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AN ASSESSMENT OF DAVID HOLLENBACH'S CONTRIBUTION TO THE
DEBATE ON HUMAN RIGHTS AND ITS FUTURE PROMISE

A Dissertation

Submitted to the McAnulty College and
Graduate School of Liberal Arts

Duquesne University

In partial fulfillment of the requirements for
the degree of Doctor of Philosophy

By

Joseph Oppong

May 2010

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Joseph Oppong

2010

AN ASSESSMENT OF DAVID HOLLENBACH'S CONTRIBUTION TO THE
DEBATE ON HUMAN RIGHTS AND ITS FUTURE PROMISE

By

Joseph Oppong

Approved April 7, 2010

James P. Bailey
Associate Professor of Theology
(Committee Chair)

Gerald Boodoo
Associate Professor of Theology
(Committee Member)

Elizabeth A. Cochran
Assistant Professor of Theology
(Committee Member)

Christopher Duncan
Dean, Mcanulty College and Graduate
School of Liberal Arts

George S. Worgul, Jr.
Chair, Theology
Professor of Theology

ABSTRACT

AN ASSESSMENT OF DAVID HOLLENBACH'S CONTRIBUTION TO THE DEBATE ON HUMAN RIGHTS AND ITS FUTURE PROMISE

By

Joseph Oppong

May 2010

The issue of human rights represents what is probably the primary ethical concern in the world today. No human problem transcends national boundaries to the degree that violations of human rights do, not only with regard to their causes, but also in search for human solutions. There are many important philosophers and theologians, from a various philosophical and religious traditions, engaged in an on-going discussion and debate about the meaning, purpose, and limits of human rights language. This study is aimed at assessing the work of one important contributor to this discussion, the prominent Roman Catholic moral theologian, David Hollenbach, S.J.

The structure of this study is as follows: First, we present a theoretical account of the origins of human rights and a discussion of the current theoretical debates about rights. We then review Hollenbach's interpretation of the development of human rights in the twentieth century and within Catholic social teaching in view of the fact that the

starting point for understanding his contribution to the debate is seen from his extended and systematic presentation of the Catholic tradition. Secondly, we analyze his methodology. We begin with a review of some of the more important methodologies that are or have been used by moral theologians in the twentieth-century and situate Hollenbach's methodological approach in relation to these. We argue that Hollenbach's revisionist/inductive approach is particularly suitable for an age that gives particular emphasis to historical consciousness. It helps him to address postmodern criticisms of universal moral claims, including human rights, thereby mitigating the charge that the latter is necessarily another tool for Western imperialism. Hollenbach's methodology is also consistent with a distinctive emphasis of his work: that wherever you find human beings, there is the need for community and participation.

Thirdly, we highlight the major themes in Hollenbach's work, with a particular emphasis on the distinctive contribution Hollenbach makes to human rights debates. A distinct contribution he has made to the debate on human rights is his reconstructed vision of the common good that is expansive in scope. He maintains that human rights are moral claims of all persons to be treated, by virtue of their humanity, as participants in the shared life of the human community. Employing the concept of the common good, human dignity, justice and participation and solidarity, he is able to make the Catholic Church's voice be heard in a pluralistic society like the United States and beyond. The distinctive substance of his writing that is relevant to the global situation of human rights is his emphasis on the link between individual human rights and participation in the common good. His emphasis on participation as integral to the good of the person and the good of the community leads also to an understanding of human rights that goes beyond

the traditional liberal emphasis on political rights alone to one that also includes economic and social rights.

Finally, we explore the relevance of Hollenbach's understanding of human rights for contemporary challenges now faced in the world. He proposes in his writings a community that is built on the ethics of responsibility, the creation of a society where the structures of sin that dehumanize the person are transformed into those that would enhance the dignity of each person. His passion for the ordering of society toward the common good could inspire renewed efforts in addressing the issues of global warming, environmental degradation, poverty, inequality, marginalization and promote human welfare.

DEDICATION
TO
MY PARENTS, MR & MRS STEPHEN OPPONG
WHO FIRST TAUGHT ME THE DIGNITY
OF THE PERSON

ACKNOWLEDGEMENT

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LIST OF ABBREVIATIONS

- C. A. for *Centesimus Annus*, 1991 social encyclical issued by Pope John Paul II.
- D. H. for *Dignitatis Humanae*, 1965 Vatican Council II's Declaration on Religious Freedom.
- D. R. for *Divini Redemptoris*, 1937 encyclical by Pius XI on Atheistic Communism.
- E. J. A. for *Economic Justice for All: Catholic Social Teaching and the U.S. Economy*. 1986 Pastoral Letter issued by the United States Conference of Catholic Bishops.
- G. S. for *Gaudium et Spes*, 1965 Vatican Council II's Pastoral Constitution on the Church in the Modern World.
- I.D. P. for *Internally Displaced Persons*.
- J.W. for *Justice in the World*, 1971 Synod of Bishops General Assembly
- M.M. for *Mater et Magistra*, 1961 encyclical issued by Pope John XXIII on Christianity and Social Progress.
- O. A. U. for *Organization of African Unity*
- P. P. for *Populorum Progressio*, 1967 encyclical issued by Pope Paul VI on the Development of Peoples.
- P. T. for *Pacem in Terris*, 1963 encyclical issued by Pope John XXIII on Peace on Earth.
- Q. A. for *Quadragesimo Anno*, 1931 encyclical issued by Pope Pius XI on The Reconstruction of the Social Order.
- R. H. for *Redemptor Hominis*, 1979 encyclical issued by Pope John Paul II on The Redeemer of Man.
- R. N. for *Rerum Novarum*, 1891 encyclical issued by Pope Leo XIII on the Rights and Duties of Capital and Labor.
- S. P. for *Summi Pontificatus*, 1939 by Pope Pius XII on the function of the State in the Modern World.
- S. R. S. for *Sollicitudo Rei Socialis*, 1987 encyclical issued by Pope John Paul II on Social Concerns
- U. N. H. C. R. for *United Nations High Commission for Refugees*.

CHAPTER 1

HUMAN RIGHTS: AN OVERVIEW

In this chapter, an effort will be made to give a reflection of an overview on the human rights debate. This chapter will provide an exploration of the meaning, basis, historical roots and practical significance of human rights. Any serious enterprise aimed at exploring the issue of human rights must first start with a historical overview that forms its beginning.¹ We shall discuss the contemporary schools of thought on human rights. We would also explore how human rights relate to Catholic social teaching. In so doing, we can come to appreciate the efforts and contributions that are being made by scholars like David Hollenbach in striving to formulate an integral theory of human right.

¹ For a concise history of human rights, some readable overviews can be found in the works by Leonard Swidler, "Human Rights: A Historical Overview," in Ethics of World Religions and Human Rights, Hans Kung and Jurgen Moltmann, (eds.) *Concilium* 1990 /2 (Philadelphia: SCM Press International, 1990), 12 – 22; The Philosophy of Human Rights: International Perspective Alan S. Rosenbaum (ed.) (Westport CT.: Greenwood Press, 1980). For a treatment of human rights from a religious perspective, see Human Rights in Religious Traditions Arlene Swidler (ed.) (New York: Pilgrim Press, 1982). For an excellent treatment of the origins and concept of human rights in religions like Judaism, Christianity, Islam, Hindu, Buddhism and Confucianism, one can consult Human Rights in World Religions Leroy S. Rouner (ed.) (Notre Dame, Ind.: University of Notre Dame Press, 1988); Human Rights and Religious Values: An Uneasy Relationship? Abdullahi A. An – Na'im, Jerald D. Gort, Henry Jansen, Hendrux M. Vroom (eds.) (Grand Rapids: William B. Eerdmans Publishing Company, 1995). Chapter 2 of Max L. Stackhouse's book, Creeds, Society, and Human Rights (Grand Rapids, MI.: William B. Eerdmans Publishing Company, 1984) provides an insightful write – up on the roots or historical origins of human rights. He argues among other things that the "deepest roots of human rights are found in the biblical conception of life. The words "human rights" do not, to be sure, appear in the Bible, but the themes that provide the basis of human rights do" (page 31). For a protestant perspective on human rights, one can read the work of Max L. Stockhouse, "A Protestant Perspective on the Woodstock Human Rights Project," in Human Rights in the Americas: The Struggle for Consensus Alfred Hennelly and John Langan (eds.) (Washington D. C.: Georgetown University Press, 1982), 142 – 166. For a treatment of the American Catholic Church and its efforts to work for the development of a humane and moral foreign policies from the perspective of human rights, see Jo Renee Formicola, The Catholic Church and Human Rights: Its Role in the Formulation of United States Policy 1945 – 1980 (New York: Garland Publishing, 1988). From a cross-cultural perspective, a helpful discussion is offered in Human Rights in Africa: Cross-Cultural Perspectives, Abdullahi A. Na'im and Francis M. Deng (eds.) (Washington D. C.: The Brookings Institute, 1990); Human Rights and the Conflict of Cultures: Western and Islamic Perspective on Religious Liberty David Little, John Kelsay and Abdulaziz A. Sachedina (eds.) (South Carolina: University of South Carolina Press, 1988).

The thesis of this chapter is that no human problem transcends national boundaries to the degree that violations of human rights do, not only with regard to their causes, but also in search for human solutions. In view of this, it is imperative on all traditions of thought and action, religious and non-religious, who think they have a distinctive contribution to make to the human future, to engage in the debate on rights issues.

1.1 Foundations of Human Rights

Human rights are considered as rights and privileges that are held to belong to any person, regardless of any legal provisions that may or may not exist in the particular legal and constitutional system prevailing in their countries. Among scholars who would agree with this definition of human rights are Philip Selznick², Jurgen Moltman³, David Hollenbach⁴, Lisa Sowle Cahill⁵, Esther D. Reed⁶, Michael and Kenneth Himes⁷.

This understanding of human rights as we comprehend it today has developed from Western civilization. This does not mean that other civilizations have not been concerned with the notion of human rights. Hence Leonard Swindler states

² Philip Selznick, The Communitarian Persuasion (Washington, D. C.: Woodrow Wilson Center Press, 2001), 68- 81.

³ Jurgen Moltman, On Human Dignity (Philadelphia: Fortress Press, 1984), 23; GOD FOR A SECULAR SOCIETY. The Public Relevance of Theology (Minneapolis: Fortress Press, 1999), 117- 119.

⁴ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition (New York: Paulist Press, 1979), 14- 15, 22, 28, 48, 65- 66, 89- 91; The Common Good and Christian Ethics (Cambridge: Cambridge University Press, 2002), 159.

⁵ Lisa Sowle Cahill, "Toward a Christian Theory of Human Rights," *The Journal of Religious Ethics* 8, 2 (Fall 1980); "Theological Ethics, The Churches and Global Politics," *Journal of Religious Ethics* 35. 3:377-399.

⁶ Esther D. Reed, The Ethics of Human Rights. Contested Doctrinal and Moral Issues (Waco, TX.: Baylor University Press, 2007), 3.

