Catholic Social Thought, Political Liberalism, and the Idea of Human Rights

Zachary R. Calo (zcalo@virginia.edu)
University of Virginia/University of Pennsylvania

The Other Twentieth-Century Revolution

One of the most significant of the twentieth-century revolutions was the transformation of the Roman Catholic church from entrenched defender of the anciène regime into one of the world's leading advocates of social and political justice, democratic governance, and human rights.[1] In the period between the French Revolution and the Second Vatican Council, John Witte observes, the Catholic church was transformed "from a passive accomplice in authoritarian regimes to a powerful advocate of democratic and human rights reform."[2] David Hollenbach is even bolder in his assessment: "During the last half century and a half, the Roman Catholic church has moved from strong opposition to the rights championed by liberal thinkers of the eighteenth and nineteenth centuries to the position of one of the leading institutional advocates for human rights on the world stage today."[3] Once among the most steadfast opponents of political liberalism, the Catholic church is now among the staunchest and most important participants in the push for global acceptance of democratic liberalism.[4] In Eastern Europe and Latin America, Africa and the Philippines, the Catholic church has emerged as a vital institutional advocate for progressive social change, promoting a broad vision of political, economic, and cultural rights. At the root of the church's emergence as a global political actor is two centuries of thought about the relationship of Catholicism and modernity, and in particular, liberal political institutions.

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[1] See Thomas Bokenkotter, *Church and Revolution: Catholics in the Struggle for Democracy and Social Justice* (New York: Image, 1998).

[2] John Witte, Jr. "Law, Religion and Human Rights," *Columbia Human Rights Law Review* (Fall 1996): 10.

This paper traces developments in Catholic social thought from the French Revolution, through the Second Vatican Council, into the papacy of John Paul II. Catholic thought on social questions has, of course, been diverse in its methodologies and conclusions. The analysis contained herein, however, focuses almost exclusively on official church pronouncements. Though such an approach necessarily fails to capture the full variety of "Catholic" perspectives, statements of the papacy and other organs of the curia continue to be of great import in setting the parameters of discussion.

The argument offered is that the Catholic church's emergence as a global advocate for human rights occurred only after the creation of an authentic Catholic liberalism, that is the adaptation of Catholic moral theology to the precepts of liberal political theory. The development of a Catholic human rights movement is therefore intimately related to the dissolution of the regnant conservatism that long dominated Catholic intellectual life. Only by accepting certain presuppositions of liberal theory, and incorporating the language of rights into Catholic social thought, has the church been able to develop the vision and vocabulary for engaging modernity. Only by appropriating the

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[3] David Hollenbach, "A communitarian reconstruction of human rights: contributions from Catholic tradition," in *Catholicism and Liberalism: Contributions to American Public Philosophy*, ed. R. Bruce Douglass and David Hollenbach (New York: Cambridge University Press, 1994): 127.

[4] David Hollenbach, "A communitarian reconstruction of human rights," 127.

dominant political paradigm of the age has the church developed the capacity to participate in the broader human rights movement, and to think constructively about its role in the formation of a just social and political order.

While the church has certainly become more accepting of modern political institutions and ideas, this process has not entailed the church granting its unqualified imprimatur to the whole of liberalism. The development of a Catholic liberalism has rather involved the development of a distinctive understanding of rights theory that has both incorporated the insights of liberalism while nevertheless remaining at tension with it in several fundamental respects. The emergence of modern Catholic social thought since the late nineteenth century has thus involved the church both opening itself to the modern world, while also remaining one if its most insistent critics. Catholic liberalism and secular liberalism possess markedly different histories, and while the gap separating their respective narratives lessened during the course of the twentieth-century, they remain distinct traditions established on distinct foundations. Thus, the Catholic church, in spite of its successful reconciliation with much of modernity, remains something of a resident alien within the liberal body politic. Ultimately, certain fundamental tensions exist between the Catholic church's conception of the meaning and end of human rights, and the understanding of rights that guide the international human rights organizations.

Because of the distinctive politico-ethical visions advanced by Catholic liberalism and secular liberalism, the church has the opportunity to make a unique contribution to the human rights movement. The church's foundational theory of rights, emphasis on the limits and responsibilities of freedom, and insistence on the need to understand rights with the larger context of human dignity and the development of the human person, all pose important challenges to secular and non-foundational theories of human rights. However, these differences also raise questions about the extent to which the Catholic human rights tradition can, and indeed ought, engage in cooperative ventures with the broader human rights movement.

Catholic Anti-Liberalism in the Nineteenth Century

For nearly two centuries, Catholic social thought was dominated by a entrenched conservatism. The French Revolution sealed the church's decision to cast its lot with the "counter-revolution" and to intransigently insist on the restoration of the alliance between alter and throne.[5] The church, with some justification, interpreted the liberalism of the French Revolution as anti-clerical, anti-Catholic, and committed to destroying the church's temporal and political authority. Beginning in 1789, the church established itself as one of Europe's most obstinate opponents of the democratic transformation of the social order.

Throughout most of the nineteenth century, Catholic thinking about social and political questions was guided by an uncompromising and oftentimes virulent anti-liberalism. The legacy of the French Revolution, the loss of the papal states to Italian unification, Bismark's attack on the church in Germany, and the rise of a hostile socialism, all fostered the church's contempt for the politics of modernity. The church responded by tying itself ever closer to the anciene régime and the glories of a lost

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[5] Peter Steinfels, "The failed encounter, : the Catholic church and liberalism in the nineteenth century," in *Catholicism and Liberalism*, 19.

