

Three Themes in Pope Benedict XVI's *Caritas in Veritate*

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Introduction

IN A FEW paragraphs of *Caritas in Veritate*, Pope Benedict XVI directs attention to three points in Catholic social doctrine that are extremely important at this moment in time for the salvific mission of the Church and for the common good of society. These points are: the link between life ethics and social ethics (§15), the priority of duties over rights (§43), and the dependence of environmental ecology on human ecology (§51). It goes without saying that these three teachings are widely rejected in secular society; less well known, however, is that they are rejected or unknown within the Catholic Church itself because many Catholics take their cues on matters of justice from the reigning opinions in society.¹

The Link between Life Ethics and Social Ethics

The Contemporary Meaning of Social Justice

Pope Benedict XVI is acutely aware that many proponents of what has come to be known as social justice (the most influential subset of social ethics) pay little or no attention to life ethics, especially pertaining to contraception, same-sex marriage, abortion, euthanasia, and embryo-destructive research. Hence, he tries to rouse these people from their dogmatic slumber by a few thought-provoking sentences:

¹ In much of what follows I have drawn from my forthcoming book, *Church, State and Society: An Introduction to Catholic Doctrine*, to be published by The Catholic University of America Press.

Humanae vitae indicates the *strong links between life ethics and social ethics*. . . . The Church forcefully maintains this link between life ethics and social ethics, fully aware that “a society lacks solid foundations when, on the one hand, it asserts values such as the dignity of the person, justice and peace, but then on the other hand, radically acts to the contrary by allowing or tolerating a variety of ways in which human life is devalued and violated, especially where it is weak or marginalized.” (§15)²

While many Catholic proponents of social justice also defend life ethics, other Catholics speak passionately about the dignity of the human person and about social justice but are silent on the question of abortion or loudly proclaim “the right to choice.” Without any embarrassment, these Catholics don’t include abortion under the rubric of social justice and don’t express their opposition to *Roe v. Wade*, the Supreme Court opinion which allows the killing of unborn children for the whole nine months of pregnancy. They even get indignant at the U.S. Catholic bishops for placing an emphasis on the defense of life, and on marriage between a man and woman. Because these Catholics identify their progressive political opinions with the teachings of the Gospel, they genuinely wonder why all right-thinking Catholics don’t publicly endorse their whole social-justice agenda, which is essentially the program of the Democratic Party. How many times have we heard the recently deceased Senator Edward Kennedy, a staunch supporter of the right to abortion, defended with the argument that he agreed with the U.S. bishops on all issues of social justice, while the right-to-lifers care only about abortion at the expense of social justice. The conclusion then drawn is that pro-choice Catholic politicians who are dedicated to social justice should be tolerated without criticism, or even honored for their good work.

A moment’s reflection should reveal to Catholics that the protection of unborn babies from abortion is a matter of justice, which above all requires that we give each person his or her due. But in social-justice circles and in university peace and justice programs, you will rarely hear a mention of any linkage between abortion and social justice or between the latter and the virtues. In fact, social justice as presently understood has nothing to do with personal virtue. This is because social justice is not understood as a virtue at all, unlike the justice that is one of the cardinal virtues.

Social justice is most often understood to mean a more equitable distribution of wealth through government intervention and, especially, a reconstruction of the social and political order through the reform of institutions. According to this description, social justice means a state of affairs brought about by some kind of concerted activity, especially by the activity of the state. Neither faith, nor charity, nor the practice of the

² Quotation from Pope John Paul II’s *Evangelium Vitae*, §101.

other Christian virtues is necessary for the attainment of social justice. Still other meanings may include progressive opinions on political and social issues, volunteer work for the needy, and the recognition of a wide variety of rights, especially for the disadvantaged.

The contemporary concern for social justice leads primarily to a stress on public-policy initiatives, to a reorganization of “the system,” and to social reform. In addition, there is a tendency to regard social justice as a principle of rights against society rather than as a virtue inclining a person to fulfill duties toward society. Social justice is the title in whose name individuals and groups demand things as their rights or make demands on behalf of others.

Hearing the above description of social justice, one might reasonably infer that Catholic social-justice advocates might think of reorganizing the political system so that the unborn would be protected from abortion. This would be the case if social justice were understood as the modern form of Thomistic legal justice, but this is usually not the case. As Ernest Fortin explained, the contemporary understanding of social justice is influenced not by Aquinas but by Enlightenment liberalism:

[That contemporary understanding] shares with early modern liberalism the view that society exists for the protection of certain basic prepolitical rights, and it radicalizes that view by combining it with an emphasis, stemming ultimately from Rousseau, on the need for a greater equalization of social conditions as a means of guaranteeing the exercise of those rights. . . . Accordingly, it calls for either a radical redistribution of material resources, or, short of that, the establishment of a system that reduces as much as possible the distance separating the social classes. Its immediate goal, in short, is to produce happy rather than good human beings.³

So, besides advocating a redistribution of resources, proponents of social justice look to society for the protection of rights, or as we are more likely to say today, autonomous choice. In this perspective, women must enjoy the right to choose the termination of their pregnancies in order to satisfy the demands of social justice. Given their perspective, progressive Catholics quite logically reason that the mark of the moral person today, both within and outside the Catholic Church, has become dedication to human rights and especially social justice—understood, of course, in a restrictive sense.