⁷ Michael and Kenneth Himes, Fullness of Faith. The Public Significance of Theology (New York: Paulist Press, 1993), 61- 66.

“Confucianism, for example, can be said to be a kind of humanism *par excellence*.”⁸ But he goes on to say that the human person had rights only to the extent that he /she occupied a certain position in society. The rights conferred on the person were not given simply because he /she was human but because of a relation he /she had as a son, father or brother or sister. Hence Swindler hints that “the idea of human rights, however, is based on the affirmation of a certain level of individualism wherein the individual person would be valued for his /her own sake, and not just as a relationship to others.”⁹

The notion of human rights has been founded on two pillars of Western civilization: Greco – Roman culture and Judeo – Christian religion. In the Hellenistic civilization, figure like Socrates, Plato, Aristotle, the Stoics and others developed conceptions of natural law, under whose jurisdiction the human fell. From the Greek culture, the ideal and reality of democracy developed in which the citizens had certain fundamental rights just by the fact of being born into the society.¹⁰ However, a contemporary scholar Martha Nussbaum, whose primary area of interest is the classical Greek tradition argues that while the Greek Stoics are an important part of the tradition, leading up to the notion of human rights, “neither Greek nor Roman society contained any developed notion of basic human rights. Their commitment to human equality, for

⁸ See Leonard Swindler, “Human Rights: A Historical Overview,” in The Ethics of World Religions and Human Rights, 12.

⁹ Ibid. Some people do claim that the concept of human rights is a relatively new one in human history. Simone Weil claims that the “Greeks had no conceptions of rights. They had no words to express it. They were content with the name of justice.” See his work, Human Personality,” in *Selected Essays 1934- 1943*, Richard Rees (trans.) (London: Oxford University Press, 1962), 20.

¹⁰ Swindler makes the observation that among the Stoics, beginning with their leader Zeno, like Confucius, conceived of humanity in terms of hierarchical orders, like is found in the New Testament as the Household Code in the deutro- Pauline and Pseudo-Petrine letters. In this structure, people were accorded their rights because of their standing in society. At the lower strata of society were the slaves, children, women and then free male adults. See Leonard Swindler, “Human Rights: A Historical Overview,” 13.

example, did not lead them to a critical view of slavery.”¹¹ With this statement from Nussbaum, one would question why the Greeks who reflected so much on the problems of politics did not have a concept of basic rights. One would wonder also why the Romans had a concept of rights that was attached to Romans citizenship but not of people (who were not Roman citizens) just because they were human beings?

The above questions are very legitimate and perplexing ones in light of the fact that human rights are presented as universals that are due to the very nature of human beings. If the people of Greece and Rome did not talk about human rights, when did this kind of “rights talk” begin? Where did it begin? Why, or what was it supposed to do for the people who employed it?

It must be recalled that the greatest contribution of the Romans to western civilization was in the area of the development of law. In as much as they took on more alien peoples into their empire, they did not apply their Roman civil law to them, but rather their own indigenous law as far as possible. The implication was that these people were part of the Roman society but they were still bound by their indigenous law. They found many fundamentals of law that applied across all nations, *a ius gentium*, or ‘common law of all human’ (*commune omnium hominum ius*), as conveyed by the third – century Roman jurist Gaius.¹²

The Judeo- Christian religion that forms the second pillar of western civilization can be said to be an essential foundation of the notion of human rights. The Hebrew bible begins with the creation narrative. And what is so distinct about the Hebrew’s

¹¹ See Martha Nussbaum, *Cultivating Humanity* (Cambridge, MA.: Harvard University Press, 1997), 140-141.

¹² See Leonard Swindler, “Human Rights: A Historical Overview,” 13. For Swindler, this serves as the basis for claiming a right just based on the grounds of one’s humanity.

explanation of the origin of the world was their emphasis that everything came from one source. The Hebrews contend, “there was just one Source, one God, of all reality, and all reality flowing from God was good, the source of evil in the world – and its presence was as obvious to the ancient Hebrews as it is to us – was humankind.”¹³ A point worthy of mention here is the fact that since there was one Source of all reality, all humankind are encoded into that one source, God’s image, *imago Dei*. Hence, all humans are to be treated with the same reverence and respect because they are all created by the one God. In comparison to other ancient nations, that were polytheistic and hence had one set of rules by which to treat their own people and another set for other nationals, the Hebrews were committed, at least in theory, to treating all human beings by the same ethical standards.¹⁴ Hence Swindler contends that the two elements of the Judeo- Christian root source of the modern notion of human rights are “ethical monotheism and the image of God.”¹⁵

The notion that the individual has certain basic rights which are referred to as the “rights of man” has come down to us in part from the ancient philosophical concept of natural law that was considered binding on kings and governments and to which the validity and legitimacy of human political laws were to be determined. The liberal movements in Western Europe following the Renaissance further developed this idea.¹⁶

We dare acknowledge that the notion of human rights as understood as what each person is entitled to expect and demand from the State can be said to have emerged with

¹³ Ibid.

¹⁴ Swindler observes rightly that this is the burden of the plural ‘ethical monotheism’ that communicates the unique place the Hebrew religion held among all the religions of the ancient world. An added element that we need to pay attention to in the creation narratives is the fact of humankind being created in the image of God- hence having worth and dignity.

¹⁵ See Leonard Swindler, “Human Rights: A Historical Overview,” 14.

¹⁶ See chapter 2 of our work where David Hollenbach offers a detailed account of the contribution to the notion of human rights by the Liberal tradition, the United Nations and the Catholic Church.

the United States and French revolutions in the eighteenth century. The concept of the “Political Rights of Man” was drawn from the United States Declaration of Independence in 1776, and the Declaration of the Rights of Man and Citizen has its origins in the French Revolution in 1789. Drawn from the Declaration of the Rights of Man and the Citizen (*Declaration des droits des homes et citoyens*) of the French National Assembly (August 27, 1789), they have found a place in almost all modern Constitutions, including those of the former Soviet Union and the People’s Republic of China. They are also enshrined in the *African Charter of Human and People’s Rights*.¹⁷

The United Nations has also contributed to the development and promotion of respect for human rights throughout the world. A milestone in the institutionalizing of human rights was set with the adoption of the Universal Declaration of Human Rights by the United Nations on December 10, 1948. For some eighteen years, the United Nations tried to translate the Universal Declaration into lengthy binding instruments, which together with the Declaration are known as “The International Bill of Human Rights,” that is, the ‘International Covenant on Economic, Social and Cultural Right,’ the ‘International Covenant on Civil and Political Rights,’ and the Optional Protocol to the International Covenant on Civil and Political Rights’ – all adopted in 1966. As Swindler maintains, “a number of countries have explicitly incorporated large elements of this ‘Bill of Human Rights’ into their own foundational legal documents but unfortunately does not have an effective enforcing agency.”¹⁸

¹⁷ This is also known as the Banjul Charter of Human Rights and People’s Rights adopted on June 27, 1981 and entered into force on October 21, 1986. The distinctive African Charter of rights stresses people’s rights questioning the liberal focus on the rights of individuals.

¹⁸ See Leonard Swindler, “Human Rights: A Historical Overview,” 20.

The Catholic Church has also played a great role in the development and promotion of human rights. However, we dare admit that the Catholic Church did also resist the idea of human rights for some time before it turned around to embrace and champion the cause of human rights around the world. Through papal encyclicals, Apostolic Letters or Messages, the Vatican II Documents, Synodal documents, Social teaching, publications of the Roman Curia, Communiqués and Pastoral letters of Bishops Conferences, the Church has become the champion of human rights throughout the world. Indeed the stress on human rights has become a central focus in Catholic social teaching and theologians like J. Bryan Hehir and David Hollenbach have viewed the Catholic social teaching embodied in papal encyclicals and Episcopal pronouncements, through the lens of human rights.¹⁹

From the foregoing discussion, one can say that the history of human rights has had a long tradition nevertheless, we can say that even though progress in human rights is being made there are still many hurdles in the promotion and implementation of human rights. Swindler is of the opinion that the problem stems from the fact that “often there is a wide breach between theory and practice.”²⁰ For John Coleman, neither governments nor international agencies, such as the United Nations, are especially effective advocates of human rights. He has reached this conclusion since “either their own self- interest or pressing diplomatic reasons, severely limits governmental leverage on human rights questions.”²¹

¹⁹ See J. Bryan Hehir, “Human Rights and the U.S. Foreign Policy: A Perspective from Theological Ethics,” in The Moral Imperatives of Human Rights: A World Survey, 1- 25 (1980); David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition.

²⁰ See Leonard Swindler, “Human Rights: A Historical Overview,” 20.

²¹ John Coleman, “Catholic Human Rights Theory: Four Challenges to an Intellectual Tradition,” in *The Journal of Law and Religion* II, 2 (1984), 343- 366, here, 344.

Hollenbach acknowledges the fact that the liberal tradition, Soviet tradition and the United Nations have contributed to the promotion of human rights but their limitations in his view calls for the formulation of a new ideology that incorporates perspectives from all the traditions.²² He also observes that some Islamic, Confucian and African critics object that human rights doctrine is still too Western to speak for them and western postmodernists scholars like Stanley Hauerwas and Richard Rorty reject the very idea of a human rights ethics. Some African intellectuals and political leaders have argued that the strongly communal nature of traditional African religion and culture makes the contemporary human rights ethos culturally inappropriate in the African context.²³ In view of this, Hollenbach has argued that human rights advocates need a stronger basis for consensus, which would lead to a stronger consensus: “we need to present *reasons* why the human rights ethos should become a more truly *common* morality and a more truly *global* ethic. Unless we know the reasons on which the consensus is based, we will not know whether it is a genuinely moral consensus or merely the result of lucky circumstances.”²⁴

²² See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 27, 33, 34.

²³ See David Hollenbach, The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics (Washington, D. C.: Georgetown University Press, 2003), 236- 237. Also see his detailed presentation of the arguments against human rights and his illuminating arguments for the universal promotion of human rights in Prospects for a Common Morality Gene Outtka and John P. Reeder, Jr. (eds.) (Princeton: Princeton University Press, 1993). One African intellectual who has made such an argument is Chris C. Mojekwu. See his work “International Human Rights: The African Perspective,” in Jack L. Nelson and Vera M. Green (eds.) International Human Rights: Contemporary Issues (Stanfordville, New York: Human Rights Publishing Group, 1980), 92.