Christendom. The church cultivated a fortress mentality in which it was much more concerned with opposing modernity in all its manifestations than in presenting an alternative. The church chose to condemn, rather than engage, the modern world.[6] The only alternative to modernity the church entertained was a return to an idealized Christian social order lorded over by the Catholic church. The most notable and robust expression of this anti-modernist spirit was Pius IX's 1864 Syllabus of Errors, which was a comprehensive and unqualified condemnation of the basis tenets of modernity. The Syllabus listed eighty propositions deemed anathema to Catholic teaching, one of which was the idea that "the Roman Pontiff can and should reconcile himself to and agree with progress, liberalism, and modern civilization," made clear the church's determination to resist the prevailing ideologies of the day.

Catholic opposition to modernity was unsparing. It rejected modernity in toto, generously heaping scorn on its economic, intellectual, and political manifestations. In the sphere of economics and social reform, the church was far more concerned with condemning the twin evils of capitalism and socialism (both considered to be outgrowths of liberalism) than in responding to the suffering that had accompanied the rise of industrial economies. In philosophy, the church rejected modernist epistemologies in favor of a return to the philosophical method of St. Thomas Aquinas (Leo XIII's 1879 encyclical *Aeterni Patris* anointed Thomism the official methodology of Catholic thought), and countered individualism intellectual life by pronouncing the doctrine of papal infallibility during the First Vatican Council. But the issue that most defined Catholic antiliberalism in the nineteenth century was church-state separation. No issue received more sustained attention and criticism than religious freedom, for to concede religious freedom was not only to deny the church's political authority, but also to concede that people had a right to believe mistruths, in this case, anything contrary to the teachings of the Catholic church.

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[6] Bokenkotter, Church and Revolution; Tom Buchanan and Martin Conway, *Political Catholicism in Europe, 1918-1965* (Oxford: Clarendon Press, 1996); Charles E. Curran, *American Catholic Social Ethics: Twentieth-Century Approaches* (Notre Dame: University of Notre Dame Press, 1982): 14-16; Gerald R. Cragg, *The Church and the Age of Reason, 1648-1789* (New York: Atheneum, 1961); Michael P. Fogarty, *Christian Democracy in Western Europe, 1820-1953* (Westport, CT: Greenwood Press, 1974); John Molony, "The Making of Rerum Novarum: April 1890 – May 1891," in Paul Furlong and David Curtis, eds., The Church Faces the Modern World: Rerum Novarum and Its Impact (Scunthorpe: Earlsgate Press, 1994); Alec R. Vidler*, The Church in an Age of Revolution, 1789 To the Present Day* (Grand Rapids, Eerdmans, 1962).

The strongest condemnation of separationism came in the writings of Pope Pius IX, and especially the Syllabus of Errors. Of the eighty propositions condemned in the syllabus, several involved religious freedom, including:

- "The Church ought to be separated from the State and the State from the Church." (¶55)
- "In the present day it is no longer expedient that the Catholic religion should be held as the only religion of the State, to the exclusion of all forms of worship." (¶77)
- "The Roman Pontiff can, and ought to, reconcile himself, and come to terms with progress, liberalism, and modern civilization." (¶80)

The writings of Pope Leo XIII, on the other hand, offered a more systematic defense of church-state union. Leo's commentary on the subject lacked the virulence of Pius's, but he was no less committed to upholding the Constantinian ideal of church-state union. One American commentator, for instance, noted that Leo was "particularly annoyed" with political system in the United States.[7] In his 1885 encyclical *Immortale Dei* ("On the Christian Constitution of States"), for instance, Leo asserted that "the State...is clearly bound to act up to the manifold and weighty duties linking it to God, by the public profession of religion," (¶6) while the 1890 encyclical *Sapientiae Christianae* ("On

Christians as Citizens") defended a right to resist if the laws of a state are "hurtful to the Church" or "violate in the person of the supreme Pontiff the authority of Jesus Christ." (¶10) Leo proposed similar ideas in the 1879 encyclical *Aeterni Patris* ("On the Restoration of Christian Philosophy), the 1888 encyclical *Libertas* ("On the Nature of Human Liberty"), and the 1901 encyclical *Graves De Communi Re* ("On Christian Democracy). Leo even addressed two encyclicals specifically to the American church, where Catholics were showing a marked propensity to support the separation of church and state. The most important of these statements was the 1895 encyclical *Longinqua Oceani* ("On Catholicism in the United States"), in which Leo stressed that while "the equity of the laws which obtain in America" have allowed the church to operate "unopposed by the Constitution" and "hostile legislation," it would be "erroneous to draw the conclusion that in America is to be sought the type of the most desirable status of the Church, or that it would be universally lawful or expedience for State and Church to be, as in America, dissevered and divorced." (¶6) Leo, in other words, acknowledged the attractiveness of separationism, but nevertheless rejected the proposition that the American system of government could ever receive the church's imprimatur.

The Initial Failure of Catholic Liberalism

Conservatism did not maintain unchallenged hegemony in the church during the nineteenth century. There were, to be sure, Catholics in Europe and America who urged the church to engage the modern world and explore the possibility of constructing an

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[7] Charles Angoff, "Catholicism vs. Democracy," *The Lowdown* (August 1931): 26.

authentic Catholic liberalism. In France, Félicité Robert de La Mennais, Jean Baptiste Henri Lacordaire, and Charles de Montalembert called on the church to reconcile itself with such liberal doctrines as the separation of church and state, freedom of conscience, and freedom of the press.[8] Similarly, in England, Lord Acton and John Henry Newman provided intellectual force to a Catholic liberal movement.

