this document. The freedom of the individual will occupies a predominant position in the encyclical, seemingly without any need to mention the importance of the *right reason* allowing for the correct moral recognition of the common good.³⁷

³⁵ John XXIII, Encyclical (...) on Establishing Universal Peace in Truth, Justice, Charity, and Liberty *Pacem in Terris*, April 11, 1963, 9, https://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html.

³⁶ A very characteristic example of this method is the second part of the encyclical *Mater et magistra* (1961) by John XXIII, presenting the development of the traditional teaching by Leo XIII and Pius XI. If we consider the first paragraphs of this part, they demonstrate alternately passages presenting a modern, individualistic perspective (no. 51) and a justification of interventionism (no. 52), qualified, however, with a traditional *Magisterium* reference to the principle of subsidiarity (no. 53). An obvious emphasis is given to the new interventionist approach (no. 54: “(...) Hence the insistent demands on those in authority—since they are responsible for the common good—to increase the degree and scope of their activities in the economic sphere, and to devise ways and means and set the necessary machinery in motion for the attainment of this end”), subsequently qualified with the reminder regarding the necessity of obeying the principle of subsidiarity (no. 55), albeit without a closer explanation of how to reconcile this insistence on intervention with a strong restraint in this respect as required by the subsidiarity. See: John XXIII, Encyclical on Christianity and Social Progress *Mater et Magistra*, May 15, 1961, https://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_15051961_mater.html.

³⁷ See: *Pacem in terris*, 34: “Man’s personal dignity requires besides that he enjoy freedom and be able to make up his own mind when he acts. In his association with his fellows, therefore,

Point 9 of the encyclical shows that the concept of *person*, upon which the so-called “catholic concept of rights” is based, is the one which was earlier demonstrated as a departure from the classical meaning of *person* present in the catholic Theology or Metaphysics. Here, it represents a substantially modern individualistic anthropology, hidden behind some classical rhetoric, indistinguishable, however, from the liberal concept of the *individual*. It appears in the encyclical that the free will and the rights are primary manifestations of the *dignity of person* thus understood.

2. Certainly, in point 9, the Pope teaches that human nature is equally the source of *duties*. However, the whole subsequent narrative in points 11-27 is focused but on rights with a slight *pro forma* reservation contained in point 10. The appearance of the word “duties” in the encyclical is indeed extensive (around 40 entries). However, the noun appears only in the word cluster “rights and duties”, and the duties are clearly contingent to the rights, while having no autonomous importance. This is clearly manifested in point 28, where the *duties* are introduced merely as a kind of the shadow of *rights*.³⁸

Duties do not represent an autonomous ethical category in *Pacem in terris* because the strongly related category of *virtue* is equally meaningless in this document. Meanwhile, both concepts used to be of fundamental importance in classical philosophy and in the traditional teaching of the Church, which considered that the moral recognition of the true good with practical reason resulted in moral duties to follow that good. This classical perspective is, however, entirely marginalized in *Pacem in terris* and reduced – yet again – to the quotation, in point 38, of one classical passage from Aquinas.³⁹ Formally, this resembles the classical *Magisterium*; however, the text lacks the slightest explication of how to reconcile the classical perspective with the entirely new approach dominating in *Pacem in*

there is every reason why his recognition of rights, observance of duties, and many-sided collaboration with other men, should be primarily a matter of his own personal decision”. It must be noted, however, that the statement is then rhetorically balanced with the quotation from Aquinas in no. 38, albeit giving no explication as to the relationship between those different perspectives. This priority of liberty over reason is even better demonstrated by John XXIII in his *Mater et magistra* (1961) no. 63, where the reference to human nature does not mention its reasonable character, being restricted to the statement that “men (...) are free and autonomous by nature”. See: *Mater et magistra*, 63, AAS 53 (1961) 417.

³⁸ See: *Pacem in terris*, 28: “The natural rights of which We have so far been speaking are inextricably bound up with as many duties, all applying to one and the same person. These rights and duties derive their origin, their sustenance, and their indestructibility from the natural law, which in conferring the one imposes the other”.

³⁹ *Summa Theol. Ia-IIae*, q. 19, a.4; cf. a. 9.

terris.⁴⁰ It seems that the quotation from Aquinas in point 38 amounts to nothing more but a slight rhetorical figure, enabling to escape possibly embarrassing questions regarding the consistency of the encyclical with the *Magisterium*. It merely ensures that the latter is still represented in the document.