²⁴ See David Hollenbach, The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics, 242. The call for a common morality is articulated in various body of literature including Gene Outtka and John P. Reeder, Jr. (eds.) Prospects for a Common Morality (Princeton: Princeton University Press, 1993); Hans Kung and Karl Joseph Kuschel, (eds.) A Global Ethic: The Declaration of the Parliament of the World’s Religions. John Bowden (trans.) (London: SCM Press, 1993); Hans Kung (ed.) Yes to a Global Politics and Economics. John Bowden (trans.) (New York: Oxford University Press, 1998); Summer B. Twiss and Bruce Grelle, (eds.) Explorations in Global Ethics: Comparative Religious Ethics and Interreligious Dialogue (Boulder, Colo.: Westview Press, 1998); Jean Porter, “The Search for a Global Ethic,” in Theological Studies 62 (2001): 105- 121; Karl-Joseph Kuschel and Dietmar Meith, (eds.) In

The task of finding out the foundation or ground of the general concept of rights is very important for David Hollenbach. He contends that while it is clear that neither the right not to be tortured nor the right to be free from hunger is established in many parts of the world, the question is whether a persuasive case can be made that these rights ought to be established.²⁵ To propose that rights can be established, we need to know the foundation or basis for the claims that we make. Hollenbach believes that the foundation of human rights is in the dignity each person has having been created in the image of God and redeemed by Christ. He argues for a theological reconstruction of rights that turns on the natural –law conviction that humans are essentially social beings. Very essential to his reflection is demonstrating why and how nonreligious and religious persons alike can converge around human rights agendas oriented toward the common good.²⁶

1.1.2 Why Do Human Rights Matter?

For many, human rights represent what is probably the primary concern in the world today. And dealing as they do with our understanding of what it means to be human, what we are doing on this earth, and how we ought to relate to one another, human rights are indeed at the center of religious thought and practice.

The question of human rights has become very problematic in our day. It would be recalled that periodically, Amnesty International and other human rights groups draw

Search of Universal Values *Concilium* 2001/ 4 (London: SCM Press, 2001); Lisa Sowle Cahill, “Toward Global Ethics,” *Theological Studies* 63 (2002), 324- 344.

²⁵ David Hollenbach in his work, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition articulates a threefold task that remain very central to the human rights debate. They are the question of the foundation of human rights, the relation between the different human rights and what the relation is between human rights and the institutions of social, political and economic right. He contends that these questions must be answered if we are to determine which claims are true rights. See his cited work, pages 12, 33.

²⁶ David Hollenbach, Interview, March 26, 2009 in Pittsburgh.

attention to human rights violation in the various countries of the world, much to the annoyance and displeasure of the governments and groups accused of such violations. We are aware of the series of violence that some commit and turn to justify in the name of religion, the contempt for life, the violation of human rights and the exploitation of persons. In our day and age, large numbers of people continue to be abused, tortured and murdered. Many more continue to die of hunger and disease when the resources are there to prevent this. Hence as Hollenbach asserts, “the appeal to human rights holds out the promise of great potential benefits to many millions of people around the globe.”²⁷ Thus, human rights matter since they “can inspire action to diminish man’s inhumanity to man, to discourage the torture, genocide and other manifest evils which remain a continuing and endemic feature of human society.”²⁸

Human rights are of great importance to our human future – without human rights, our world would be in deep crisis. Prohibitions against genocide, murder, slavery, torture, prolonged arbitrary imprisonment and organized racial discrimination will always be in humanity’s interest and ensure human flourishing. Human rights debate will continue to bring out the best in humanity and how we can treat each other with respect and dignity. As Newlands argues, if the results of the human rights debate are to be implemented effectively, “it will have to be related to wider cultural frameworks. For some people, this means being embedded in a secular culture, without the traditional

²⁷ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 11. However, Hollenbach acknowledges that appeal to human rights also presents a specter of increasing international tension and conflict. Since many governments and agencies that are in violation of human rights would seek to fight back and keep repressing their victims.

²⁸ See George Newlands, Christ and Human Rights: The Transformative Engagement (Hampshire, Great Britain: Ashgate Publishing House, 2006), 4. This book examines and explores in depth the historical tension between the Christian gospel and rights, and the scope and limitations of the language of rights. The author provides concrete proposals for facing rights issues in contemporary contexts.

divisiveness of religious commitment. For others, in many parts of the world, it will mean engagement with religion as an integral part of culture.”²⁹

In a world that is simultaneously pluralistic and independent, human rights norms have gained a central place because they attempt to articulate the immunities and entitlements that are due every person “simply by virtue of being a human person, irrespective of his or her social status, cultural accomplishments, moral merits, religious beliefs, class memberships, or contractual relationships.”³⁰

No human problem transcends national boundaries to the degree that violations of human rights do, not only with regard to their causes, but also in search for human solutions. In this regard, it is imperative on all traditions of thought and action, religious and non-religious, who think they have a distinctive contribution to make to the human future, to engage in the debate on rights issues. One theologian who is involved in the debate on human rights is David Hollenbach.³¹

It can be stated that ever since the *Universal Declaration of Human Rights* in 1948, violations of human rights have been brought to the awareness of the world

²⁹ Ibid., 5.

³⁰ See John Langan, “Defining Human Rights: A Revision of the Liberal Tradition,” in Alfred Hennelly and John Langan, (eds.) *Human Rights in the Americas: The Struggle for Consensus*, 72.

³¹ See his excellent work on human rights in *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition* (New York: Paulist Press, 1979). He has also demonstrated his passion for human rights in many other works like, *Justice, Peace, and Human Rights: American Catholic Social Ethics in a Pluralistic Context* (New York: Crossroad Publishing, 1988); *The Common Good and Christian Ethics* (Cambridge: Cambridge University Press, 2002); “Both Bread and Freedom: The Interconnection of Economic and Political Rights in Recent Catholic Thought,” in *Human Rights and the Global Mission of the Church*, 31- 34, Boston Theological Institute Annual Series, Vol. 1 (Boston: Boston Theological Institute, 1985); “Solidarity, Development, and Human Rights: The African Challenge,” in *The Journal of Religious Ethics*, 26 (Fall 1998), 305- 317; “A Communitarian Reconstruction of Human Rights: Contribution from the Catholic Tradition,” in *Catholicism and Liberalism: Contribution to American Public Philosophy* (Cambridge: Cambridge University Press, 1994); 127- 150; “Human Rights and Interreligious Dialogue: The Challenge to Mission in a Pluralistic World,” in *International Bulletin of Missionary Research* 6 (JI 1982), 98- 101; Human Rights and Communal Solidarity: A Catholic Perspective in the African Context,” –A Lecture at Duquesne University, April 2, 1998; “Civil Rights and the Common Good: Some Possible Contributions of Religious Communities,” in *Religion, Race and Justice in a Changing America*.

public opinion. There have been reports of serious and widespread violations of the fundamental rights of human beings through power politics and unjust authority, through exploitation and oppression, through genocide and torture. In view of the clear violations of human rights going on in our world, Jurgen Moltman is right in asserting that “the *Declaration of Human Rights* and its public acceptance have not in themselves created a new humanity among the nations.”³² He contends however that the *Universal Declaration of Human Rights* “sharpens people’s consciences and renders any inhumanity illegitimate.”³³

Europe has been in the forefront in the campaign for promoting and defending human rights. Through democratic governments, Europe has offered the world an example of how human rights can be upheld and protected. Democratic governments are elected to see to the total well-being of the citizens. In doing so, there is the need for laws to protect the rights of the citizenry. Democracy is inseparable from human rights.

On November 4, 1950, the Council of Europe agreed to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the substantive provisions of which are based on a draft of what is now the International Covenant on Civil and Political Rights. This Convention came into force in September 1953 and it was developed deliberately to safeguard against the revival of aggressive and repressive dictatorships by ensuring “the collective enforcement of certain of the rights stated in the Universal Declaration of Human Rights.”³⁴ It was thought that, “if the dictators had built their empire by suppressing individual freedoms, then an effective system for the

³² See Jurgen Moltman, *On Human Dignity. Political Theology and Ethics*, 30.

³³ *Ibid.*

³⁴ A Robertson, *Human Rights in the World* 2nd edition (Manchester, U. K.: Manchester University Press, 1982), 82.

protection of human rights would constitute a bulwark against any recrudescence of dictatorship.”³⁵ This European Convention and a series of protocols and the European Social Charter did guarantee a wide range of both “first generation” (civil and political) and “second generation” (economic, social and cultural rights)

Marxism and Soviet states have collapsed. For some people, the collapse of Marxist socialism in Eastern Europe is a convincing proof, that no social system can survive that violates people’s liberties and contradicts human dignity. In many writings, the Canadian social theologian Gregory Baum has indicated that the theory of human rights is the key to understanding why “Pope John Paul II accuses the communist countries of the East with violating the civil liberties of people, including religious freedom and political dissent.”³⁶

Human rights violation in Latin America calls for attention and redress. Socially in Latin America, there has been a deep division into classes based on race, occupation and property. This has resulted in a long-standing consequence of social and economic inequality and exploitation even today:

A visitor to Latin America may see many signs of growth and affluence skyscrapers and luxury hotels, brilliant architectural projects in places like Brasilia (capital of Brazil), gracious *Haciendas* and luxuriant groves. But these benefit only a few. Behind these lie the bedrock poverty, malnutrition, illiteracy, and shabby housing which characterizes the lot of the vast majority of Latin American people.³⁷

The reality of social sin is employed by liberation theologians to illustrate the violations of human rights in Latin America. Peter Henriot points out the reality of social sin³⁸ and

³⁵ Ibid.

³⁶ See Gregory Baum, “The Catholic Foundations of Human Rights,” in *The Ecumenist* 18, No. 1 (1979), 8.

³⁷ Arthur F. McGovern, Marxism: An American Christian Perspective (New York: Orbis Books, 1981), 172.

asserts that three elements come together when we talk of social sin: (1) “structures that oppress human beings, violate human dignity, stifle freedom, impose gross inequality; (2) situations that promote and facilitate individual acts of selfishness; (3) the complicity of persons who do not accept responsibility for the evil being done.”³⁹ From the perspective of human rights, the reality of social sin comes to the fore in the form of the deprivation of socio-economic and political rights.

Latin America has had her share of human rights violation and abuses. From Argentina to Brazil, to Peru and Guatemala, Chile to El Salvador, tens of thousands of people’s lives have been violently impacted not as victims of natural disasters but as victims of brutal policies of repression carried out by military and authoritarian regimes.⁴⁰ In Brazil, the Catholic Church has been known to be very articulate in denouncing injustices that took place there. The voices of leaders like Dom Helder Camara, Archbishop of Recife, and of Dom Paulo Evaristo Arns, Cardinal Archbishop of Sao Paulo have been recognized universally as champions of human rights.⁴¹

³⁸ Peter Henriot, “The Concept of Social Sin,” in *Catholic Mind* (October 1973), 38- 53. One can also benefit from the excellent and more lengthy treatment of social sin by Patrick Kerans, *Sinful Social Structures* (New York: Paulist Press, 1974).

³⁹ Peter Henriot, “Social Sin,” 40.