One expression of this liberalizing spirit in Catholic thought was the modernist movement. Modernism was not a unified movement, and those labeled as modernists frequently objected to this characterization of their thought. If anything united the modernists, however, it was a rejection of the rigid formalities of neo-scholastic thought, particularly its opposition to change, historicity, and contingency. As Darrell Jodock observes in characterizing the modernists, "Their approaches and priorities differed, and the specific proposals for updating the structure and theology of the church varied from one Modernist to another, but they agreed that change was needed in order for the church to respond effectively to the challenges of modernity."[9] The modernists aimed to engage in authentically Catholic thought, which while embedded in the tradition, nevertheless accepted the insights of modernity, and the challenge of bringing Catholic thought into line with the intellectual currents of the day. Modernist biblical exegetes sought to incorporate the tools of the emerging historical-critical method of exegesis. Modernist theologians reexamined doctrine as an evolving, rather than static, concept. And in politics, modernists urged the church to open itself to democratic forms of government, even while remaining suspicious of the excesses of continental liberalism. In short, the modernists looked to make the church a relevant and transformative institution in European society.

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[8] Bokenkotter, *Church and Revolution*, 39-81.

[9] Darrell Jodock, "Introduction I: The Modernist Crisis," in Jodock, ed., *Catholicism Contending with Modernity: Roman Catholic Modernism and Anti-Modernism in Historical Context* (Cambridge: Cambridge University Press, 2000), 3.

Whatever influence the modernist movement might have had on Catholic thought, however, was quickly ended when in 1907 Pope Pius X condemned the movement in the *Pascendi Dominici Gregis*. Pius notes that "these very Modernists who pose as Doctors of the Church, who puff out their cheeks when they speak of modern philosophy, and show such contempt for scholasticism, have embraced the one with all its false glamour because their ignorance of the other has left them without the means of being able to recognise confusion of thought, and to refute sophistry. Their whole system, with all its errors, has been born of the alliance between faith and false philosophy." (¶41) There was nothing in *Pascendi* that was at odds with the dominant intellectual paradigm of the age or the long history of Catholic antimodernism. Pius was simply reasserting a position the church had held for over a century. However, the encyclical proved particularly onerous coming as it did when new and creative modes of thought were emerging. Its unqualified condemnation destroyed modernism in its embryonic state and closed the door on the church's engagement with modernity for several more decades.

Modernism was largely a European phenomenon, although it did have an American variant. Fr. John Zahm, a scientist at Notre Dame, was one of the leading of the Modernist thinkers. His 1895 book *Evolution and Dogma* explored the implications of Darwinian evolution for Christian theism. St. Josephs Seminary, Dunwoodie also became a hub of Modernist intellectual activity.[10] For a brief period in the early twentieth century prior to *Pascendi's* condemnation of modernism, the priest-scholars at Dunwoodie, through their teaching and the journal *New York Review*, presented a modernist interpretation of church history and theology.[11] But while Zahm, the Dunwoodians, and a few others were dabbling in these controversial endeavors, the more common expression of the liberal spirit among American Catholics came in the attempt to reconcile Catholic and American politics, particularly the separation of church and state.

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[10] On Modernism in American Catholicism see, R. Scott Appleby, *"Church and Age Unite!": The Modernist Impulse in American Catholicism* (Notre Dame: University of Notre Dame Press, 1992). For a broader perspective, Robert D. Cross, *The Emergence of Liberal Catholicism in America* (Cambridge:

Nowhere was the liberal Catholic project more successful and deeply entrenched than in the United States. From John Carroll in late eighteenth century, through James Cardinal Gibbons, Isaac Hecker, and Orestes Brownson in the nineteenth century, the ecclesial and intellectual leaders of the American church had long made reconciliation with the nation's political principles, particular religious freedom, a priority. Boldly ignoring the Vatican's oft repeated rejection of religious freedom, American Catholics declared their support for the separation of church and state. James Cardinal Gibbons, the Archbishop of Baltimore and de facto head of the church in the late nineteenth and early twentieth centuries, declared that "I do not desire. . . that a union of Church and State be had in our country." Similarly, powerful St. Paul Archbishop John Ireland wrote glowingly of the "inestimable advantage" enjoyed by the American church under the Constitution.[12] As Catholic University moral theologian Rev. John Ryan observed in a 1927 *Commonweal* article, "Practically all American Catholics," agree "that separation of

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Harvard University Press, 1958); *Thomas* T. McAvoy, C.S.C., *The Great Crisis in American Catholic History, 1895-1900* (Chicago: Henry Regnery, 1957).

[11] On Dunwoodie and the *New York Review*, see Appleby, *"Church and Age Unite!"*, 91-167.

[12] John Ireland, "The Mission of Catholics in America," in *The Church and Modern Society,* vol. 1 (St. Paul: The Pioneer Press, 1905), 82-83; James Cardinal Gibbons, "The Pope and Our Country," *The Tablet*, August 3, 1918.

church and state is the best arrangement for the United States."[13] But in spite of the support American Catholics gave to the project of reconciling their faith with modern politics, these developments had little impact on the larger Catholic world. It would not be until the twentieth century that American Catholicism's positive response to political liberalism begin to have a notable influence on broader trends in Catholic political and social thought.