IV. How did the rights penetrate the Magisterium?

1. The new ethical approach that had been introduced into the *Magisterium* did not immediately change the traditional moral teaching of the Church of that time. It was incorporated first of all into the social teaching of the Church and, to a great extent, was present concurrently to the traditional ethical approach focused on *virtues*. This situation would suggest as if no essential interconnection existed between the moral teaching of the Church, as applied to the private life, and the new approach, applicable to the public dimension of the social life. Therefore, in the moral theology, there still exists (at least on the pages of the Catechism or in some textbooks on Moral Theology) the teaching on *virtues*. However, in the perspective of the social teaching of the Church, a parallel place is occupied by the concept of human *rights*, and *virtues* are hardly present therein. If we take a statistical approach, we will easily see that the *Compendium of the Social Doctrine of the Church*, published in 2004, speaks about *virtue* 33 times, while mentioning *rights* 410 times. Does this dual approach make the whole of the moral teaching of the Church internally consistent? The question is rhetorical.

2. However, each doctrine – and the moral teaching of the Church is by no means an exception here – aims to be internally consistent and, therefore, the modernized (rights oriented) approach as accepted in the social teaching of the Church is gradually influencing the general moral teaching of the Church, thus dismantling its traditional identity.

John Paul II recognized this process and challenged it in his excellent encyclical *Veritatis splendor*. The encyclical aimed at protecting the moral teaching of the Church, and the objectivity of the moral principles it is based on, against relativism. However, this encyclical hardly recognizes that relativism infecting the ethical formation given to clerics at catholic seminaries is rooted in the shift in the *Magisterium*, which took place with the acceptance of the *personalistic* anthropology that refers to man in terms of a subject endowed with rights. Meanwhile, these

⁴⁰ The method is exactly the same, as was demonstrated in note 27 above in relations to the subsidiarity and interventionism in *Mater et magistra*.

rights are by their very nature subjective (belonging to the subject) and therefore relative (depending on the subject).

3. After years of advocating the (as it is called) “Christian or proper understanding of human rights”, I have finally realized that my efforts were useless and futile. The very philosophical concept of rights takes as its assumption non-Christian anthropology and ethics. Certainly, it can be described rhetorically as if the concept of rights was intrinsically Christian or, at least, under certain conditions, congruous with Christian ethics. However, such rhetorical or linguistic operations, aimed at seeking reconciliation between the traditional catholic moral teaching and modern ethics, seem intellectually erroneous and, in fact, deceptive.

V. The rights perspective and the teaching of Jesus Christ

1. The fundamental reason for this scepticism is that the moral teaching of Jesus Christ, as communicated to us in the Gospel, is impossible to be described in terms of rights. Jesus did not use the “rights-talk” to communicate his moral teaching. If we look at the brief summary of Jesus’ public activity, as it is transmitted to us by the authors of the Gospels, besides the proclamation of the Kingdom and addressing the healing of the sick, Jesus was focused on preaching about the commandments and about the necessity of obeying thereof. The commandments constitute the objective law and not the subjective rights. Obeying the commandments, being the expression of the will of the heavenly Father, makes the distinction between the disciples of Jesus and the rest of the people. He said this when people wanted to turn his attention to the arrival of His Mother and His relatives, answering that “(...) whoever does the *will of my heavenly Father* is my brother, and sister, and mother” (Mt 12, 50, cf. Mk 3, 35). Furthermore, after His resurrection, when sending His disciples on the apostolic mission, Jesus said, “(...) go and make disciples of all nations, (...) teaching them to obey everything I have commanded you” (Mt 28, 19-20).

2. It is virtually vain to look into the Gospel in order to find passages presenting the moral teaching of the Lord Jesus in terms of rights. The main reason is that the moral teaching of the Lord was not focused on the earthly perspective (as are the rights)⁴¹ but on the eternal and supranatural. If we look at the “Sermon on

⁴¹ It is perfectly clear in the encyclical *Pacem in terris*, which shows, inadvertently, that the religious perspective is irrelevant for the conceptualisation of social life and relationships in terms of rights, which are primarily focused on the temporal perspective (emphasis added): “10. *When, furthermore, we consider man’s personal dignity from the standpoint*

the Mount”, we can clearly see this perspective. Jesus does not promise earthly prosperity. The fulfilment of all earthly desires that he promised is to be accomplished in the perspective of the supernatural.