The contemporary vision of social justice is very attractive to people because it directs attention to some important needs of the poor and the

³ Ernest Fortin, *Human Rights, Virtue, and the Common Good: Untimely Meditations on Religion and Politics*, ed. J. Brian Benestad (Lanham, MD: Rowman & Littlefield, 1996), 273, 274.

marginalized (the truth grasped by contemporary social-justice advocates), while allowing its adherents to embrace the political opinions of secular liberals. No need to be countercultural on the so-called social issues! That would be a lack of respect for pluralism. Many adherents of social justice believe that they bring justice to the land by working for the rights and material well-being of all, even though observance of life ethics is not part of their agenda.

Social Justice Should Be Understood as Thomistic Legal Justice

There is little hope of reestablishing the link between life ethics and social justice on a wide scale, because so many people subscribe to the narrow understanding of social justice just described. For attitudes to change in the Catholic Church, two things have to be done in the coming decade. A great educational effort will be necessary both to persuade Catholics that the term “social justice” should be understood as an updating of Thomistic legal justice, and to show them that it is unreasonable to hold that belief in the Gospel requires the embrace of progressive political opinions. (Of course, reason may determine that progressive policy may be our best option in some circumstances.)

The concept of social justice is relatively new in the history of theology and political philosophy. No theologian or philosopher prior to the nineteenth century ever spoke of social justice: not Plato, not Aristotle, not even Augustine or Aquinas. A Jesuit philosopher by the name of Luigi Taparelli D’Azeglio was the first to use the concept of social justice, in his major work *Saggio teoretico di diritto naturale appoggiato sul fatto*.⁴ It was not until 1931, with the publication of Pius XI’s *Quadragesimo Anno*, that the concept of social justice officially and formally entered into the patrimony of papal social thought, although as early as 1923 Pius XI had already equated Thomistic legal justice with social justice.⁵ During the approximately ninety years between Taparelli’s work and Pius XI’s encyclical, scholars explained the concept of social justice in different ways. Crucial to an adequate appraisal of the concept is some appreciation of what happened to Aquinas’s notion of legal justice in the works of his commentators, but that is a story for another day.

Thomas Aquinas originally wrote that legal justice is the virtue which “directs the acts of all the virtues to the common good.”⁶ Legal justice inclines a person to perform actions useful to another, to the community,

⁴ Two volumes (Palermo: 1840–1843).

⁵ Jean Y. Calvez, “Social Justice,” *New Catholic Encyclopedia*, Volume 13 (Washington, DC: The Catholic University of America, 1967), 319.

⁶ *Summa theologiae* II–II, q. 58, a. 6.

or to the ruler of the community. It consists in the exercise of every virtue having to do with another. Every moral virtue directed to the common good is called legal justice. Prudence, of course, is essential for the practice of legal justice, since all moral virtue is incomplete without prudence. By his examination of the virtue of legal justice, Thomas Aquinas makes clear the essential link between personal virtue and justice, as well as the obligation of all citizens to find a way to contribute to the common good by fighting injustices and/or by promoting an ever more just society. Whether social justice should be understood as a modern update of Thomistic legal justice was a subject of debate among scholars.

The publication of *Quadragesimo Anno* had the potential of ending the debate about the meaning of social justice, but it did not. The scholarly commentary on the so-called social-justice encyclical is unevenly divided as to the meaning of sound social justice. The larger group of scholars, including Brucculeri, Calvez, Nell-Breuning, and Newman, among others, argue, correctly in my opinion, that Pius XI understood by social justice what Thomas Aquinas meant by legal justice.⁷ For example Jeremiah Newman writes, "As a virtue it is best described as that disposition of the will which inclines individuals and social groups in general to work for the common good of the community of which they are parts."⁸ That means that individuals and groups can work for the common good of the family, the professions, any voluntary association, and the country as a whole. Hence everyone "can contribute directly to the common good at some level or another."⁹

After studying *Quadragesimo Anno* over a period of years, I can well understand why scholars could disagree about the proper interpretation of social justice. The full meaning of the concept can be discerned only by connecting various parts of the encyclical and by drawing out the implications of the connections. The most helpful interpretive aid for that work of discernment is the precise definition of social justice given by Pius XI in his 1937 encyclical, *Divini Redemptoris*.

It is of the very essence of social justice to demand from each individual all that is necessary for the common good. But just as in the living organism it is impossible to provide for the good of the whole unless each part and each individual member is given what it needs for the exercise of its proper functions, so it is impossible to care for the social organism and the good of society as a unit unless each single part and

⁷ Ibid., a. 3.

⁸ Jeremiah Newman, *Foundation of Justice* (Cork, Ireland: Cork University Press, 1954), 108.

⁹ Ibid., 109.

each individual member . . . is supplied with all that is necessary for the exercise of his social functions.¹⁰

This means, as Newman suggested, that social justice is a virtue inclining persons and groups to work for the common good of the family, the professions, voluntary associations, schools, neighborhoods, the political community on the local, national or international level, etc. In this understanding of social justice, “the duty of making oneself a neighbor to others and actively serving them becomes even more urgent, the more needy people are, in whatever area this may be.”¹¹ This Catholic perspective opens up vistas of service for individuals of widely differing talents, but implicitly suggests that various levels of knowledge and suitable dispositions are required for effective service. Consider all that is necessary to make sure that college students, for example, graduate with the ability to read well, to write correctly, and to ponder questions pertaining to the best way to live and to the meaning of the common good. Or imagine all that individuals and groups would have to know and do in order to address successfully problems of poverty at home and abroad. Social justice, then, requires not only that the common good be served by everyone but also, as Pius XI implies in the above selection from *Divini Redemptoris*, that all have the requisite material goods and receive the kind of education and formation needed to make a contribution to the common good. (These requirements are not specifically mentioned by Aquinas in his brief treatment of legal justice.) If individuals are not adequately prepared to work for social justice, there is no reasonable ground to expect very much.