The Nascent Liberalism of Leo XIII

The conservatism that had long dominated Catholic social thought gradually began to break down during the late nineteenth and early twentieth centuries. One of the most important turning points in the development of a Catholic liberalism came with the publication of Pope Leo XIII's 1891 encyclical *Rerum Novarum*. The same pope who was so illiberal in certain respects ultimately became the pope who opened the church's doors to the modern world, and in the process, inaugurated the tradition of modern Catholic social thought. One scholar even writes that "Human rights first came into modern Catholic Church social teaching" with *Rerum Novarum*.[14] The language of rights is sufficiently muted, and the encyclical sufficiently shrouded in antimodernist overtones, that it might be overly generous to characterize Leo's writings as having introduced into Catholic social thought the concept of human rights. Yet, the importance of the encyclical in furthering the church's rapprochement with liberalism was tremendous.

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[13] John A. Ryan, "Church, State, and Constitution," *The Commonweal* (April 27, 1927): 681.

Rerum Novarum marked the church's first systematic attempt to engage modernity and to construct a framework for thinking about the relationship of Christianity and modern political and economic institutions.

Rerum Novarum was issued on May 15, 1891. The encyclical is commonly known as "On the Condition of the Working Classes," although the title is translated as "Of New Things." The "new things" about which Leo was writing were the things of industrial capitalism: the "vast expansion of industrial pursuits and the marvellous discoveries of science," the creation of "enormous fortunes," and "changed relations between masters and workmen." Above all, Leo was concerned with how these "new developments in industry" had brought about the "utter poverty of the masses," and how the church ought to response to promote a more just social order. (¶1)

Prior to 1891, the church had offered no meaningful response to industrial capitalism. *Rerum Novarum* marked the church's "awakening" to the problems of industrialization.[15] As Pope John Paul II wrote in his 1991 encyclical *Centesimus Annus*, "Towards the end of the last century the Church found herself facing an historical process which had already been taking place for some time, but which was by then reaching a critical point." (¶4) *Rerum Novarum* marked the church's bold, if belated, response to the radical changes that had shaken European society during the nineteenth century.

Leo was uncompromising in his critique of industrial capitalism. In the words of one American commentator, *Rerum* was "the most crushing indictment of the capitalist

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[14] Martin Shupack, "The Church and Human Rights: Catholic and Protestant Human Rights Views as Reflected in Church Statements," *Harvard Human Rights Journal* 6 (1999): 127.
[15] James O'Connell, "Is there a Catholic Social Doctrine?" in *The Church Faces the Modern World: Rerum Novarum and Its Impact* (Scunthorpe: Earlsgate Press, 1994): 76.

system from a conservative authority."[16] Capitalism, Leo asserted, was a system whose guiding ethos was the "greed of unchecked competition." Unbound by conscience or law, employers had amassed "enormous fortunes" through the brutal exploitation of workers. The working class, having no protection from the "hardheartedness" of capitalists, was left "surrendered, isolated, and helpless." (¶1, 3) Leo was equally harsh in his assessment of socialism. Though socialism offered workers the promise of justice, Leo maintained that state ownership of the means of production would ultimately "rob the lawful possessor [of property], distort the functions of the State, and create utter confusion in the community." (¶4)

Thought Leo commented extensively on the errors of capitalism and socialism, the encyclical's most important innovation was to present the outline of an alternative economic system that would avoid the errors of both laissez-faire capitalism and socialism. While emphasizing the inviolability of private property, Leo called on the state to assume a substantial role in regulating the economy and providing for the needs of the poor. The state, he emphasized, has the absolute right to "step in" when the common good is threatened. (¶36) The centerpiece of Leo's reform program was the living wage. Leo abhorred the argument that wages ought be "regulated by free consent, and therefore the employer, when he pays what was agreed upon, has done his part and seemingly is not called upon to do anything beyond." (¶43) As a principle of natural justice, the pope maintained, employers must pay workers a wage sufficient to support themselves and their families in moderate comfort. Workers are not "bondsmen" enslaved to their employer. They are people "ennobled by Christian character." (¶20)

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[16] Anthony J. Beck, "Capitalism and Christian Democracy," *Catholic World* (December 1919): 360.

Human dignity, not the free market, must be the criteria by which a just wage is calculated.

Leo's encyclical was particularly momentous because it marked the first attempt by one of the established forces of the old order to take up the cause of the working class.[17] In urging Catholics to pursue social reform, *Rerum Novarum* acknowledged the reality and permanence of modern institutions. Even if he was yet unprepared to fully embrace modernity, Leo recognized that Christendom was not going to be resurrected. The Catholic church could never regain the position of supremacy it held during the Middle Ages. To continue aspiring to such a position simply relegated the church to irrelevancy, for in tying its fortunes to a lost world the church had lost its ability to speak to the modern world. Leo thus urged the church not to try to defeat modernity, but rather to transform it. To do so, the church would have to participate in politics and address the issues of the day. *Rerum Novarum* was thus not only a statement on economic justice. It was an attempt to redefine the church's relationship to the modern world and establish the foundations of a political theology. H. Richard Niebuhr could therefore appropriately speak of the "epoch-making pontificate" of Leo XIII, which "drew the Roman Catholic church out of its isolationism and its tendency to think of true Christianity as an alien society in a strange world."[18]

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[17] Paul Misner, *Social Catholicism in Europe* (New York: Crossroad, 1991), 214. In the century following *Rerum Novarum*, the church issued numerous statements expanding Leo's ideas on social justice. Pope Pius XI's *Quadragesimo Anno* (1931), written to commemorate the fortieth anniversary of *Rerum*, the 1965 Vatican II statement *Gaudium et Spes* ("The Pastoral Constitution on the Church in the Modern World"), and most recently Pope John Paul II's *Laborem Exercens* (1981) and *Centesimus Annus* (1991), published on the one-hundredth anniversary of *Rerum*, are among the seminal documents in modern Catholic social thought. On the development of the Catholic social thought tradition see, *Catholic Social Thought: The Documentary Heritage*, ed. David J. O'Brien and Thomas A. Shannon (Maryknoll, NY: Orbis, 1992); *Catholic Social Thought and the New World Order: Building on One Hundred Years*, ed. Oliver F. Williams, C.S.C. and John W. Houck (Notre Dame: University of Notre Dame Press, 1993).