⁴⁰ See Charles R. Harper (ed.) *O Acompanhamento: Action for Human Rights in Latin America 1970- 1990* (Geneva: World Council of Churches Publications, 2006). This book provides an account of the human rights violations in Latin America and the efforts of the Ecumenical Council in promoting human rights on the continent. For other well developed literature on the effective human rights organization in Latin America and Brazil, one can read, Margaret Kech and Kathryn Sikkink, “Transnational Issue Networks in International Politics,” paper for Latin American Studies Association International Congress, September 1995. To have a good picture of human rights violation in Brazil, one can consult, *Torture in Brazil: A Report* English Translation, Joan Dassin (ed.) (New York: Vintage Books, 1986). The Portuguese version was known as *Brasil: Nunca Mais* (Brazil, Never Again).

⁴¹ Besides these prominent Catholic figures, other Brazilian Catholic bishops and protestant leaders and laypersons also made their voices heard by speaking out against the injustices going on. They worked to support aid prisoners and their families and called for a new democratic government that would restore the rights of the people.

Human rights records on African States are distressingly appalling. This has surely led to the African Charter on Human and People's Rights⁴² the basis of Africa's Continental human rights system, that entered into force on October 21, 1986, upon ratification by a majority of members State of the Organization of African Unity (OAU).⁴³ Sudan has witnessed massive human rights violations as a result of political crisis in the Western region of Darfur. For over six years, the black Bantu of Sudan (the Fur, Masaht and Zaghawa ethnic African group) are experiencing deliberate genocide by the government backed *janjaweed* Arab militia through systematic killing, forced removal from home, rape, internment in government camps and starvation.

Human rights activists and organizations, particularly Amnesty International have repeatedly expressed concern about human rights abuses in some African countries. These violations take the form of excessive force against unarmed and peaceful demonstrators and summary executions, extra judicial killings, rape, sexual violence, arbitrary arrests and detentions. The question is who are the perpetrators of these crimes? They are rebel groups and government troops. The new challenges hindering the promotion and protection of people's rights in Africa are environmental degradation, corruption, tribal conflicts and illicit drugs. In Africa, the major enforces of human rights as well as their greatest abusers mostly are States and unless governments observe human

⁴² The African Charter on Human Rights and People's Rights, June 27, 1981, OAU Document. CAB/ LEG/ 67/ 3/ Rev. 5 (1981), reprinted in 21 I.L. M. 58 (1982).

⁴³ The African Charter, also referred to as the Banjul Charter, was adopted in 1981 by the 18th Assembly of Heads of State and Government of the Organization of African Unity (OAU), the official body of African States. It is known as the Banjul Charter because the final draft was produced in Banjul, the capital of the Gambia.

rights, they would persist. The Church has also played a major role in promoting and defending human rights in Africa through the promotion of social justice.⁴⁴

At this point, one would be curious to know of the human rights situation in the United States. The United States has a special responsibility to the world because it continues to have extraordinary power. She has had a lot to contribute to the human rights debate in our world. Yet, she still has a lot to do at improving the social and economic human rights of those at the bottom of the United States' society. There are still some on the North American continent who see poverty as an individual failing rather than a human rights issue. Hollenbach sees the issue of poverty as a human rights issue⁴⁵ and we tend to agree with his position. He contends that if persons who "face hunger, homelessness and extremes of poverty when society possesses the resources to meet their needs are treated as nonmembers,"⁴⁶ then we deny them active participation in the economic life of society when we cause or allow them to remain unemployed.

One can also look at police violence, the death penalty, the state of incarceration, and the drug war to see how these have all involved violent and coercive human rights

⁴⁴ The Symposium of Episcopal Conferences of Africa and Madagascar (SECAM) devoted its Fourth Plenary Assembly in Yaounde, Cameroon in 1981 to studying the human rights issue in Africa. Their Communique from the Assembly was entitled "Seeking Gospel Justice in Africa," in *Spearhead* 69 (Eldoret: Gaba Publications); The Ecumenical Association of Nigeria Theologians devoted an issue of its journal to the issue of human rights, "Human Rights – The African Perspective," in *Bulletin of Ecumenical Theology* Vol. 4, 1-2, 1991). The issue of human rights occupied an important place in the preparatory process and deliberations of the 1994 Synod Assembly for African Bishops, commonly referred to as the African Synod. See the articles, Msgr. Theophilus Okere, "Human Rights and Democratization in West Africa," in *Church and Democracy in West Africa* (Port Harcourt: CIWA Publications, 2003), 30- 46; "The Fundamental Human Right Against Discrimination: Principles and Practice in Nigeria," in *Church and Democracy in West Africa*, 271- 282. The Catholic bishops of Ghana have also addressed a wide range of issues on human rights, social justice, poverty and the rule of law in their *Ghana Bishops Speak: A Collection of Communiqués, Memoranda and Pastoral Letters of the Ghana Catholic Bishops Conference*, Vols. 1 & 2 (Takoradi, Ghana: St. Francis Press Ltd., 200, 2006).

⁴⁵ David Hollenbach, *The Common Good and Christian Ethics*, 34- 42, 52- 54, 59, 169, 173- 211, 214- 215, 223 – 229.

⁴⁶ David Hollenbach, *Justice, Peace and Human Rights: American Catholic Social Ethics in a Pluralistic Context*, 82.

violation on the part of the United States and the individual States. One scholar Belden Fields asserts that reports from Amnesty International on police behavior in specific cities and the United States as a whole, Human Rights Watch report on prison conditions and the *New York Times* point to the fact that there “is an enormous difference between the frequency with which people of color are subjected to human rights violation at the hands of the State’s police and detention officials and the frequency of whites experiencing such violations.”⁴⁷ Even though some people tend to justify some of the brutalities and argue that the police will need to be tough on some of the victims, Belden Fields contends that when one looks carefully, “it is impossible not to come to the conclusion that the behavior of at least some of the police officers within a liberal democratic state constitutes anything other than extremely serious human rights violations.”⁴⁸

Human rights in the Middle East are often reported to be a great cause of concern among many outside observers, governmental and nongovernmental. There are some issues prevalent in most Middle East countries - freedom of speech, freedom of religion, status of religious and ethnic minorities. The current political crisis in Iran is a cause for concern and worry. Following last year’s presidential election that was considered rigged by the opposition, there were a series of peaceful protests and demonstrations that turned bloody. There has been what critics have called “a criminal crackdown” on dissents and a host of human rights violations have been reported in the media. Prior to the crackdown, the supreme leader, Ayatollah Ali Khameni had refuted the claims that the country’s

⁴⁷ A. Belden Fields, *Rethinking Human Rights for the New Millennium* (New York: Palgrave Macmillan, 2003), 176.

⁴⁸ *Ibid.*, 177. Belden Fields offers some concrete examples of human rights violations by the police in Philadelphia between 1988- 1991; New York 1995- 1997; Los Angeles 1986- 1990. He also provides an excellent account of the Ultimate Act of Domestic State Violence: Execution; Inequalities of Convictions, Length of Sentences, Jury Selection and Political Rights. He does offer statistics of incarceration in the United States regarding whites and people of color. See his work cited above, pages 176- 206.

presidential elections had been rigged and warned protesters of a crackdown by the government. Four days after the pronouncements, a young student, Neda Agha- Soltan was shot and killed by government forces as protesters demonstrated in Tehran. This has resulted in a condemnation of the violence and human rights abuses going on in Iran by some countries around the world including Britain, France, Germany and the United States.

In Asia, we find human trafficking taking place in countries like Thailand and Cambodia,⁴⁹ infringements on freedom of speech and religious freedom in Indonesia,⁵⁰ and lack of protections regarding freedom of the press and religion in China.⁵¹ A host of sources including the U.S. State Departments Annual People's Republic of China's human rights reports, as well as studies from other groups such as Amnesty International and Human Rights Watch, have documented China's abuses of human rights in violation of internationally recognized norms.

All that we have been trying to do with the above presentation is to offer a justification for why we think human rights are important. Human rights are only effective insofar as people are truly human and act humanly. Their inhumanity becomes manifest in the violations and abuse of human rights. In light of the violations of human rights across the world, we need to work for the promotion and defense of human rights

⁴⁹ See Human Rights Overview: Cambodia World Report 2005: Index. www.Hrw.org/legacy/English/docs/2005/01/13/Cambodia_9804.htm.

⁵⁰ See Human Rights Watch World Report 2007, 31-12-2006, [http:// www.hrw.org/legacy/englishhrw/2k7/docs/2007/01/11/indone_14869](http://www.hrw.org/legacy/englishhrw/2k7/docs/2007/01/11/indone_14869).

⁵¹ For more literature on China's human rights abuses, one can consult, Catherine Edwards, "China's Abuses Ignored for Profit," *Insight on the News*, Vol. 15, 20 December, 1999; Rosemary Foot, Rights beyond Borders: The Global Community and the Struggle Over Human Rights in China (Oxford: Oxford University Press, 2000); Fei-Ling Wang, Organizing through Division and Exclusion: China's Hukou System (Stanford: Stanford University Press, 2005); Srinivasan, "Explaining China's Continued Resistance Towards Human Rights Norms: A Historical Legal Analysis," ACDIS *Occasional Paper*, Program in Arms Control, Disarmament, and International Security, University of Illinois, June 2008.

and also ask “the more profound questions as to where people can experience their true humanity and how they can overcome their actual inhumanity.”⁵²

1.1.3 Meaning of Human Rights

A human right is a claim to be allowed to perform an action or refrain from performing an action for the simple reason that one is a human being not because one is a citizen or is permitted in law.⁵³ One philosopher has defined human rights as those rights that are “held equally by all human beings.”⁵⁴ Hence these rights are to be honored and respected universally wherever human persons live, regardless of the economic, social, political, cultural or religious milieu in which they live. This definition brings to mind what Jurgen Moltmann has said of human rights contending that “human rights point to a universal community in which alone they can be realized.”⁵⁵

Some scholars in defining rights tend to define human rights not in themselves, but as the reciprocal side of duties or moral responsibilities. Thus:

the meaning of duty is inseparably bounded up with the idea of right. Wherever there is a duty, there also exists a reciprocal right Accordingly, “right” is the legal or ethical demand of the person who fulfills his duties towards others that others reciprocally fulfill their duties toward them.⁵⁶

This notion based on reciprocity of duties and rights, derives its strength from the idea that all persons have moral demands placed on them, hence, their duties are the rights (just claims) of others upon their behavior. It also serves to explain why the rights of

⁵² See Jurgen Moltman, *On Human Dignity. Political Theology and Ethics*, 29.

⁵³ Leonard Swindler, “Human Rights: A Historical Overview,” 12.

⁵⁴ Joel Feinberg, *Social Philosophy* (Englewood Cliffs, New Jersey: Prentice- Hall, 1973), 83.

⁵⁵ Jurgen Moltman, “A Christian Declaration on Human Rights,” in *A Christian Declaration on Human Rights*, Allen O. Miller (ed.) (Grand Rapid, MI.: Eerdmans, 1977), 135.

⁵⁶ This way of defining human rights is adopted by orthodox Christian ethicists. See Panagiotes Demetropoulos, *Orthodoxos Christianike Ethike* (Privately published, Athens, 1970), Quoted by Stanley S. Harakas, “Human Rights: An Eastern Orthodox Perspective,” in *Human Rights in Religious Traditions*, 14.

some persons, such as criminals, may be temporarily suspended as restraint or punishment when these persons fail to fulfill their duties towards others. This definition stresses the corporate and organic character of the exercise of rights and duties.