Moreover, enforcing one’s rights can often be considered morally suspect, rather than deserving. This is perfectly evident in the passages of the Gospel that could be described in terms of rights’ enforcement and are presented as negative examples.

Let us take the “Parable of the Unforgiving Servant” (Mt 18, 23-35). Jesus is contrasting the king who abstained from enforcing his rights as a creditor vis-à-vis his servant. By forgiving the debt, the king gave the rights back to the servant himself. In turn, the latter unmercifully vindicated a – by far smaller – debt from his debtor, despite having just been graciously released from his own. Enforcing the rights of the creditor in a way that disregards the duties arising from the love of one’s neighbour is strongly condemned by the Lord.

We encounter a rather similar situation in the next chapter of Matthew, where Jesus elucidates on the right, attributed to a husband by Moses, to dismiss his wife by giving her a bill of divorce. Jesus clearly states that Moses had allowed such a conduct only *because of the hardness of the hearts* of the Israelites (Mt 19, 7-8, Cf. Mk 10,4-9).

It has to be emphasized again, however, that even those passages from the Gospel do not contain an express *rights-talk*. The passages merely describe situations, in which the rights-perspective is easily applicable. In fact, we can hardly find in the whole Bible the noun “right” in the sense of attributing a right to someone. Indeed, few specific translations of the Bible into English contain this specific use of the term “right”. Using the “bible study tools” search, I was able to find only two passages in the *New International Version* (NIV) translation, in which such a meaning appeared (Acts 25, 11; Revelation 2, 7). However, more literal translations of the Bible, such as the *Standard English Version* (SEV), demonstrate that

of divine revelation, inevitably our estimate of it is incomparably increased. Men have been ransomed by the blood of Jesus Christ. Grace has made them sons and friends of God, and heirs to eternal glory. 11. But first We must speak of man’s rights. Man has the right to live. He has the right to bodily integrity and to the means necessary for the proper development of life, particularly food, clothing, shelter, medical care, rest, and, finally, the necessary social services. In consequence, he has the right to be looked after in the event of ill health; disability stemming from his work; widowhood; old age; enforced unemployment; or whenever through no fault of his own he is deprived of the means of livelihood”.

the term *right* in the passages from the NIV that I have mentioned, has its source only in the creativity of the modern translator, and not in the original biblical text.

3. In fact, Christ's moral teaching focuses on the recognition and implementation not of our *rights*, but of our *duties*: *duties* towards God Himself and towards others, who should be considered as our neighbours. A proper discernment of the duties is possible thanks to the commandments, which, however, create duties, and not the rights. This is so because it is the fulfilment of our duties and not the enforcement of our rights that allows people to embark on the path of moral development, which constitutes the path to salvation (Mt 19, 17). A constant practical disposition towards the fulfilment of this *duty* is the *virtue*. Therefore, traditional Christian catholic ethics, using the intellectual patterns of classical Greek philosophy, was focused on *virtues* and not on the *rights*.

4. There is a good reason to mention here the Greek philosophy. One can argue that the Church has accepted the rights-focused ethics and adopted the *rights-talk* in order to find a common ground for intellectual dialogue with the Western culture – the common ground that would be purely rational and not determined by religious terms. However, this strategic decision to defend the Christian understanding of morals through basing such dialogue on “purely rational” grounds, amounted in practice to admitting that the traditional Catholic ethics was not fully rational. It is, in fact, inspired by the *deistic* approach that, although not denying the very existence of God, considers transcendence as a realm of subjectivity, which escapes a rational approach towards the world. Indeed, this amounts to an acceptance of the modern way of understanding of what is rational and an abandonment of the classical paradigm of rationality which is proper for Christianity.

Unfortunately, the Church has *de facto* abandoned the Christian *theistic* paradigm of rationality, where God the Creator is the *Highest Reason* Himself. Instead, She accepted the *deistic* paradigm, whereby rationality is deduced from the physical structure of the World by means of the interpretation of empirical data as sensorily acquired and processed by man. Such a *deistic* paradigm as regards the understanding of rationality seemed to be sufficient if supplemented with some purely religious content, as provided to the faithful in weekly Sunday sermons. This, however, resulted in a profound transformation of the catholic faith. It ceased to be *theistic* and became *deistic* with some hint of *fideism* added. Alas, such a mixture of *deism* and *fideism* does not, by any means, come even close to *theism*, leading rather to an intellectual confusion, often resulting in atheism.