[18] H. Richard Niebuhr, *Christ and Culture* (New York: Harper and Row, 1951): 138.

> Though *Rerum Novarum* opened the church to an engagement with the modern world, the encyclical's outlook remained in important ways resolutely conservative. Ernest Fortin perhaps overstates the premodern character of *Rerum Novarum* when he writes that "In a nutshell, what the encyclical calls for is nothing short of a wholesale return to a premodern and by and large Thomistic understanding of the nature and goals of civil society."[19] More on target is the assessment of Duke University theologian Stanley Hauerwas, who writes that "*Rerum Novarum* was written before Catholics, and in particular the popes, felt obliged to make their peace with modernity and in particular with liberalism."[20] *Rerum Novarum* revealed a new openness to engage modernity, but it also revealed the church's lingering disease with the structure of the modern world. Leo, for instance, remained wed to an organic conception of the social order as opposed to the individualism that undergirded the liberal understanding of the person and the state. Leo also spoke of obligations rather than rights, refusing to adopt what Alan Wolfe refers to as "the language of liberalism."[21] Most revealing is that Leo concluded the encyclical by emphasizing that any deep and lasting solution to the social question would require the reestablishment of "Christian morals, apart from which all the plans and devices of the wisest will prove of little avail." (¶62) Politics and social policy could never replace culture, which served to preserve and promote Christian practices.

While *Rerum Novarum* remained reserved in its approval of liberalism, it introduced, as one historian argues, "several nuances" into the church's rejection of liberalism.[22] In this respect, Pope Leo XIII's encyclical represented a seminal moment in the church's move towards accommodating itself to the modern world. The process was neither fluid nor rapid. Leo may well have been, as Bryan Hehir writes, "too much a part of the historical argument of the nineteenth century" to step fully into the modern world.[23] But while Leo might not have been willing to repudiate the anti-modernism of the nineteenth century popes nor was he "prepared to imitate them."[24] *Rerum Novarum* was neither conservative nor liberal in its outlook. It straddled two worlds – the premodern and the modern – and displayed the church's internal struggle to relocate from one to the other.[25] The encyclical was the mark of a church seeking to reconcile its tradition to the modern world and bring its moral teachings to bear on the political questions of the day.

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[19] Ernest L. Fortin, "'Sacred and Inviolable': *Rerum Novarum* and Natural Rights," *Theological Studies* 53:2 (June 1992): 208-209.

[20] Stanley Hauerwas, *In Good Company: The Church as Polis* (Notre Dame: University of Notre Dame Press, 1995), 126.

[21] Alan Wolfe, "Liberalism and Catholicism," *The American Prospect* 11:6 (January 31, 2000): 16-21.

[22] Paul Misner, "Catholic anti-Modernism," in *Contending with Modernity*, 70.

[23] J. Bryan Hehir, "The Social Role of the Church: Leo XIII, Vatican II and John Paul II," in Oliver Williams, C.S.C. and John W. Houck, *Catholic Social Thought and the New World Order* (Notre Dame: University of Notre Dame Press, 1993), 30.

Vatican II, Religious Freedom, and the Realization of Catholic Liberalism

The decades following *Rerum Novarum* witnessed the bumpy and uneven emergence of a Catholic human rights tradition. Leo XIII's two successors Pius X (1904-1914) and Benedict XV (1914-1922) not only failed to push the Catholic liberal project forward, they actually moved to restore a more traditional mode of theological and political thought.[26] Pius XI (1922-1939) and Pius XII (1939-1958), on the other hand, exhibited an openness to developing Roman Catholic thought about human rights. In light of the great depression that hit Europe in the early 1930s, the rise of fascism and communism, and the Second World War, the church was confronted with the need, and the opportunity, to speak out on behalf of human rights. It was not until the Second

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[24] J. Bryan Hehir, "The Social Role of the Church," in *Catholic Social Thought and the New World Order*, 34.

[25] Ernest Fortin suggests that the language of *Rerum Novarum* straddles these two traditions. The encyclical relies both on the premodern teleological language of duty while framing the discussion in terms of the modern concept of rights. Ernest L. Fortin, "'Sacred and Inviolable': *Rerum Novarum* and Natural Rights," *Theological Studies* 53:2 (June 1992): 227.

[26] David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition* (New York: Paulist Press, 1979): 50.

Vatican Council, however, that the church underwent what David Hollenbach describes as a "fundamental shift" in its understanding of rights.[27]

There is extensive scholarly debate about the origins of rights language in Catholic social thought. One argument is that the concept of natural rights did not appear until at least the fourteenth century. Another perspective pursued by Jacques Maritain and John Finnis, among others, argues for the existence of a concept of natural rights in the thought of Aquinas. Brian Tierney, one of the leading authorities on this subject, even claims that natural rights is found in the thought early thirteenth century scholastics.[28] Though these distinctions seem slight, they are actually of great consequence, most importantly in identifying the relationship of the medieval natural law tradition to the modern conception of rights. The natural law tradition emphasized the concept of duties, and though these duties gave men and women claims against each other, these claims were not thought of as individual subjective rights. The early modern concept of a natural or human right, however, conceived of a right as a subjective right, which exists prior to the social order, and which attaches itself to the individual.[29]

Beginning with Leo XIII in *Rerum Novarum*, Catholic social thought increasingly appropriated modern rights language to discuss the meaning of political and economic justice. Leo, for instance, repeatedly used the word "right" when referring to the moral and political claims workers had against their employers. An important linguistic and conceptual shift had taken place. But while Leo and his successors flirted with rights language, a residual premodern impulse loomed in the background. Leo's use of rights language, for instance, was balanced by his continued concern with the older notion of duties – he refers, for instance, to the "relative rights and mutual duties of the rich and of the poor, of capital and of labor" (¶2). It would not be until Vatican II that the church embraced rights language and, even more critically, move to establish a more thoroughgoing rapprochement with the liberal tradition.