Social Justice and the Consistent Ethic of Life

Not only is education on the meaning of social justice necessary to overcome the split between life ethics and social ethics, but also the harm done by Joseph Cardinal Bernardin’s consistent ethic of life theory must be overcome. What does this “consistent ethic of life” entail? Generally, it is a term used in social-justice circles to describe the position that those who object to the taking of life at one stage or in one form must object to the taking of life at all stages and in all forms. Practically speaking, this means that those who oppose abortion should in practice oppose capital punishment and most wars. It is also generally understood to mean that Catholics should promote a respect-life attitude by supporting government spending on what are called the “social-justice” issues and should

¹⁰ Pope Pius XI, *Divini Redemptoris*, §51.

¹¹ *Catechism of the Catholic Church*, §1932.

embrace a host of progressive priorities. This is a position articulated by the late Cardinal Bernardin, the former Archbishop of Chicago, who argued in his much-discussed Fordham address of 6 December 1983 that a consistent ethic of life not only opposes abortion but also endorses policies designed to increase a people's well-being, that is, their quality of life. Cardinal Bernardin argued, "A quality of life posture translates into specific political and economic positions on tax policy, employment generation, welfare policy, nutrition and feeding programs and health care."¹² This could be sound advice if people understood that reasonable Catholics could legitimately disagree on which "specific political and economic positions" will be the most effective.

Anyone who is consistently pro-life and on the side of justice should favor the kind of governmental policy that will help everyone, especially the poor. So, Cardinal Bernardin interpreted "the consistent ethic of life" to mean both opposition to clear evils about which there is no dispute and also the endorsement of specific positions on such matters as tax policy, about which there will inevitably and legitimately be disagreement. According to Vatican II's *Gaudium et Spes*, reasonable Catholics might disagree as to which policies will do the most good:

Often enough the Christian view of things will itself suggest some specific solutions in certain circumstances. Yet it happens rather frequently, and legitimately so, that with equal sincerity some of the faithful will disagree with others on a given matter. Even against the intentions of their proponents, however, solutions proposed on one side or another may be easily confused by many people with the gospel message. Hence it is necessary for people to remember that no one is allowed in the aforementioned circumstances to appropriate the Church's authority for his own opinion. (§43)

Many Catholics now interpret the "consistent ethic of life" to mean that a candidate who is against abortion, euthanasia, the destruction of embryos in research, cloning, same-sex marriage, et cetera, does not deserve their vote if he or she supported the recent war in Iraq, believes in the death penalty and/or doesn't support the Democratic Party line on poverty and health-care programs. Put another way, Catholics interpret Cardinal Bernardin's consistent ethic of life theory to mean that a candidate who is adamantly "pro-choice" and a supporter of same-sex marriage might be worthy of their vote if he also favors policies that promote social justice.

¹² Joseph Cardinal Bernardin, "Call for a Consistent Ethic of Life," *Origins* 13, no. 29 (1983): 493.

My point will perhaps become clearer if we take a brief look at Michael Pakaluk's critique of Cardinal Bernardin's "seamless garment" or "consistent ethic theory." Pakaluk says it would make no sense to argue that the South before 1865 was unjust because of the institution of slavery and because the roads were not properly maintained in poorer regions. While the latter would be a problem, it would simply pale in relation to the evil of slavery. To think about the relation of abortion to other evils, Pakaluk suggests that there are two ways of conceiving the evil of abortion:

The first is that abortion is a calamity, a moral catastrophe of the first order, like the Ukrainian famine or the Holocaust. On this view, legalized abortion constitutes a direct attack on the foundation of our society: it involves the destruction of the most fundamental human bonds and requires, perilously, the continued corruption of our legal and medical professions. Our immediate task as citizens is to work with an almost militant commitment . . . to remove this evil.¹³

According to this view, the primary duty of all citizens, especially Catholics, is to do everything morally possible to oppose the evil of abortion. The second way of looking at abortion, argues Pakaluk, is to look at it as one of many evils threatening the polity. "These evils come and go over time; and . . . we simply have to do our best to bring about the best society that we can achieve."¹⁴ According to this way of looking at things, faithful citizens may vote for pro-abortion candidates who seem to oppose more evils than pro-life candidates. "The seamless garment theory," argues Pakaluk, "gives no support to the first view, which follows logically from the very nature of abortion conceded by Bernardin, and encourages the second view, which is a formula for lukewarmness and apathy."¹⁵

In sum, the consistent ethic of life theory now gives pro-choice, social justice Catholics a justification for not taking Catholic teaching on life ethics seriously. Since these Catholics believe that their positions on social-justice issues reflect Gospel imperatives, their defense of the right to choose abortion should, they imply, be regarded by pro-life Catholics as only a small lapse amidst so much good. In fact, pro-choice Catholics themselves don't see their defense of "the right to choice" as a lapse, small or large, but the only reasonable position to take in a pluralist society, since "imposing" the Catholic view of abortion on other citizens would

¹³ Michael Pakaluk, "A Cardinal Error: Does the Seamless Garment Make Sense?" *Crisis* 6, no. 10 (1988): 14.

¹⁴ *Ibid.*, 4.

¹⁵ *Ibid.*, 14.

be tantamount to intolerance. Not a few pro-choice Catholics even claim fidelity to Catholic teaching on life ethics on the grounds that they are personally opposed to abortion.