5. Why is it important here? As already mentioned, the ethical and legal culture focused on human rights is the product of a specific intellectual culture presupposing a specific way of perceiving rationality and anthropology. I would argue that the Christian perspective, whether expressed in the intellectual terms found in the Bible or in the Greek philosophy, is not at all compatible with the modern liberal perspective. They represent two diverse approaches to human nature. The Christian perspective assumes the social nature of man, while modern liberalism assumes man's individualistic character.

If human nature is indeed social, then human development is possible only in terms of community life, where each person must give his or her due to the others. If it is individualistic, then personal development is only possible if individual autonomy is protected from unauthorized intervention by others. The latter, individualistic approach requires the creation of a specific superstructure to protect the autonomy of the individual from the others. The aforementioned superstructure is the *state*, and the autonomy protected by law has become *rights*. Thus, human protection becomes a political, rather than an ethical, issue. The duty of care for others no longer belongs to neighbours (other members of the community), but to the state.

6. Assuming the rights' perspective always involves politics. The biblical *duties-focused* perspective allows escaping the politics. Therefore, those who seek to modernize Christianity are portraying Jesus as a social reformer, if not an outright revolutionary. Meanwhile, Jesus always shunned people who wanted to make him a political leader (e.g., John 6, 15). In Luke's parable of the Good Samaritan (Luke 10, 30–37), the Lord is not posing questions regarding a public authority's being responsible for protecting the assaulted and robbed traveller from Jerusalem to Jericho. He asks about the neighbour: the man who has recognized his moral *duty* of care towards the victim. Moreover, the Lord has announced that the same attitude will be taken at the Final Judgment (Mt 25, 35–46).

Benedict XVI taught this in his encyclical *Spe salvi* (4), where he emphasized that Christ did not bring with him a socio-political message.⁴² Here, he referred to

⁴² Benedict XVI, Enc. *Spe salvi*, § 4: "Christianity did not bring a message of social revolution like that of the ill-fated Spartacus, whose struggle led to so much bloodshed. Jesus was not Spartacus, he was not engaged in a fight for political liberation like Barabbas or Bar-Kochba. Jesus, who himself died on the Cross, brought something totally different: an encounter with the Lord of all lords, an encounter with the living God and thus an encounter with a hope stronger than the sufferings of slavery, a hope which therefore transformed life and the world from within".

St Paul's *Letter to Philemon*, whose meaning could easily be presented in socio-political terms, since it concerned slavery. St Paul, however, carefully escaped a political perspective. He preferred to tolerate the social institution of slavery of his days as long as his disciple Philemon would not enforce his ownership *rights* relating to his slave Onesimus. Paul was expecting Philemon to recognize his slave as a brother in faith and treat him accordingly, without an express condemnation of slavery as a social institution or requiring Philemon to liberate Onesimus. The apostle thus carefully avoided a possible social or political conflict.

VI. Conclusion

Having said all of the above, I need to make a certain reservation. We are already living in society, which has been dominated by politics and which has been, for a long time already, subjected to social engineering. Therefore, we are not making a choice between living in society designed according to either the Christian or modern ethical paradigm. The choice had already been made long before we appeared in this world. Today, we have to live in the given social conditions, as the first Christians had to live in a society that accepted slavery. The rights' perspective is legally binding for Christians, even though it is hardly conformant to what their faith commands.

The contemporary challenge as constituted by the rights-focused ethics seems, however, to be more demanding. It might be presented – and indeed is presented – as if such ethics were not only conformant to the Christian faith, but even allowed a better understanding and practising of the latter. Meanwhile, St Paul had neither justified slavery nor praised it. Instead, he tolerated it as long as it did not amount to sin. In contrast, today we experience a temptation of “going forward” and creating a new “Christianity”, compatible with the rights-focused world surrounding us. In order to avoid this temptation, we need to realize that the ethical foundations of the modern Western society are not only Christian no longer, but are actually anti-Christian. Therefore, we must ask ourselves what can be done, so that we and our children could live in a society that still allows us to keep to the commandments, rather than to enforce the rights.

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