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[27] David Hollenbach, *Justice, Peace, and Human Rights: American Catholic Social Ethics in a Pluralistic World* (New York: Crossroad, 1988): 89.

[28] On the different scholarly perspectives and why they hold significant implications for current debates see, Jean Porter, "From Natural Law to Human Rights: Or, Why Rights Talk Matters," *Journal of Law and Religion* 14 (1999-2000): 77.. See also, Brian Tierney, "Religious Rights: An Historical Perspective," in *Religious Human Rights in Global Perspective: Religious Perspectives*, ed. John Witte, Jr. and Johan D. van der Vyver (The Hague: Martin Nijhoff, 1996): 17-45.

[29] Porter, "From Natural Law to Natural Rights," 79-90. See also, J. Bryan Hehir, "Religious Activism for Human Rights: A Christian Case Study," in *Religious Human Rights in Global Perspective*, 97-119.

The three Vatican II documents in which this transformation of the Catholic understanding of rights took place were *Gaudium et Spes* (1965), *Pacem in Terris* (1963), and *Dignitatis Humanae* (1965). All three of these statements affirmed the church's new position on rights, but *Dignitatis* was the most significant of the three. In this document, the church finally adopted the position that the human person has a right to religious freedom.[30] Overturning the long-established teaching that church and state should be united, *Dignitatis* declared that a person should not be "forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits." In order to protect this freedom, "the right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus is to become a civil right." (¶2) In acknowledging the basic right to religious liberty, the church overcame two hundred years of opposition to modernity and redefined its relationship to the whole of political liberalism. Not only did *Dignitatis*, along with the other Council documents, affirm human rights generally, it affirmed the right of the person to make a free choice on the most fundamental question of human life: one's orientation towards God and one's understanding of life the meaning of life itself.

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[30] On Dignitatis Humanae in light of the history of Catholic teaching on church and state see, Avery Cardinal Dulles, "Religious Freedom: Innovation and Development," *First Things* 118 (December 2001): 35-59.

Though *Dignitatis* gave the church's imprimatur to church-state separation, the document was nevertheless clear in establishing that the church had not fully embraced modernity's understanding of human rights. *Dignitatis* rather emphasized that the church's acceptance of religious freedom should not be interpreted as a surrender to modernity. As George Weigel notes, *Dignitatis* was not "a fatal concession to secular modernity, liberal individualism, and/or religious indifferentism."[31] Far from an act of surrender, *Dignitatis* was, if anything, a repositioning of the church so that it could more effectively engage and challenge modernity. The church still intended to be a critic of the modern world, only it would now do so from within rather than without.

In accepting religious freedom at Vatican II, the church acknowledged that it had learned from the insights of modernity. But the church also maintained that modernity had something to learn from it. In particular, *Dignitatis* emphasized that human rights, and in particular religious freedom, are meaningful and efficacious only when viewed as creating opportunity for the individual person to pursue and discover the truth. Truth cannot be imposed but rather must be discovered freely. Yet freedom also implies an obligation. As *Dignitatis* emphasizes, freedom is balanced by "a moral obligation to seek the truth, especially religious truth." (¶2) To equate freedom of religion with freedom from religion – that is, "to use the name of freedom as the pretext for refusing to submit to authority and for making light of the duty of obedience" – is to deny and corrupt the true nature of the human person. (¶8) Authentic freedom is freedom directed towards truth. According to *Dignitatis,* the end of religious freedom is not freedom from truth but the opportunity to embrace it freely. The concept of authentic freedom first articulated in *Dignitatis* has now established itself as a cornerstone of Catholic thought on political order. John Paul II's seminal 1991 encyclical *Centesinus Annus* marks perhaps the fullest development of this idea to date. Writing on the one hundredth anniversary of *Rerum Novarum*, the popes stated that "freedom attains its full development only by accepting the truth. In a world without truth, freedom loses its foundation and man is exposed to the violence of passion and to manipulation, both open and hidden. The Christian upholds freedom and serves it, constantly offering to others the truth which he has known."[32]

Implicit in this elucidation of the meaning of religious and political freedom was a critique of secular liberalism. As Joseph Komonchak emphasizes, "Those who celebrate the Council as a long-overdue accommodation to modernity often focus on its acceptance of many of the liberal structures of the day but ignore or play down the Council's insistence on the substantive relevance of religion to society."[33] Thus in endorsing the normative status of church-state separation, *Dignitatis* did not endorse a liberalism premised on the separation of religion and politics. Nor, by adopting the language of human rights had the church baptized a liberalism premised on the individual's right to unlimited freedom. The Catholic human rights tradition as inaugurated in *Dignitatis* must certainly an appropriation of aspects of the liberal tradition. But *Dignitatis* was just as concerned with establishing the foundations of a distinctive Catholic liberalism that could criticize and renew the secular liberalism and human rights theory.