The Priority of Duties over Rights

Introduction

Chapter four of *Caritas in Veritate* begins with the countercultural affirmation that unless duties take precedence over rights, the latter can get out of control and become “*mere license*” (§43). That is to say, some people in affluent countries, not guided by duties, now feel justified in defending a “‘right to excess,’ and even to transgression and vice” (§43). When duties are the primary moral counter, they set limits to rights and ensure more respect for the genuine rights of individuals and peoples. If enough people are guided by their duties, they will be moved to do something about “the lack of food, drinkable water, basic instruction and elementary health care in areas of the underdeveloped world and on the outskirts of large metropolitan centers” (§43). The priority of duties over rights is not widely accepted in liberal democracies and has not even been a prominent theme in Catholic social doctrine, though it is emphatically mentioned several times, as we will see.

Catholic Social Doctrine on Rights

Catholics formed by the narrow social-justice model just explained would have another chance to be liberated from this straitjacket if they understood Catholic teaching on the priority of duties over rights. That priority doesn’t allow a kind of standoff between the “right to choose” and the right to life. Rights, properly understood, depend on duties, which have their foundation in natural law. For example, Vatican II’s *Declaration on Religious Liberty* bases the right to religious liberty on the duty to worship God. Catholics have a duty not to kill the innocent and a duty to work for laws that protect the innocent from being killed. So, there should be no Catholic support for a right to choose abortion.

Between 1891 and the present, the Catholic Church has developed an impressive body of teachings on human rights in the light of its teaching on natural law and duties. In addition to Vatican Council II, Popes Leo XIII, Pius XI, Pius XII, John XXIII, Paul VI, John Paul II, and Benedict XVI have all addressed the subject of human rights. Leo XIII’s *Rerum Novarum* introduced the language of rights into Catholic social doctrine; John XXIII’s *Pacem in Terris* has been called a human rights encyclical; and, as Cardinal Avery Dulles pointed out, John Paul II placed more emphasis on human rights than any

of his predecessors.¹⁶ On several occasions John Paul II lavished fulsome praise on the United Nations' Universal Declaration of Human Rights. For example, at the very beginning of his address to the United Nations on 5 October 1995, the late pope said that the 1948 Declaration is "one of the highest expressions of the human conscience of our time."¹⁷

The Catholic emphasis on rights is readily understandable. The language of rights gives the Church a way to communicate with people in the present age. The language of virtue and duty is not always clear to people and sometimes raises fears of impending impingements on their freedoms. Respect for rights honors the dignity of the human person and promotes justice in society. When human rights are respected, people's lives are safe and secure and they enjoy a whole panoply of religious, economic, cultural, and political freedoms. The right to religious freedom is crucial for the mission of the Church and the well-being of the state. The Church needs freedom to bring its message of salvation, and individuals need freedom to practice their faith, from which flow justice and peace.

The language of rights, in addition, gives people a common idiom to discuss and recognize justice and injustice, and it accords with the emphasis in modernity on freedom. Where people enjoy the protection of rights, especially the right to religious liberty, governments cannot act in a tyrannical fashion. Rights can even be invoked when there is no agreement on their philosophical and theological foundation.

What problems, then, can the protection of rights actually pose? The simple answer is that, unlike virtue, rights can be misused. They have been increasingly invoked to justify abortion, euthanasia, suicide, physician-assisted suicide, and marriage between people of the same sex. People can appeal to their rights as a justification for not making any contributions to the communities in which they live. For example, people could say they have a right to their wealth and have no obligation to share it with others. Resolving conflicting rights claims can be very difficult or impossible if there is no shared understanding of human dignity. In the United States, there is no commonly accepted moral standard to resolve the dispute between those who advocate a right to life and those who insist on a right to choose abortion.

The study of political philosophy reveals that natural rights (now called human rights) had an unsavory origin. Hobbes put forth his rights

¹⁶ Avery Cardinal Dulles, "Human Rights: The United Nations and Papal Teaching," in *Church and Society: The Lawrence J. McGinley Lectures 1988–2007* (New York: Fordham University Press, 2008), 278.

¹⁷ Pope John Paul II, "Address to the United Nations," 5 October 1995, §2. Cf. Vatican website under the travels of Pope John Paul II.

teachings as an alternative to the natural right and natural law of the premodern period. Hobbes famously said there is no *summum bonum* (highest good) to which people can look for guidance in the exercise of their rights. While Locke may have softened Hobbes's formulation, he still ratified the break with the classical philosophers and left people without a *summum bonum* as the moral standard for their rights. Many scholars recognize that Locke's writings on rights had a deep influence on the American founding, but it wasn't exclusive, since the Christian convictions of the early Americans influenced the way they exercised their rights. It is only in recent times that rights have become more and more detached from Christianity and natural law standards, especially under the influence of historicism, relativism, and Nietzschean autonomy. These philosophical approaches actually call into question the foundation of rights and lead people to create their own values by an act of the will.

How Catholic social doctrine maintains a standard for the exercise of rights can be clearly seen by looking at selected parts of Leo XIII's *Rerum Novarum*, John XXIII's *Pacem in Terris*, and Vatican II's *Gaudium et Spes*.

Catholic Social Doctrine on the Priority of the Divine Law and Duties

Leo XIII's grounding of the right to private property in natural law is a new development in the Catholic tradition. There simply is no statement about the right to property in the natural law teaching of Thomas Aquinas. Thomas Aquinas never argued that anyone had a natural right to property, much less "a sacred right." He did say that "the division of possessions is not according to natural right but rather arose from human agreement. . . . Hence, the ownership of possessions is not contrary to natural right but an addition thereto devised by human reason."¹⁸ Aquinas defended private ownership not as a right but simply as an efficient means of promoting industry, order, and peace. (It is important to note that Aquinas's reference to natural right is not at all a synonym for natural rights or human rights. The latter concepts refer to the subjective claims of the individual against other individuals and governmental power, while "natural right" refers to moral principles that have validity apart from the claims and opinions of individuals. Aquinas, in fact, never spoke of natural or human rights. The concepts of universal natural rights, as we have mentioned, only emerged in the seventeenth century in the writings of Thomas Hobbes.)