Thus right refers to “that which belongs to each person, that is, whatever is owed to and appropriate to each ..., that is whether one has the authority to do both or demand something and receive others that which is due one.”⁵⁷ The idea conveyed here is the irreducible character of the human agent who is the bearer of rights and duties. One has rights and duties not because of who or what one is. “Being” is stressed here. Rights are due a person simply and uniquely because he /she is a human being. The rights that protect human dignity are rights in community. Hence Hollenbach observes that “human rights cannot be understood apart from social interdependence nor can social well- being be understood apart from personal rights.”⁵⁸ In his view, “they are neither exclusively the rights of individuals against the community nor are they the rights of the community against the individual.”⁵⁹

We need to know the meaning of human rights so that we know one when it is claimed. Max Stackhouse contends that the first problem we need to acknowledge in the human right debate is how to know one (a right) when it is claimed.⁶⁰ Stackhouse’s position is that if a claim is to be evaluated by a person, a group, a nation, or church, for

⁵⁷ Vasileois Antoniadis, Encheiridion Kata Christon Ethikes (Constantinople: Fazilet Press, 1972), Vol. 1, 147.

⁵⁸ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 61.

⁵⁹ *Ibid.*, 65. This book, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, offers an extensive and refined discussion of Catholic social teaching on human rights. Lisa Sowle Cahill supports this view of Hollenbach and is of the conviction that human rights are claims grounded in the nature of human community and in the dignity of the person as human. See, Lisa Sowle Cahill, “Toward a Christian Theory of Human Rights,” *The Journal of Religious Ethics* 8, 2 (Fall 1980), 277.

⁶⁰ See Max Stackhouse, “A Protestant Perspective on the Woodstock Human Rights Project,” in Human Rights in the Americas: The Struggle for Consensus, 142- 158, here 143.

possible action, we need to have a criterion of evaluation. In the human rights debate, we have a problem and it is that of knowing which claims are valid. For him, this is no small task “for the concept of “human” implies something that is not rooted in any specific feeling or circumstance. We have to know what is human in order to assess whether a claim that something is dehumanizing *ought* to be the basis for vigorous action.”⁶¹ Hollenbach holds a similar position. He has argued that the mere fact that someone makes a claim does not mean that that claim must be respected. “Claims often conflict. Some of them are incompatible with others.”⁶²

1.1.4 Forms of Rights

Rights come in many varieties. Some are well established, supported by broad consensus and a shared history; others, such as the rights created by ordinary contracts, are readily changed or cancelled. However, some rights, such as “freedom of speech or worship are shored up by political passion, religious fervor, or a strong sense of justice.”⁶³

Very essential in the discussion of human rights is the need to distinguish between legal and moral rights. A legal right can be said to be a right which is “sanctioned by civil law; a person can appeal to the state for its enforcement.”⁶⁴ Such rights, moreover, may be constitutional or statutory: a constitutional right is one that is protected by existing constitutional law; a statutory right can be considered as one, which is guaranteed by

⁶¹ Ibid.

⁶² David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 7.

⁶³ See Philip Selznick, The Communitarian Persuasion, 68.

⁶⁴ Michael J. Himes and Kenneth R. Himes, Fullness of Faith: The Public Significance of Theology, 61.

legislation, usually on the federal or state level. For one to have legal rights, the subject of such a claim must belong to the given political or legal community.

Moral rights on the other hand are “rights which are warranted by appeal to convincing ethical reasoning and argument.”⁶⁵ These rights can be, and often are, “implemented as legal rights; but the two categories (legal and moral) are not perfectly congruent and can even be in conflict.”⁶⁶ In real life, some times moral rights are violated by existing legal rights. Since human rights have their warrant in ethical theory, all human rights are moral rights; but only some human rights are legal rights. One needs to consider the fact that though human rights constitute a class of moral rights unlike legal rights, the subject of such rights, “need not belong to any particular political or legal community but only to the human community.”⁶⁷ Arguments for moral or “natural” rights invoke theories of human nature and the human condition, while legal rights appeal to the authority of constitutions, statutes, customs, and juridical opinions. Some authors have emphasized the need to know the distinction between moral rights and legal rights since failure “results in considerable confusion when arguing for a right because the term “right” means different things to different people.”⁶⁸

Legal and moral rights overlap and interact in complex ways. As Philip Selznick contends, the difference “is crucial for some purposes, such as knowing what obligations will be enforced by the courts. Also, we want to know what lies behind the law if we are to understand its purposes and change the law to fit new circumstances.”⁶⁹

⁶⁵ Ibid., 62.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ See Philip Selznick, The Communitarian Persuasion, 69.

In all known societies, rights are formulated out of rules guiding kinship, ritual, land use and the distribution of resources. In many cases, we realize that families and clans may benefit more than individuals, but having said this, we dare admit that within the group we usually find some recognition of individual rights. Rights, therefore can be considered as building blocks of a social order. Since we cannot thrive without rights, it does not augur well to counterpose rights and community. Hence, we cannot build communities and be indifferent to rights or opposed to rights. In view of this, communitarians take the trouble to distinguish among kinds of rights. Selznick rightly articulates the stance of the communitarians when he states that, “they ask how rights are limited as well as protected, and they seek to balance the rights of individuals or groups against the needs of whole communities.”⁷⁰

The notion of a rights centered mentality (the tendency of acknowledging and honoring rights) stems from the fact that some people fearful of the possibility that in pursuit of the common good “short shrift might be given to the special needs and rightful claims of community’s members.”⁷¹ In view of this, in contemporary liberal theory rights are to use Ronald Dworkin’s phrase, “taken seriously,”⁷² by giving them special emphasis. The liberal position is that rights are limits placed on political decisions.

We do have individual, social, economic and political rights among others. Under individual right, we can speak of the right to life, an adequate standard of living, food, clothing, medical care and shelter. Under social rights, we can speak of the right to

⁷⁰ Ibid. Even though Philip Selznick applauds the efforts of communitarians to balance the rights of individuals or groups against the needs of the whole community, he observes that this vindication of rights does not, by itself, make for a culture of rights-centeredness.

⁷¹ Ibid.

⁷² See Ronald Dworkin’s work, *Taking Rights Seriously* (Cambridge, Massachusetts: Harvard University Press, 1977), XI, 92. We will return to the liberal thought on rights in the next section of our work as we discuss the contemporary schools of thought on human rights.

association, to adequate health care and political participation. Under economic rights, we can consider the right to work, to humane working conditions, to appropriate participation in the management of an economic enterprise, a just wage and to own property. Political rights include the right to participate in public affairs and to juridical protection of all one's human rights.⁷³

The two traditions that have had a lot of influence on the United Nations have laid different emphasis on the different forms of rights. The liberal tradition of the West has emphasized the civil and political liberty of speech, association, press, and religion and the juridical guaranteed of *habeas Corpus* and the due process. The socialist and communist traditions lay emphasis on the rights to gainful employment and economic security that in their view are more important than personal liberties.⁷⁴ Catholic social ethics has affirmed many of the rights enumerated in both traditions.⁷⁵

One might wonder if there is any relation among the different forms of human rights. The respect for the dignity and worth of the person is the foundation of all the specific rights that have been enumerated above. Rights are related to each other by their common foundation in the freedom of the individual person. There are positive causal links between the sectors (different kinds of rights), which cause them to reinforce as

⁷³ This list is among others offered in *Pacem in Terris* Nos. 11- 27. See Catholic Social Thought: The Documentary Heritage David J. O'Brien and Thomas A. Shannon (eds.) (New York: Orbis Books, 1992), 132. As much as we strive to make our world a humane place to live in and also uphold the dignity of human life, no list of human rights can ever be exhaustive. On the other hand, we would like to acknowledge that not everything necessary for the human community can be placed within the language, concept and thought form of human rights.

⁷⁴ One can find an excellent treatment of the rights and entitlements granted by the two traditions in Hollenbach's Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 13- 27. In his view, the United Nations has attempted to synthesize the perspectives of both the liberal democratic and Socialist thought. In her Universal Declaration, she has managed to bring together both civil-political and social- economic rights- being a fundamental standard for the behavior of all nations.

⁷⁵ See David Hollenbach's article, "Global Human Rights: An Interpretation of the Contemporary Catholic Understanding," in his book, Justice, Peace and Human Rights: American Catholic Social Ethics in a Pluralistic Context, 87- 100.

well as compete with each other. The different kinds of human rights are all intertwined. Hollenbach suggests that there are interconnectedness among the different human rights.

In his view, the real conflict which must be addressed by human rights policy are not simple trade offs between different dimensions of the dignity of individual persons. A strategically relevant moral perspective on human rights policy must be concerned principally with the interconnections between different dimensions of respect for the human dignity.⁷⁶

1.1.5 Contemporary Schools of Thought on Human Rights

When we come to examine the contemporary schools of thought on human rights, it would be fair for us to group them under two big traditions, the liberal tradition⁷⁷ and the communitarian tradition.⁷⁸ Liberalism is “a many-stranded tradition, not a well-defined ideology or tight system of premises and conclusions.”⁷⁹ There are significant differences among its exponents like Locke, Rousseau, John Stuart Mill and Dewey. In fact, there is a whole range of liberalism in the West – the view of John Locke, John Rawls and Ronald Dworkin. Hollenbach is critically engaged with these proponents of

⁷⁶ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 196- 197.

⁷⁷ Literature which articulate the liberal tradition is extensive and can be found in John Stuart Mills, On Liberty (Indianapolis: Hackett, 1978); Nancy L. Rosenblum, (ed.) Liberalism and the Moral Life (Cambridge: Harvard University Press, 1989); Jan Goldstein and John W. Boyer (eds.) Nineteenth-Century Europe. Liberalism and Its Critics (Chicago: The University of Chicago Press, 1988); Paul W. Kahn, Putting Liberalism in its Place (Princeton: Princeton University Press, 2005); Michael J. Sandel, Liberalism and the Limits of the State (Cambridge: Cambridge University Press, 1982); John Rawls, Political Liberalism (New York: Columbia University Press, 1993); Jeremy Waldron, Liberal Rights (New York: Cambridge University Press, 1993); Ronald Dworkin, “Liberalism” in his A Matter of Principle (Cambridge, Mass.: Harvard University Press, 1985) and Michael J. Sandel, Democracy’s Discontent: America in Search of a Public Philosophy (Cambridge: Harvard University Press, 1996).

⁷⁸ For literature which articulates the communitarian tradition, one can read Philip Selznick, The Communitarian Persuasion, Michael J. Sandel, Liberalism and the Limits of Justice (Cambridge: Cambridge University Press, 1982); Bruce Frohnen, The New Communitarians and the Crisis of Modern Liberalism (Kansas: University Press of Kansas, 1996).