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[31] George Weigel, "The Catholic Human Rights Revolution," *Crisis* (July/August 1996).

[32] John Paul II, *Centesium Annus*. This encyclical was published on the one hundredth anniversary of Leo XIII's *Rerum Novarum* ("On the Condition of the Working Classes"), the statement generally understood to mark the beginnings of the modern Catholic social thought tradition.

In the years following Vatican II, the Catholic church emerged as a leading voice in the human rights movement. John Paul II, in particular, has made human rights a centerpiece of his pontificate. He has traveled the world in support of human rights. He addressed the United Nations in 1979, just two months after the beginning of his pontificate, on the occasion of the thirtieth anniversary of the Universal Declaration of Human rights. He has been credited by some as having played a seminal role in the collapse of communism in Eastern Europe.[34] John Paul II has been among the most political of popes, and the cause of human rights is the foundation of his political vision.[35] As Robert Traer notes, "John Paul II has not only forcibly spoken out against human rights violations, but explicitly identified human rights with the mission of the church."[36] The most significant of John Paul's human rights activities, however, has not simply been the promotion of human rights, but the authentication of the vision of human rights born at Vatican II. John Paul has not simply affirmed the church's commitment to the cause of human rights. He has presided over the creation of a distinctive Catholic human rights tradition.

The Catholic Conception of Human Rights

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[33] Joseph Komonchak, "Vatican II and the Encounter between Catholicism and Liberalism" in *Catholicism and Liberalism*, 95.

[34] George Weigel, *The Final Revolution: The Resistance Church and the Collapse of Communism* (New York: Oxford University Press, 1992). See also Weigel's biography of John Paul II, *Witness to Hope* (New York: Harper Collins, 1999).

[35] On John Paul II and human rights see, J. Bryan Hehir, "Religious Activism for Human Rights: A Christian Case Study," in *Religious Human Rights in Global Perspective*, 97-119.

[36] Robert Traer, Faith in Human Rights: Support in Religious Traditions for a Global Struggle (Washington, D.C., Georgetown University Press, 1991), 42.

The Catholic human rights revolution has its roots in the church's gradual accommodation to the political ideas of modernity. Once among the most anti-modern of Christian communities, the Catholic church during the twentieth century constructed a liberal public theology that has positioned it as the Christian community most capable of engaging in a conversation with the broader human rights movement. While other branches of Christianity have either not yet found themselves fully at home in the modern world, or have embraced modernity so fully as to render themselves culturally and politically unable to critique it, the Catholic church possesses the institutional and intellectual resources for placing Christian principles in a meaningful conversation with secular human rights principles.

While the Catholic church has developed the resources to participate in the human rights movement, there remain critical tensions between the Catholic and secular human rights traditions. Although Catholic social thought has gradually adopted many of modernity's political insights, the church has continually reworked these insights in light of its own moral theological tradition. The church has taken the language and political framework of modernity and transformed them in light of Christian truth. In particular, the Catholic tradition has emphasized that human rights must be rooted in a religious worldview and above all a theological anthropology. John Witte writes that that the modern human rights movement was an "attempt to harvest from the traditions of Christianity and Enlightenment the rudimentary elements of a new faith and a new law that would unite a badly broken world." Christian communities "participated actively as midwives in the birth of this modern rights revolution" and were then relegated to a low priority.[37] Catholic thought about human rights has thus sought to return this Christian worldview to the human rights conversation. As such, it has not aimed to supplant modernity but rather to ensure that the ideas and institutions guiding the human rights movement do not shake themselves loose from religion.[38]

The Catholic tradition of human rights as it has emerged during the past four decades, and particularly during the pontificate of John Paul II, rests on several foundational principles that distinguish it from the secular tradition.

(1) *Human Rights Emerge from Human Dignity:* The Catholic defense of human rights is primarily anthropological, that is, it reasons from human nature. As stated in *Pacem in Terris*, "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." (¶9)

(2) *Human Rights are Communal, Not Individualistic*: The Catholic tradition emphasizes that rights exist not just to protect the individual, but to foster the flourishing of the common good. Full personhood can be achieved only through self-donation to others. Thus, political, economic, and social rights all serve the purpose of augmenting

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[37] Witte, Jr. "Law, Religion and Human Rights," 5-6

[38] These tensions became particularly manifest, for instance, during the UN's 1995 Conference on Women, when conflicts arose over issues of family, gender, population control and abortion. See Mary Ann

the life of the community. Catholic human rights theory sharply rejects the individualism of liberal rights talk.[39]

3) *Human Rights are Teleological*: Human rights exist not so that people may pursue their own private goals, but in order that they might move towards truth, faith, and the proper ends of life.[40] The overarching theme of the Catholic human rights movement is the creation of a free and just society in which freedom is restrained by, and oriented towards, particular moral ends. This understanding of freedom stands in sharp contrast to the liberal understanding of freedom, which emphasizes freedom in relationship to individual desires and preferences. The Catholic tradition has emphasized that freedom and human rights exist to open people to the truth, and thus pose the burden to purse the truth.

(4) *Human Rights Must be Understood Theologically*. Human rights do not stand alone, but are related to the drama of salvation. Bryan Hehir writes that "The engagement of the church in the struggle for human rights is not only a moral and political task; it is part of the work of preparing a new heaven and a new earth."[41] John Ryan had drew a similar connection nearly a century earlier, writing that the "salvation of millions of souls" depended opportunity to live with dignity, in a society ordered on principles of social and

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Glendon, "What Happened at Beijing," *First Things* 59 (January 1996): 30-36; Glendon, "Foundations of Human Rights," *American Journal of Jurisprudence* 44 (1999): 1-10.