Pope Leo XIII cites Deuteronomy 5:21 to prove that divine law undergirds the right to property. That text reads: "Thou shall not covet

¹⁸ *ST* II-II, q. 66, a. 2, ad 1.

thy neighbor's wife, nor his house, nor his field, nor his maidservant, nor his ox, nor his ass, nor anything that is his." The text affirms the duty of all not to desire the property or wife of another, and thus implies that people have a right to their lawful possessions. If the duty is observed, the people will enjoy the right to their property without disturbance.

After defending the right to property, Leo XIII puts forth the traditional Catholic teaching on property as expressed by Thomas Aquinas. Citing St. Thomas, he writes "[M]an ought not regard external goods as his own but as common so that, in fact, a person should readily share them when he sees others in need. Wherefore, the apostle says: 'Charge the rich of this world . . . to give readily to others.'"¹⁹ According to Leo, then, there really is no absolute right to dispose of wages, land, and personal property as one wishes (*uti velit*). Rather, Christians have an obligation to use their property and talents for their own good and the good of others:

[W]hoever has received from the bounty of God a greater share of goods, whether corporeal and external, or of the soul, has received them for this purpose, namely, that he employ them for his own perfection, and likewise, as a servant of Divine Providence, for the benefit of others.²⁰

In the section on the role of the state, Leo XIII clearly says that duties owed to God take precedence over rights belonging to human beings. In this Leonine perspective, it makes no sense to speak of individual rights to property apart from obligations to love God, self, and neighbor. *Rerum Novarum* teaches that nothing in life is more important than virtue. Those examining the example given by Jesus, says Leo, cannot fail to understand these truths:

The true dignity and excellence of human beings consist in moral living, that is in virtue; virtue is the common inheritance of man, attainable equally by the humblest and the mightiest, by the rich and the poor; and the reward of eternal happiness will follow upon virtue and merit alone, regardless of the person in whom they may be found."²¹

Rerum Novarum also teaches that the attainment of the common good—including the material relief of the working class—can be attained only if people practice virtue at home, in the marketplace, and in positions of political and civic leadership. "Wherefore, if human society is to be healed, only

¹⁹ *Rerum Novarum*, §36.

²⁰ *Ibid.*

²¹ *Ibid.*, §37.

a return to Christian life and practices will heal it" (*revocatio vitae institutorumque Christianorum; il ritorno alla vita e ai costumi Christiani*) (RN §41):²²

[S]ince religion alone, as we said in the beginning, can remove the evil root and branch, let all reflect upon this. First and foremost, Christian morals must be reestablished, without which even the weapons of prudence, which are considered especially effective, will be of no avail to secure well being.²³

Pope Leo XIII's attempt to use and tame the modern teaching on rights was a grand effort. Leo really tried to integrate the premodern virtue tradition with the modern rights tradition stemming from Thomas Hobbes and John Locke. This is an immense task, since the originator of rights doctrines, Thomas Hobbes, as previously mentioned, completely divorced rights from any notion of a *summum bonum*. In other words, for Hobbes, the exercise of rights was not guided by the highest good. In this most illuminating paragraph, Ernest Fortin discusses the difference between the premodern tradition of virtue and the modern tradition of rights:

The passage from natural law to natural rights and later (once "nature" had fallen into disrepute) to "human" rights represents a major shift, indeed the paradigm shift in our understanding of justice and moral phenomena generally. Prior to that time, the emphasis was on virtue and duty, that is to say, on what human beings owe to other human beings or to society at large rather than on what they can claim from them.²⁴

According to a prevalent understanding of rights, individuals are free to create their own values. In one of their abortion cases, *Planned Parenthood v. Casey* (1992) the U.S. Supreme Court said, "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe and of the mystery of human life." Fortin rightly notes that this much-cited sentence has striking implications:

The only just society is the one that grants to each individual as much freedom as is compatible with the freedom of every other individual. It has nothing to say about the good life and is not concerned with the promotion of virtue. Its sole function is to insure the safety of its members and provide for their comfort.²⁵

²² Ibid., §41. Latin and Italian texts are included here to justify my modification of the English translation. The Italian *costumi* correctly translates *institutorem*, whereas the English should be "practices" or "customs" instead of "institutions."

²³ Ibid., §82.

²⁴ Fortin, *Human Rights*, 20.

²⁵ Ibid., 23.

These theoretical observations as well as the experience of living in America show that rights are not so easily integrated into the premodern virtue tradition. Rights tend to be understood and lived as though they are divorced from the highest good. Not that everyone understands them that way!

For many years I have been asking my students—who are mostly Catholic—why they respect the rights of others. They invariably respond, “So that other people will respect mine.” They hardly ever say because it is the right or virtuous thing to do. Yet, I believe that many of them do respect rights because it is the right or virtuous thing to do, but they cannot speak in the language of virtue.