⁷⁹ See Philip Selznick, The Communitarian Persuasion, 7.

liberalism in his reflections. However, he (Hollenbach) has some reservations about Rawls most especially with his theory of justice.⁸⁰

The liberal tradition that began in the seventeenth century does argue for civil and religious liberty as opposed to the then conventions of monarchy, hereditary rule and the blend of Church and state. This tradition is committed to individual liberty and private property. In fact John Locke's attempt to justify private property is one of the central elements in his political philosophy.⁸¹ The liberal tradition has often been accused of being "overly individualistic, insufficiently sensitive to the social sources of selfhood and regulation, too much concerned with rights and too little with duty, too ready to accept an anemic conception of the common good."⁸²

The liberal and communitarian traditions have their own understanding of rights and this influences their approach to human rights issues. Immanuel Kant's Metaphysics of Morals (1797) deserves special mention as it provides one of the significant modern texts in understanding the liberal traditions approach to rights. In his work cited above, Kant deals with the conditions whereby the freedom of every human being is respected. Kant contends that the work of defining what right is concerns the practical relations between persons that are required in order to protect human freedom. "Right is ... the sum conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom."⁸³ The notion of right specifies obligations that are required so that every person's free choice can coexist with the free choice of

⁸⁰ We shall return to Hollenbach's reservation about Rawls' theory of justice in chapter 2 of our work.

⁸¹ See Matthew H. Kramer, John Locke and the Origins of Private Property. Philosophical Explorations of Individualism, Community, and Equality (Cambridge: Cambridge University Press, 1997). This work of Matthew Kramer explores and examines in depth the Lockean theory of property, along with many other aspects of John Locke's political thought and philosophy.

⁸² See Philip Selznick, The Communitarian Persuasion, 7.

⁸³ See Immanuel Kant, The Metaphysics of Morals, trans., Mary Gregor (Cambridge: Cambridge University Press, 1991), 56.

every one else. In view of this, every person's freedom is limited only by the freedom of others. Hence,

One can locate the concept of Right directly in the possibility of connecting universal reciprocal coercion with the freedom of everyone Strict Right rests on the principle of its being possible to use external constraint that can coexist with the freedom of everyone in accordance with universal laws.⁸⁴

The liberal rights theory grounds human rights in the primacy of liberty.

Liberalism therefore sees an attack or restriction on fundamental rights as an attack on individual liberty, the most precious of human values in liberal thought. Hence, liberals support civil rights and civil liberties. In the American society, liberals acknowledge the fact that First Amendment rights have special primacy. Rights of free speech and expression are considered sacred and are defended against encroachment.

Some liberals have embraced a radical relativism that seeks to suggest that all values are subjective and of equal worth. This position has done a lot of damage to the confidence in moral judgment and democratic decision. Some in this camp have also endorsed the doctrine of liberal neutrality, the notion that a government should not intervene to suggest what manner of lives we ought to live and should not try to mold our preferences. In Rawls's version of liberal neutrality, the state should remain neutral because there are competing and incommensurable conceptions of the human good in a pluralistic society. To favor one over the other threatens the freedom of some to follow their own conception of the good. It threatens their liberty to pursue their own conceptions of the good. "According to this liberal view, moral judgments are properly made by individuals and not by communities, not even by democratic communities."⁸⁵

⁸⁴ Ibid., 57.

John Rawls and the liberal tradition are known for their emphasis on liberty, individualism and freedom. For the liberal tradition, government should remain neutral on the meaning of human life and human good and it should not endorse any conception of the human good for society. In their view, to do so would cause harm to somebody who disagrees with the tradition. The communitarians have a different understanding of the role of government, liberty and freedom. For Hollenbach and other communitarians, freedom is not just the idea to be left alone but to be empowered to participate in the social and political life of the community. Charles Taylor underscores the excess of individualism in the liberal tradition when he asserts that:

Common purposes are only sustained to the extent that people do not identify themselves exclusively as individuals but also see themselves at least in part as essentially defined by their adherence to the political community.... But what it [liberalism] exalts as valuable is exclusively individual self-fulfillment, plus relations of fairness between these self-directing individuals. It offers a picture of human life in which common purposes have no valid place, in which they appear more often as potential obstacles to individual self-development.⁸⁶

Taylor's quote above captures Hollenbach's understanding of the person as moral and social. Hence, what Taylor and Hollenbach offer is an alternative that could be termed "civic freedom," that transcends radical individualism and which nurtures the institutions and the shared understandings without which freedom is damaged, distorted or lost.

The communitarian tradition defends the notion of the collective goods or ideals and rejects any attempt that limits claims to individual independence and self-realization. As it is with liberalism, communitarianism has so many shades and forms and socialism

⁸⁵ See Philip Selznick, *The Communitarian Persuasion*, 10. This position of the liberals is very different from the communitarian understanding of democracy. The liberals are of the conviction that differences about values run deep and cannot be reconciled.

⁸⁶ See Charles Taylor, "Religion in a Free Society," in *Articles of Faith, Articles of Peace: The Religious Liberty Clauses and the American Public Philosophy* James Davison Hunter and Os Guinness (eds.) 9Washington, D.C.: Brookings Institution, 1990), 109- 110.

happens to be just one of the many strands. It must also be pointed out that many religious traditions are strongly communitarian. Communitarian tradition has its roots going back to the time of Aristotle and Thomas Aquinas. The defining characteristic of communitarianism is the belief that human society and politics are to be shaped and animated by some robust conception of the human person. This submission was very easy to work with during the times of Aristotle and Thomas Aquinas but in a more complex and a pluralistic society like the one we live in today, it becomes very difficult to work with such a preposition. Proponents of this tradition are great thinkers like Hegel, Marx, John Dewey, Philip Selznick, Michael Sandel, David Hollenbach, Amitai Etzioni, Alasdair MacIntyre and many others.

Communitarian thought gives effect to rights and upholds an ethic of responsibility. In the United States, the communitarian movement emerged with the writings of Alasdair MacIntyre's *After Virtue*⁸⁷ and Michael J. Sandel's *Liberalism and the Limits of Justice*⁸⁸ that were very critical of the premises of liberalism, especially "political and economic individualism and the notion that people can readily and desirably free themselves from unchosen attachments and obligations."⁸⁹ Communitarians have by no means rejected liberal institutions and the liberal tradition. They accept and support the many liberal achievements. However, they have tried to think anew, conscious of the need to vindicate freedom as well as solidarity, rights as well as responsibilities.⁹⁰ From the communitarian perspective, claims of rights are

⁸⁷ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Indiana: University of Notre Dame Press, 1982).

⁸⁸ Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982).

⁸⁹ See Philip Selznick, *The Communitarian Persuasion*, 5.

⁹⁰ The Responsive community edited by Amitai Etzioni, journal of the new communitarians carries the subtitle "Rights and Responsibilities."

suspect when they are driven by self-interest; when they are uniformed by the values to be realized in particular contexts; when they are claimed without regard to costs and tradeoffs and when they are divorced from obligations. Communitarians like Selznick, Sandel, Etzioni and Hollenbach remind us that rights belong within and not outside the experience of collective life; within and not outside thoughtful concern for the fabric of society.

In his book, *Liberalism and the Limits of Justice*, Sandel seeks to challenge what he terms “deontological liberalism” – the position that justice has priority over any political or moral idea, “since a society, which is composed of a plurality of individuals with different interests and conceptions of the good, is just in so far as it is arranged on the basis of principles of right which do not themselves presuppose any conception of the good.”⁹¹ Sandel argues against the primacy of justice, stressing instead the limits of justice and by implication for the limits of liberalism as well.

Sandel, a communitarian, argues that the moral good should be grounded in the community. He is convinced that “we can know a good in common that we cannot know alone.”⁹² His position is that a shared social life makes knowledge of the common good possible. For Hollenbach, Sandel’s argument does imply that “a shared life together makes practical pursuit of the common good a social necessity.”⁹³ Sandel acknowledges that there are competing conceptions of the good and that our public life can be shaped by the human good. He is open to dialogue and engagement with other people in our pursuit of the good life. Hollenbach, a communitarian, seems to agree with Michael Sandel on

⁹¹ See Carlos Santiago Nino, *The Ethics of Human Rights* (Oxford: Clarendon Press, 1991), 85. This author contends that what Sandel wants to attack is not just a moral conception but a way of deriving it, that is, a meta-ethical outlook.

⁹² See Michael J. Sandel, *Liberalism and the Limits of Justice*, 183.

⁹³ David Hollenbach, *The Common Good and Christian Ethics*, 18.

this point of urging people to participate in the discussion of what the moral good is and articulate their position than withdraw from any discussion of the moral good as is the position of communitarians like Stanley Hauerwas and Alasdair MacIntyre. Hollenbach argues that “the continuing need for a dialogical or deliberative approach to the interpretation of human rights is evident in the context of the increased awareness of religious diversity of both the world and Western societies.”⁹⁴

Alasdair MacIntyre in his submission argues that the Christian world is fragmented by tradition and that is the reason why we cannot reach agreement on philosophical and theological traditions on social life. He advocates that there is the need to join oneself to a community with a coherent tradition and be a part of it. It is his conviction that human good can be learned from traditions.

Hollenbach’s understanding of human rights is that they are claims that protect the sacredness of persons independent of their religious or cultural traditions. These rights are held universally by all people. In his reflections on human rights, Hollenbach acknowledges the Western Enlightenment thought that interprets this claim to universality to mean that human rights are moral standards that stand independent of all traditions, cultures and religions. From his perspective, “the contemporary awareness of the historical embeddedness of rationality, however, raises serious doubts about this claim that rights transcend history and communal traditions.”⁹⁵ This has led some contemporary scholars like Alasdair MacIntyre⁹⁶ and Richard Rorty⁹⁷ to reject the concept of human rights as an Enlightenment concept and illusionary. Hollenbach argues

⁹⁴ Ibid., 162.

⁹⁵ Ibid.

⁹⁶ See Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 67.

⁹⁷ See Richard Rorty, “Postmodernist Bourgeois Liberalism,” in Robert Hollinger, (ed.) *Hermeneutics and Praxis* (Notre Dame, IND.: University of Notre Dame Press, 1985), 219- 220.

that such an outright rejection of the existence of rights “would be a serious setback for the growing sense of solidarity across cultures in a world where violations of human dignity continue today on a massive scale.”⁹⁸ He proposes that a genuine defense of the idea of universal human rights “must take account of the ways the justification of human rights norms and the interpretation of their concrete implications vary in notable ways from one philosophical, ideological, or religious tradition to another.”⁹⁹

In 1992, the Jesuit scholar Kieran Cronin made a contribution to the debate on human rights by undertaking a project that sought to draw out the relationship between Christian theology and human rights. His work, *Rights and Christian Ethics*¹⁰⁰ adopted a covenantal approach arguing that humans have rights because God has rights or justifiable claims upon humanity. God enters into a covenant relation with humanity. For this reason, humankind is expected by the virtue of their status as creatures to “give God his due.” Humankind is expected to be mindful of the claims that belong to one another. Cronin works from the perspective of the Old Testament covenant accounts and suggests that Christian scholars and secular theorists are to work together in spite of the differences they may have especially in the area of morality and human rights since, “God gives rights to human beings against one another because of his providential care for his children, whether they believe in him or not. This allows for the protection of human dignity.”¹⁰¹

⁹⁸ David Hollenbach, *The Common Good and Christian Ethics*, 163.