[39] Kenneth R. Himes, "Rights of Entitlement: A Roman Catholic Perspective," *Notre Dame Journal of Law, Ethics and Public Policy* 11 (1997): 528; David Hollenbach, "A communitarian reconstruction of human rights," 128.

[40] Jean Bethke Elshtain, "The Dignity of the Human Person and the Idea of Human Rights: Four Inquiries," *Journal of Law and Religion* 14 (1999-2000): 53-65.

[41] J. Bryan Hehir, "Religious Activism for Human Rights," in *Religious Human Rights in Global Perspective*, 106.

economic justice.[42] Human rights create a space for the person "to know more and more, and to love more and more, the best that is to be known and love, namely, God."[43]

(5) *Human Rights Encompass both Political and Economic Rights:* Addressing the United Nations in 1979, Pope John Paul stated that "Man lives at the same time both in the world of material values and in that of spiritual values. For the individual living and hoping man, his needs, freedoms and relationships with others never concern one sphere of values alone, but belong to both. Material and spiritual realities may be viewed separately in order to understand better that in the concrete human being they are inseparable, and to see that any threat to human rights, whether in the field of material realities or in that of spiritual realities, is equally dangerous for peace, since in every instance it concerns man in his entirety."[44] John Paul has reiterated this theme throughout his papacy, most thoroughly in his 1991 encyclical *Centesimus Annus*, which emphasized the need for the free market to be "appropriately controlled by the forces of society and by the State, so as to guarantee that the basic needs of the whole of society are satisfied." (¶35)

(6) *Protection of Human Rights is Inseparable from the Culture of Life*. Catholic thought about human rights has firmly rejected abortion, euthanasia, and family planning as inconsistent with a proper conception of human rights and human freedom. This connection was explored most fully in John Paul II's 1995 encyclical *Evangelium Vitae*.

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[42] John A. Ryan, "The Fallacy of 'Bettering One's Position,'" *Catholic World* 86 (November 1907): 148.

[43] John A. Ryan, "The Cost of Christian Living," *The Catholic World* 86 (February 1908): 576. See also, John A. Ryan, "Christian Standards in Social Life," *The Catholic Charities Review* X (February 1926): 51-59.

While there is much within the Catholic tradition that is compatible with the secular liberal conception of human rights, the two traditions nevertheless stand at odds on matters of fundamental import. The Catholic church has therefore increasingly found itself trying to cooperatively advance the cause of human rights while at the same time prophetically challenging the coherence and sustainability of the regnant secular tradition.[45] The church's understanding of human rights more and more embodies a counter-narrative to the secular human rights tradition, as much as it represents a potential bedfellow. This tension between the Catholic and liberal human rights traditions will likely continue to expand, particularly given the growing divergence of opinion on religio-cultural issues. Indeed, the extent to which religious and secular human rights traditions can achieve an overlapping consensus – a consensus perhaps most fully realized in the Universal Declaration of Human Rights – will be a central question for the human rights movement and the Catholic church alike in the years to come.[46]

The coming together of the religious and secular human rights traditions was an important – and historically underappreciated – component of the twentieth-century human rights revolution. But the continued viability of this cooperative enterprise appears less certain. Increasingly contested are not only the particulars of law and public

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[44] Pope John Paul II, Address to United Nations General Assembly, October 2, 1979.

[45] On whether the idea of human rights needs religion see, Michael J. Perry, *The Idea of Human Rights: Four Inquiries* (New York: Oxford University Press, 1998): 11-42; David Smolin, "Church, State, and International Human Rights: A Theological Appraisal," *Notre Dame Law Review* 73 (May 1998): 1515-1546.

[46] Sociologist Peter Berger has noted, for instance, that the human rights conventions and declarations "were not adopted by nations but by a small clique of lawyers, bureaucrats, and intellectuals who are highly westernized and most of who have absolutely nothing to do with the cultures in which most of their fellow

policy, but also the very meaning of human rights, personhood, and freedom. It is against this backdrop that the church must now negotiate its relationship with modern human rights ideas. For nearly two hundred years the church struggled to achieve a rapprochement with modernity deep enough to allow for a critical engagement with the politics and institutions of the modern world. But the ineluctable tensions that remained between these traditions have now revealed themselves. A rethinking of Catholic public theology, not unlike the rethinking that accompanied the creation of a liberal tradition during the nineteenth and twentieth centuries, might thus prove necessary as the church strives to establish its location within the human rights movement.

Charles Villa-Vicencio of South Africa's Truth and Reconciliation Commission writes that religion and the human rights movement should continue to engage in the practice of "mutual critique and correction."[47] As hopeful and appealing as is this vision, it might well prove to be an increasingly difficult vision for the Catholic church to realize. As the mainstream human rights tradition becomes more separated from its religious moorings and the concomitant moral and anthropological dictates, the points of contact that once allowed for a conversation of mutual critique and correction have withered. A public theology focused on redeeming the idea of human rights through a return to religion might, as a consequence, prove a difficult and perhaps even imprudent goal. It would be premature to dismiss the viability of Catholic liberalism in its current incarnation working cooperatively to advance the cause of human rights. But the extent to which such a Catholic liberalism ought embrace the modern human rights movement

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nationals live." Quoted in Smolin, "Will International Human Rights be Used as a Tool of Cultural Genocide," at 15.

[47] Charles Villa-Vicencio, "Christianity and Human Rights," *Journal of Law and Religion* 14 (1999-2000): 579.

as the appropriate vehicle for advancing the cause of human dignity is a question worthy of reflection.