Vatican Council II did place rights in a context where they could be integrated into the premodern virtue tradition. *Gaudium et Spes* says:

[T]herefore, by virtue of the gospel committed to her, the Church proclaims the rights of man. She acknowledges and greatly esteems the dynamic movements of today by which these rights are everywhere fostered. Yet these movements must be penetrated by the spirit of the gospel and protected against any kind of false autonomy. For we are tempted to think that our personal rights are fully insured only when we are exempt from every requirement of divine law. But in this way the dignity of the human person is by no means saved; on the contrary, it is lost.²⁶

This approach would put rights in the kind of framework—teleological, to be exact—that would enable Catholics to integrate rights doctrines with traditional teachings on virtue. This passage clearly reveals the Church’s awareness that people are tempted to invoke rights as a way to justify an autonomy independent of objective moral norms. This false autonomy would include the kind promoted by relativism and historicism.

In *Pacem in Terris* Pope John XXIII insists on grounding human rights in the natural law and keeping them linked to duties:

For every fundamental human right draws its indestructible moral force from the natural law, which in granting it imposes a corresponding obligation. Those, therefore, who claim their own rights, yet altogether forget or neglect to carry out their respective duties, are people who build with one hand and destroy with the other.²⁷

By teaching that the foundation of human rights is natural law and that a person’s duties remain in the age of rights, John XXIII advances an under-

²⁶ *Gaudium et Spes*, §41.

²⁷ *Pacem in Terris*, §30.

standing of rights different from that of Hobbes and Locke. Until these teachings of Vatican Council II and of Pope John XXIII find their way into local catechisms, Sunday homilies, and subsequent Church document, most Catholics will most likely not understand their full import.

People with a secular perspective on rights would have a great deal of difficulty accepting that rights are subordinate to the divine law, or otherwise stated, the highest good. The Church could perhaps persuade some non-Catholics and non-religious people that rights must be exercised in the light of some shared understanding of the good, however minimal. The understanding and observance of the natural law is an excellent way of coming to an agreement on common standards.

In order to see what happens when duties don't have priority over rights, it is instructive to look at the exercise of rights in the United States through the eyes of Mary Ann Glendon, one of the great defenders of the Universal Declaration of Human Rights.²⁸ Her book, *Rights Talk: The Impoverishment of Political Discourse*, is an excellent introduction to thinking about the understanding and exercise of rights in America and the problems caused by the neglect of duties.

The Priority of Rights over Duties in the United States

Mary Ann Glendon's *Rights Talk* should help American citizens understand why the preoccupation with creating and asserting rights undermines the fulfillment of duties. Glendon explains that the pervasive presence of rights talk in political, social, and cultural life causes difficulty in defining critical questions, finding common ground for discussion, and arriving at compromises in the face of intractable differences. Rights talk is silent "with respect to personal, civic, and collective responsibilities."²⁹ Furthermore, "simplistic rights talk," says Glendon, "simultaneously reflects and distorts American culture. It captures our devotion to individualism and liberty, but omits our traditions of hospitality and care for the community."³⁰ Glendon, of course, doesn't argue for abandoning the American rights tradition. Rather, she is in favor of supplementing the language of rights with that of duty and responsibility in the law, public life, culture, and everyday life. This is not a utopian task, according to Glendon, because Americans already use the language of responsibility, such as duty and character, at home, in school, and at the workplace.

²⁸ Cf. Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).

²⁹ Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse* (New York: The Free Press, 1991), x.

³⁰ *Ibid.*, xi–xii.

Glendon notes that legal concepts, especially rights talk, have permeated popular culture and political speech. She explains, "There is no more telling indicator of the extent to which legal notions have penetrated both popular and political discourse than our increasing tendency to speak of what is important to us in terms of rights, and to frame nearly every social controversy as a clash of 'rights.'" ³¹ These two tendencies lead Americans to misperceive the social dimension of the human person. Under the influence of the rights paradigm, people fail to recognize personal and collective duties.

Our experience with abortion and property rights illustrates to me what Glendon is getting at. Focusing on the "absolute" right to property and to abortion, Americans may neglect their duty both to put their talents and material goods at the service of others and to avoid killing unborn children. Otherwise stated, rights talk can impair self-knowledge. The assertion of rights often takes the place of giving reasons for attitudes, actions, or omissions. Describing social issues as a clash of rights, such as a woman's "right to choose abortion versus the fetus's right to life," exacerbates conflict and inhibits perception of the alternatives to abortion as well as the gravity of the option for abortion. The duty to avoid killing is hardly discussed.

"Public rhetoric," says Glendon, "regularly gloss[es] over the essential interplay between rights and responsibilities, independence and self-discipline, freedom and order."³² American public officials and citizens often talk about rights as if they had no intrinsic relation to duties. Glendon astutely notes that even our Founding documents, such as the Declaration of Independence and the Bill of Rights, have nothing comparable to the statements on duties in the Universal Declaration of Human Rights. The United Nations' Declaration says that "Everyone has duties to the community," and that it is appropriate to place limitations on everyone's rights "for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society."³³

Glendon contends that the pervasiveness of rights talk and the virtual absence of appeals to duty are weakening people's sense of responsibility. She goes so far as to say that simplistic rights talk "corrodes the fabric of beliefs, attitudes and habits upon which life, liberty, and all other individual and social goods ultimately depend."³⁴ A liberal regime dedicated to

³¹ *Ibid.*, 3–4.

³² *Ibid.*, 10.

³³ *Ibid.*, 13, quoting United Nations Universal Declaration of Human Rights, Art. 29.

³⁴ *Rights Talk*, 15.

the protection of rights depends on the presence of certain virtues in parents, workers, volunteers, citizens, public officials, et cetera.