⁹⁹ *Ibid.*

¹⁰⁰ Kieran Cronin, *Rights and Christian Ethics* (Cambridge: Cambridge University Press, 1992).

¹⁰¹ *Ibid.*, 250.

Writing from a Protestant perspective, Esther D. Reed offers a critical theological account on Christian advocacy of human rights.¹⁰² Her work focuses on the concept of covenant as in Cronin’s work cited above. She affirms that the task of outlining a theological ethic of rights falls primarily within the realm of dogmatics: “Dogmatics aims at the conceptual clarification of the Christian gospel which is set forth in Holy Scripture and confessed in the life and practices of the Church.”¹⁰³ Reed submits that “the task of a Christian ethic of rights is only ever to enquire into the entitlements of the gospel for Christian action in the world.”¹⁰⁴ She seeks to investigate how a strong Christological focus “can engender teleological conceptions of human nature and “the natural,” of “right” and human rights, and, more especially, of the operations of reason in the framing of law.”¹⁰⁵

Hollenbach appreciates the contribution of the liberal tradition and recognizes its weaknesses. Hence in his work, *The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics*, he argues for a theological reconstruction of rights that turns on the traditional natural-law conviction that humans are essentially social beings. The Church, he argues, does offer a communitarian alternative to liberal human rights theory that better serves the common good.¹⁰⁶

¹⁰² See Esther D. Reed, *The Ethics of Human Rights: Contested Doctrinal and Moral Issues* (Waco, Texas: Baylor University Press, 2007).

¹⁰³ John Webster, *Word and Church: Essays in Church Dogmatics* (Edinburgh: T & T Clark/ Continnum, 2001), 192.

¹⁰⁴ Esther D. Reed, *The Ethics of Human Rights*, 7- 8.

¹⁰⁵ *Ibid.*, 8.

¹⁰⁶ The point made in this paragraph can be considered as a very distinctive, unique and important contribution of Hollenbach to the human rights debate.

1.2 Human Rights and Catholic Social Teaching

Having discussed the current theoretical debates about human rights, we shall now proceed to explore what Catholic Social Teaching is and then examine how human rights relate to Catholic Social Teaching.

1.2.1 What is Catholic Social Teaching?

Catholic Social Teaching refers to that corpus of documents containing the teachings of popes through encyclicals, Apostolic Letters or Messages, Synodal documents, social publications from the offices of the Roman curia, and pastoral letters of Bishops Conferences of the world. It describes “both what Catholics *believe* and who they *are* as followers of Christ.”¹⁰⁷ As the U.S. bishops have affirmed, Catholic social teaching “is a central and essential element of our faith.”¹⁰⁸ Catholic social teaching seeks to examine the relationship between faith and daily life and how believers understand the world and their place in it. Most scholars do point to the encyclical of Pope Leo XIII, *Rerum Novarum* in 1891, as the beginning of this social teaching. There are no official canon or list of Catholic social teaching but observers and commentators do generally agree on the items that belong to this group.¹⁰⁹ Earlier nineteenth –century

¹⁰⁷ See Kathleen Maas Weigert and Alexia K. Kelly (eds.) Living the Catholic Social Tradition. Cases and Commentary (Lanham, Maryland: Rowman and Littlefield Publishers, 2005), IX.

¹⁰⁸ National Conference of Catholic Bishops, Sharing Catholic Social Teaching: Challenges and Directions – Reflections of the U. S. Catholic Bishops (Washington, D.C.: United States Catholic Conference, 1998), I.

¹⁰⁹ It is generally accepted that Catholic social teaching summarizes the principles of the Catholic faith in Seven themes that capture the essence of Jesus’ and the Church’s teaching on justice. The Seven themes include the Right to Life and the Dignity of the Human Person; Call to Family, Community and Participation; Rights and Responsibilities; Option for the Poor and Vulnerable; Dignity of Work and the Rights of Workers; Solidarity and Care for God’s Creation.

popes also wrote some encyclicals on social issues ¹¹⁰ but as Curran asserts, “these documents usually are not considered a part of Catholic Social Teaching.”¹¹¹ According to Richard Camp, popes who wrote before Leo XIII (pre-Leonine popes) “had little to contribute to a Catholic doctrine of social reform.”¹¹² We need to point out that not every one holds this view. A scholar like Michael J. Schuck has a different take on the origins of Catholic social teaching.¹¹³

A number of articles and excellent books have been written on Catholic social teaching ¹¹⁴ in the hope of helping people come to understand the rich heritage of the

¹¹⁰ See Michael J. Schuck, That They Be One: The Social Teaching of the Papal Encyclicals 1740- 1989 (Washington, D.C.: Georgetown University Press, 1991). This scholar argues that Catholic social teaching goes back as far as 1740 when Benedict XIV was the pope. To dismiss the pre- Leonine period encyclicals in his view is a mistake. He claims that following Benedict XIV’s inception of modern encyclical writing, nine popes produced Seventy- Seven letters antedating Leo XIII. See his cited work, page 1.

¹¹¹ Charles Curran, Catholic Social Teaching 1891- Present: A Historical, Theological and Ethical Analysis (Washington, D.C.: Georgetown University Press, 2002), 6.

¹¹² See Richard L. Camp, The Papal Ideology of Social Reform: A Study in Historical Development 1878 – 1967 (Leiden: E. J. Brill, 1969), 7. Another scholar who holds a similar view as Camp is Renzo Bianchi. See his work, Liberalism and Its Critics, with Special Attention to the Economic Doctrine of the Roman Catholic Church (Northfield, Minn.: Carleton College Economics Club, 1958), 53.

¹¹³ See Michael J. Schuck’s entry under “Modern Catholic social Teaching,” in New Dictionary of Catholic Social Thought Judith A. Dwyer (ed.) (Collegeville, Minn.: Liturgical Press, 1994), 615. Schuck submits that “Although the claim that modern Catholic social thought began with Leo XIII’s encyclical *Rerum Novarum* needs modification, it does suggest a way to organize the history of this thought. A characteristically Leonine approach towards social affairs did exist within the Church from 1878 to 1958. Using this period as a marker, one can then speak of a pre-Leonine period of Catholic social thought from 1740 to 1877 and 1 post-Leonine period from 1959 to present.”

¹¹⁴ For more information on Catholic Social Teaching, one can read Donal Dorr, Option for the Poor: A Hundred Years of Catholic Social Teaching (New York: Orbis Books, 1983); Philip S. Land, Catholic Social Teaching: As I Have Lived, Loathed, and Loved It (Chicago: Loyola University Press, 1994); John A. Coleman (ed.) One Hundred Years of Catholic Social Thought: Celebration and Challenge (New York: Orbis Books, 1991); John Coleman and William Ryan (eds.) Globalization and Catholic Social Thought. Present Crisis, Future Hope (New York: Orbis Books, 2005); Michael J Schuck, That They Be One: The Social Teaching of the Papal Encyclicals 1740- 1989 (Washington, D.C.: Georgetown University Press, 1991); Joe Holland, Modern Catholic Social Teaching: The Popes Confront the Industrial Age 1740- 1958 (New York: Paulist Press, 2003); Kenneth R. Himes (ed.) Modern Catholic Social Teaching. Commentaries and Interpretations (Washington, D.C.: Georgetown University Press, 2004); Charles E. Curran, Catholic Social Teaching 1891- Present: A Historical, Theological and Ethical Analysis; Judith A. Merkle, From the Heart of the Church: Catholic Social Tradition (Collegeville: Liturgical Press, 2004); David O’Brien and Thomas Shannon (eds.) Catholic Social Thought: The Documentary Heritage (New York: Orbis Books, 1992); Pontifical Council for Justice and Peace, Compendium of the Social Doctrine of the Church (Libreria Editrice Vaticana, 2005); Charles E. Curran and Richard McCormick (eds.) Official Catholic Social Teaching, Readings in Moral Theology No. 5 (New York: Paulist Press, 1986); Kristin E. Heyer, Prophetic and Public: The Social Witness of U.S. Catholicism (Washington, D.C.: Georgetown University

church and the “teaching” aspect of the documents. What are some of the positions that have been proposed?¹¹⁵ Some people view social teaching as social policy, others as prophecy. Others see social teaching as moral doctrine and yet others refer to social teaching as “perennial moral principles to be applied in specific societal situations.”¹¹⁶

Those who view social teaching as the Church’s social policy suggestions for the contemporary world see in the encyclicals of the popes beginning from Leo XIII’s *Rerum Novarum* the corpus called Catholic social teaching.¹¹⁷ One scholar who perceives Catholic social teaching in this way is Richard Camp. He calls the social encyclicals the “Vatican Social Theory.”¹¹⁸ Seen from this perspective, “the social teaching of the church is analogous to the policy statements of an international organization.”¹¹⁹ Catholic social teaching seen from this perspective would offer the world a perspective on political, social, economic and cultural values, from the standpoint of Christian values, as interpreted by the Church. Social teaching perceived this way, “is a blue print for achieving the common good.”¹²⁰ Critics of this view contend that social teaching does not

Press, 2006). For resources from the U. S. Catholic bishops on Catholic social teaching, one can read, “Economic Justice for All: A Pastoral Letter on Catholic Social Teaching and the U.S. Economy (1986), A Decade After ‘Economic Justice for All’: Continuing Principles, Changing Context, New Challenges (Washington, D.C.: USCC, 1995).

¹¹⁵ See Peter J. Henriot, Edward P. DeBerri and Michael J. Schulteis, Catholic Social Teaching: Our Best Kept Secret (Maryknoll, New York: Orbis Books, 1992).

¹¹⁶ See Judith A. Merkle, “From Catholic Social Teaching to Catholic Social Tradition,” in Theology and the Social Sciences College Theology Society Annual Publication Vol. 46, 2000. Michael Horace Barnes (ed.) (Maryknoll, New York: Orbis Books, 2001), 241- 258, here 241. See her other work, From the Heart of the Church: The Catholic Social Tradition, 8.

¹¹⁷ For an excellent presentation on the distinction between social teaching as “merely encyclicals” and wider traditions of socials thinking that develop and specify themes and concepts expressed in the encyclicals, one can consult: Jonathan S. Boswell, Francis P. McHugh and Johan Verstraeten (eds.) Catholic Social Thought: Twilight or Renaissance? (Louvain: Leuven University Press, 2000). This book provides expert positions on Catholic Social thought regarding Sources and structure of Catholic Social Thought, Engagement with secular world; praxis and policies.

¹¹⁸ See Richard L. Camp, The Papal Ideology of Social Reform: A Study of Historical Development 1878-1967, 1.

