The Long and Winding Road

The Roman Catholic Church and human rights: the relationship is not obvious. The role played by the Roman Catholic Church in regard to human rights in society can be called, at best, ambivalent.

On the one hand one cannot escape the conclusion that the Christian ethos, and sometimes the Church itself, has contributed to making the concept of human rights plausible and to its refinement in the Western world. Brute force found itself often corrected by Christianity. In 1895 the Austrian jurist Georg Jellinek (1851–1911) located the origin of human rights, as they exist today, in the freedom of religion and of conscience which society has sought to enforce on the level of religion since the Reformation. We could question whether this is entirely true: together with religion, political power-relations and philosophical ideas play an explicit role. But we cannot minimize the key role played by the Church and Christianity in the origin and the development of human rights.

Opposed to that is the fact that, in a later period, the Church seemed to be everything except an ally of the same human rights. In the title of the written report following a lecture given by Cardinal Roger Etchegaray in 1989 on Christian culture and human rights, the rather provocative (certainly in Catholic circles) motto, “From rejection to engagement” figured prominently. And this rejection is actually a historical fact, which can be little changed by historical writing through rose-colored glasses. In his encyclical Mirari vos of 15 August 1832 Pope Gregory XVI (1831–1846) called
freedom of conscience an absurdity, a form of insanity. And in the *Syllabus errorum* of Pope Pius IX (1846–1878)\(^5\) no great improvement can be seen, as the author condemned a number of modern freedoms.\(^6\)

There is not really an excuse justifying the attitude of the Church. Yet, there is an explanation. The critical point was the autonomy and anticlerical character with which the concept of human rights was brought into practice. The popes of the nineteenth century, even Leo XIII (1878–1903) with his dawning openness, saw a contradiction between human rights and theonomy, a world order preordained by God.\(^7\) It was impossible in these days to differentiate between the historically contingent causes of the rise and formulation of human rights and their fundamental objectives.\(^8\)

Slowly the Church’s standpoint changed. Is this change a break with tradition? According to Walter Kasper it is not, as the true nature of the Church’s tradition is a living tradition. It does not consist in the blind repetition of the same sentences, but in the living, self-transforming representation of itself and its *depositum fidei* in the light of the questions asked anew in every period.\(^9\) It goes without saying that the very notion of *living tradition* can play an important strategic role in the evolution of ecclesial thinking. It undermines the possibility of contradictions. In an atmosphere of living tradition, a pope can stay in line with his predecessor, and at the same time proclaim the opposite viewpoint.

The attitude of Pius XII (1939–1958) toward the Nazi regime is not free of criticism,\(^10\) but what happened at that time has certainly had major effects in the Church. A positive evaluation of human rights came into existence through a more accommodating attitude toward the world with its political and social dimensions. The way was cleared by two encyclicals of Pope John XXIII (1958–1963), *Mater et magistra* (1961) and *Pacem in terris* (1963), and continued through the Second Vatican Council.

Two documents in particular achieved a definitive breakthrough, namely the pastoral constitution *Gaudium et spes* on the Church in the world

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