Glendon next seeks to explain “the persistence of absoluteness in our property rhetoric, and in our rights rhetoric in general.”³⁵ In addressing this question she shows how the American way of life has been profoundly affected by the fascination with property and privacy or the right to be left alone. Glendon traces our love affair with property ultimately to John Locke and more proximately to Blackstone’s influence on those who drafted the Declaration of Independence, the Constitution, the *Federalist Papers* and the seminal decisions of the Marshall Court. Locke taught that people own their bodies as “a God-given right” and that governments are instituted to protect life, liberty, and property (actually, under the term “property” Locke included life and liberty). Locke saw the natural right to property as a way of delegitimizing the monarchy and of limiting government. For Blackstone, whose *Commentaries* educated countless American lawyers, property was an end unto itself, an absolute.

The American fascination with property caused two important legal issues to be mishandled by the Supreme Court in the second half of the nineteenth century—one dealt with slavery, the other with the attempt to shape an American welfare state:

In 1856, Dred Scott, who had entered federal court in Missouri, left it as a piece of property, when the Missouri Compromise (prohibiting slavery in the territories) was held unconstitutional. From the latter years of the century up to the 1930s, the Supreme Court repeatedly invoked property rights (in an expansive form) to strike down a series of laws that, taken together, might have served to ease the transition here, as similar legislation did in Europe, to a modern mixed economy and welfare state.³⁶

The Supreme Court invoked the right of employers and employees freely to make contracts and to control their property as a reason “for invalidating statutes that attempted to promote health and safety in the workplace, to protect female and child laborers and to encourage the nascent labor movement.”³⁷ As is well known to students of constitutional law, the Supreme Court began a retreat from its exaggerated constitutional protection of property rights in the 1930s by upholding New Deal legislation.

After the Court abandoned the notion of absolute property rights, it eventually began to find absoluteness in the realm of personal rights.

³⁵ Ibid., 20.

³⁶ Ibid., 26.

³⁷ Ibid.

Glendon explains: "Much of the attention the Supreme Court once lavished on a broad concept of property, including the freedom of contract to acquire it, it now devotes to certain personal liberties that it has designated as 'fundamental.'"³⁸ The rhetoric of absolute property rights is now used in the area of personal liberties with the all-too-familiar result: lack of common sense in working out principled limitations on the exercise of personal liberties. As an example, Glendon mentions the extreme interpretations of the First and Second Amendments. One group of people does not want any restrictions on free speech and other forms of expression; another group favors "an absolute or nearly absolute, individual right" to bear and keep arms. Glendon notes, however, an intriguing irony: "[M]any of the same people who claim that the right of free expression trumps a community's interest in regulating pornography, [argue] that the right to keep and bear arms has to be regulated for the sake of the general welfare."³⁹ On the other hand, I would note that many people defending the absolute right to bear arms, such as semi-automatic weapons, are likely to defend the duty of the community to regulate pornography. Understanding the First and Second Amendment rights as absolutes causes substantial harm to the general welfare.

Finally, I want to mention Glendon's explanation for the American tendency to absolutize rights. First, she suggests that the stark formulation of rights in the Declaration of Independence and the Bill of Rights has strongly influenced the American mind. Second, the Lockean story about property and Blackstone's "flights of fancy about property as absolute dominion stuck in American legal imaginations."⁴⁰ Third, Glendon mentions Tocqueville's observation that we are a lawyer-ridden society, greatly affected by the omnipresent legal culture. The "strategic exaggeration" and "overstatement" characteristic of lawyers in their adversarial roles have had an effect on most citizens. Citizens came to think about rights the way lawyers talk about them.

In conclusion, Glendon's *Rights Talk* makes abundantly clear how timely is Catholic teaching on the priority of duties over rights. If this were ever understood and accepted, genuine rights would be better respected.

³⁸ Ibid., 40.

³⁹ Ibid., 43.

⁴⁰ Ibid.

The Dependence of Environmental Ecology on Human Ecology

Introduction

In a remarkable essay on Christianity and the environment, Ernest Fortin draws attention to “the Bible’s profound admiration for the splendor and orderliness of nature:”

Psalm 8 speaks of the heavens not simply as the work of God’s hands but as the work of his “fingers,” thereby stressing its surpassing delicacy. Psalm 100 dwells on the solicitude of a loving God who looks after all his creatures, both human and subhuman, providing for each its shelter and its food in due season; trees for birds to nest in, high mountains for wild goats, rocks as a refuge for badgers, bread to strengthen our hearts and wine to gladden them.⁴¹

The Bible encourages people to admire God’s handiwork and to be good stewards of what has been entrusted to them. While vacationing in the mountains of the Aosta Valley, Pope Benedict XVI said, “Driven by the heartfelt need for meaning that urges them onwards, people perceive the mark of goodness, of beauty and of divine Providence in the world that surrounds them and open themselves almost spontaneously to praise and prayer.”⁴² The reference to Providence refers to the way God makes the earth provide for the needs of his creatures. The perception of goodness, beauty, and Providence should engender a profound attitude of respect toward the environment.

We show our gratitude to God for the gift of the earth by admiring his creation and by exercising a prudent stewardship. That means that the Bible surely supports the reasonable demands of the environmental movement. Fortin even discerns a profound reason why human beings must take care of the earth. Because the Bible urges respect for life and forbids the unjust taking of anyone’s life “it follows that they are not to destroy or inflict unnecessary damage on the physical environment needed to sustain life.”⁴³ Love of life should translate into respect and care for the environment. Pope John Paul II stresses the obligation of all to observe the moral laws governing our relation with the environment. In *Evangelium Vitae* he quotes what he said in *Sollicitudo Rei Socialis* on the subject: “[W]hen it comes to the natural world, we are subject not only to biological laws but also to moral ones, which cannot be violated with impunity.”⁴⁴

⁴¹ Fortin, *Human Rights*, 114.

⁴² Pope Benedict XVI, *Angelus*, 17 July 2005.

⁴³ Fortin, *Human Rights*, 114.

⁴⁴ *Sollicitudo Rei Socialis*, §34.

Despite the obvious links between personal immorality and damage to the environment, questions about the disorder in people's souls are not raised very often. There is a great reluctance to say that a person's use of his freedom is simply wrong. While a cardinal, Joseph Ratzinger addressed this problem in his second book-length interview, *Salt of the Earth*. He said:

[T]he pollution of the outward environment that we are witnessing is only the mirror and the consequence of the pollution of the inward environment, to which we pay too little heed. I think this is also the defect of the ecological movements. They crusade with an understandable passion against the pollution of the environment, whereas man's self pollution of his soul continues to be treated as one of the rights of his freedom.⁴⁵

Cardinal Ratzinger implies that society's defense of the continuous misuse of freedom is a serious obstacle to addressing the very real environmental problems.

Caritas in Veritate and the World Day of Peace Message

Pope Benedict XVI's third encyclical and his 2010 World Day of Peace Message take up the relation between the environment and human ecology, which he discussed with such insight in his 1997 interview, *Salt of the Earth*. In the encyclical, the Pope begins his reflection with the following observation: "The way humanity treats the environment influences the way it treats itself, and vice versa" (§51). For human beings to treat themselves well or, otherwise stated, respect "human ecology," they must act in accordance with their own dignity by avoiding evil and practicing all the virtues. The environment will not be respected if "the overall moral tenor of society" is allowed to deteriorate. "If there is a lack of respect for the right to life and to natural death, if human conception, gestation and birth are made artificial, if human embryos are sacrificed to research, the conscience of society ends up losing the concept of human ecology and, along with it, that of environmental ecology" (§51). If human beings are not moved by their education and the laws to show respect for themselves in their way of life, they will not be motivated to show respect for the environment. For example, if people are unrestrained in their pursuit of pleasure and money, or willing to kill their unborn children, they certainly will not be motivated to restrain themselves from polluting the environment, especially if they stand to gain by their actions.

Pope Benedict adopted the term "human ecology" from Pope John Paul II's *Centesimus annus* (§38). The previous Pope noted that we are all

⁴⁵ Joseph Cardinal Ratzinger, *Salt of the Earth: The Church at the End of the Millennium. An Interview with Peter Seewald* (San Francisco: Ignatius Press, 1997), 230–31.

called to respect God's gift of the environment and his gift of human life. To do the latter, a person "must respect the natural and moral structure with which he has been endowed" (§38). This is another way of saying that human beings must achieve order in their souls by living virtuous lives. While there is a growing consensus that we should exercise stewardship over the environment, and much exhortation to do so, there is not similar appeal to persons "to achieve order in their souls." That would be regarded as an infringement on autonomy.

The 2010 World Day of Peace Message is devoted entirely to the protection of the environment by responsible stewardship. Once again Pope Benedict exhorts his readers to take "human ecology" very seriously. More specifically, he urges the various groups in civil society to anchor their call for ecological responsibility "in respect for 'human ecology'" (§11). Then, he calls for moral reform on every level of society: "Relationships between individuals, social groups and states, like those between human beings and the environment, must be marked by respect and 'charity in truth'" (§11). As one example of what he means, Benedict suggest that the international community should work toward "progressive disarmament and a world free of nuclear weapons" (§11).

In the next paragraph of his Message, Pope Benedict reiterates points made on human ecology in *Caritas in Veritate*. Several of these points merit quotation. "Young people cannot be asked to respect the environment if they are not helped, within families and society as a whole, to respect themselves" (§12). Then, the Pope argues that the embrace of human ecology, properly understood, would assure the inviolability of human life at every stage of existence, promote respect for "the dignity of the human person and the unique mission of the family, where one is trained in love of neighbor and respect for nature" (§12). Only by doing these things will human ecology be safeguarded.

Finally, the Pope alerts his readers to the danger of ecocentrism and biocentrism. These movements denigrate the dignity of the human person by placing human beings and other living things on the same level. "They also open the way to a new pantheism tinged with a new paganism, which would see the source of man's salvation in nature alone, understood in purely naturalistic terms" (§13).

The solution to environmental problems is not to make ecology a kind of religion, but to inculcate the kind of attitude toward the natural world recommended in the Bible and to link the concepts of freedom and truth. If the freedom of individuals, businesses, associations, and government is not guided by a public morality, grounded in truth, there will be no real solution either to the pollution of the environment or to the

exhaustion of limited natural resources. If the freedom to pursue comfort, health, and safety is without significant moral limits, then people will not have any scruples about damaging the environment in the pursuit of their desires.

Conclusion

In conclusion, I would like to note that, by linking social ethics to life ethics, giving priority to duties over rights, and basing environmental ecology on human ecology, Pope Benedict has directed his readers' attention to the indispensability of individual virtue in working for integral development and a just society, and to the crucial importance of giving up the practice of abortion in every country of the world. In *Caritas in Veritate*, Pope Benedict reminds us of Paul VI's teaching that "life in Christ is the first and principal factor in development."⁴⁶ This means that integral development should aim at the "greatest possible perfection" for every single person, in addition to overcoming poverty, disease, unemployment, ignorance, et cetera. Individual perfection, among other things, requires the linkage of social ethics with life ethics, the fulfillment of duties and the embrace of human ecology as the foundation for environmental ecology. N V

⁴⁶ *Populorum Progressio*, §16.