¹¹⁹ See Judith A. Merkle, From the Heart of the Church: The Catholic Social Tradition, 8.

¹²⁰ Ibid.

really provide or reflect a distinctive church social theory but rather affirms mainstream political platforms.¹²¹

Another school of thought views Catholic social teaching as the prophetic action of the Church. Proponents of this view maintain that the role of social teaching is not to provide solutions to global issues of poverty, the environment, human rights and violence, but to be a voice of criticism to call for reform and a just order.¹²² Those from this school of thought would want to move beyond the social encyclicals of the church and include a wide range of literature in prophetic social teaching. This literature would, include the work of Catholic worker movements, Pax Christi and liberation and political theologians. Those who consider social teaching from this perspective would want the church to speak out in the face of atrocities against humanity as Bishop Gumbleton observes:

In an age when “crimes against humanity” became almost commonplace, the Church seemed strangely silent. The prophetic word has not spoken in Nazi Germany or Hiroshima. At a historic moment when the world needed the clear call of denunciation against horrendous crimes and when individual Christians needed the strong, clear guidance of the teaching Church, it was not there.¹²³

Critics of this view hold that social teaching must be more than an institutional action.

When one conceives of social teaching as linked closely to the institution, “social teaching can be mistakenly viewed as mainly an action of the magisterium and less connected to the life of the Church as a whole.”¹²⁴ We dare acknowledge that the “Church as a whole” can also be prophetic in her mission.

¹²¹ See Paul F. Lakeland, “Ethics and Communicative Action: The Need for Critical Theory in Catholic Social Teaching,” in *Thought* 62, No. 244 (March, 1987), 60.

¹²² See Carlo Maria Martini, *The Dove at Rest: Contributions for a Possible Peace* (Middlegreen Slough, England: St. Paul’s, 1995), 20.

¹²³ See Thomas J. Gumbleton, “Peacemaking as a Way of Life,” in John Coleman (ed.) *One Hundred Years of Catholic Social Thought*, 304.

¹²⁴ See Judith A. Merkle, “From Catholic Social Teaching to Catholic Social Tradition,” 242.

A third group envisions social teaching as moral doctrine. Social teaching spells out the social implications of the Christian faith in the wider and secular society. It is the application of the Christian teachings and natural ethics to society at a particular moment in human history. They respond to specific situations and so depend on the reading of the signs of the time. Critics of this view claim that because “social teaching encompasses such a broad range of moral language and analysis, it needs to be too generic to be obligatory.”¹²⁵ For this reason, they contend that it can only exhort, advice, offer prudential guidance and raise social consciousness. They maintain that it does not provide “a parallel sense of obligation to moral teaching in the other areas of Catholic moral thought, such as sexuality and medicine.”¹²⁶

The fourth view or approach to Catholic social teaching is to see the documents as mere general moral principles to be applied in specific social contexts. From this perspective, social teaching is a guideline for social activism. “A specific action can be discerned by reliance on the Catholic traditions view of a just society, which is implicit in social teaching.”¹²⁷ Those who read social teaching this way do so by taking one or two approaches. They either draw on key themes of social teaching, or they proclaim social “principles”. Those who focus on key themes of social teaching emphasize theological relationship with respect to the dignity of persons, their need to form society, their relationship to work, the notion of that creation is for the benefit of all peoples and apply these broad themes, as criteria for discernment, for our modern day living. The United States bishops employed this approach in their 1998 pastoral letter on social teaching: “In

¹²⁵ Ibid., 243.

¹²⁶ Ibid.

¹²⁷ Ibid.

these brief reflections, we wish to highlight several of the key themes that are at the heart of our Catholic Social tradition.”¹²⁸

Another approach to social teaching underscores the moral principles from the Church’s definition of a just society as one that is well ordered and governed by natural law.¹²⁹ Natural law is considered as the participation of the rational creature in the eternal law. Civil authority from Catholic tradition has a great role in working out a just society. Civil authority can do so by using human reason, reflecting on human nature and then arriving at ethical wisdom and knowledge that would help create a just and humane society. For proponents of this approach, social teaching seeks to proclaim the principles of natural law for the good of society. “Social teaching can be offered to all in society, since it appeals to principles binding on the conscience of all men and women.”¹³⁰ Even though the source of the Church’s understanding and knowledge of a just society is in the social encyclical tradition, one would be right in acknowledging that this teaching extends beyond church boundaries and nations in its value. For proponents of this fourth approach to Catholic social teaching, the principles found in the tradition “aid consistency in commitment and coherency between belief and practice.”¹³¹ Those who are critical of this approach contend that “the principle approach, abstracted from the social movements necessary to make values politically effective, ends up as good moral and rhetoric but not capable of transforming society.”¹³²

¹²⁸ United States Catholic Conference, Sharing Catholic Social Teaching: Challenges and Directions. Reflections on the U. S. Catholic Bishops (Washington, D.C.: United States Catholic Conference, 1998), 4.

¹²⁹ Charles E. Curran, “What Catholic Ecclesiology Can Learn from Official Catholic Social Teachings,” in A Democratic Catholic Church: The Reconstruction of Roman Catholicism, Eugene C. Bianchi and Rosemary Radford Ruether, (eds.) (New York: Crossroad, 1992), 102.

¹³⁰ Judith A Merkle, “From Catholic Social Teaching to Catholic Social Tradition,” 244.

¹³¹ Ibid.

¹³² Ibid.

In 2004, the Vatican's Pontifical Council for Justice and Peace gave the Church a wonderful overview and guide to Catholic social teaching, *The Compendium of the Social Doctrine of the Church*.¹³³ This book is a unique compilation of what the Church teaches about living a moral life in the modern world. It is not a "Social Catechism" insisted Cardinal Renato Martino, who supervised drafting the compendium. He explained that a catechism presents the unchanging truths of the Catholic faith. But the compendium shows that, while the Church's faith does not change, the issues it is compelled to address do change because the world changes. The compendium's introduction defines it "as an instrument for the moral and pastoral discernment of the complex events that mark our time; as a guide to inspire attitudes and choices that will permit all people to look to the future with greater trust and hope; and as an aid for the faithful concerning the Church's teaching in the area of social morality."¹³⁴

1.2.2 Human Rights and Catholic Social Teaching

Human rights have emerged as a really important dimension of Catholic social teaching. Back in the nineteenth century, there was a lot of suspicion about human rights. Pius IX and Gregory XVI did not like the idea of human rights. They thought it was a secular thought from the French Revolution. However, Catholicism later on adopted the idea of human rights and John XXIII and Vatican II laid great emphasis on it. Since then, human rights have become very central to Catholic social thought to the point where

¹³³ Pontifical Council for Justice and Peace, *The Compendium of the Social Doctrine of the Church* (Libreria Editrice Vaticana, 2005).

¹³⁴ *Ibid.*, 4.

now, the Catholic Church is one of the major supporters of human rights in the world.¹³⁵ Hollenbach is very fascinated by the position of Samuel Huntington, (a secular political scientist) who in his famous writings, *The Clash of Civilization*¹³⁶ and *The Third Wave: Democratization in the World in the Late Twentieth Century*¹³⁷ argued that the Catholic church since Vatican II has become the single most important force for human rights advancement in the world.

Hollenbach is of the opinion that the emergence of human rights as central to the Catholic Church has made the church an important player in advocating for human rights. The church championed the cause of human rights especially with the pontificate of John XXIII and the Second Vatican Council. John Paul II moved the church to center stage in the struggle against authoritarianism and for freedom of religion, expression and respect for the dignity of the person. "Papal visits came to play a central role. John Paul II seemed to have a way of showing up in full pontifical majesty at critical points in democratization processes The purpose of these visits ... was always said to be pastoral. Their effects were almost invariably political."¹³⁸ This assertion of Huntington is affirmed by Mikhail Gorbachev who noted that "everything that took place in Eastern

¹³⁵ This historical background regarding the Catholic Church's view on human rights and the place of human rights in Catholic social thought are from David Hollenbach, during an Interview on March 26, 2009 in Pittsburgh.

¹³⁶ Samuel P. Huntington, "The Clash of Civilizations," *Foreign Affairs* 72 (summer 1993), 22, 25. See also his other work, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1997).

¹³⁷ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991). Huntington asserts that there have been three waves of democratization in modern world history. The first was between the 1820's – 1920's; the second from the end of World War II; the third beginning from 1974-1989 with more than thirty Countries in Europe, Asia and Latin America having moved from authoritarianism to democracy. In most of the Countries that moved from authoritarianism to democracy, the majority of the population is Catholic. Catholicism has shaped their cultures and this was initiated by John XXIII, the Second Vatican Council and the clergy and laity since the Council.

¹³⁸ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, 34.

Europe in recent years would have been impossible without the Pope's efforts and the enormous role, including the political role, he played in the world arena."¹³⁹

As a way of rectifying the violations of human rights, some countries in Latin America like Argentina, Chile and El Salvador created Truth Commissions to hold accountable those who have committed gross abuses of human rights.¹⁴⁰ In Ghana, a Truth Commission that was created to investigate human rights abuses had the Archbishop of Accra as a member. The Church has supported the idea for reforms and especially the Vatican through John Paul II opened political space for human rights advocacy. No pope has made journeys an integral component of his diplomacy, as did John Paul II. When Hollenbach gave a review of the popes themes on his journey's he found "the central place which human rights have come to hold in Catholic social thought is evident from a cursory reading of the numerous addresses of pope John Paul II during his travels. Whether in Poland or Brazil, ... the most consistent and forceful theme of the pope's message has been the appeal for the protection of human rights and the denunciation of patterns of human rights violations."¹⁴¹

Human rights relate to Catholic social teaching in that the core of Catholic social teaching is a proclamation about human meaning, or what it means to be human. John Paul II asserts, " ... the complete truth about the human being constitutes the foundation

¹³⁹ Mikhail S. Gorbachev, "My Partner, the Pope," *New York Times*, March 9, 1992: A17.

¹⁴⁰ For an excellent insight into the workings of the Truth Commission in Chile and El Salvador, one can consult Mark Ensalaco, "Truth Commission for Chile and El Salvador: A Report and Assessment," *Human Rights Quarterly* 16, 4 (November 1994), 656- 675.

¹⁴¹ David Hollenbach, "Both Bread and Freedom: The Interconnection of Economic and Political Rights in Recent Catholic Thought," in Arthur J. Dyck (ed.) *Human Rights and the Global Mission of the Church* (Cambridge, Mass.: Boston Theological Institute, 1985), 31. In actual fact, John Paul's comments and speeches on human rights during his journeys fill more than two volumes. See Juan Pablo II y los derechos humanos (1978- 1981) (Pamplona: Ediciones Universidad de Navarra, 1982); Juan Pablo II y los derechos humanos (1981- 1992) (Pamplona Ediciones Universidad de Navarra, 1993).

of the Church's Social teaching and the basis also of true liberation.”¹⁴² From the statement of the pope, the human person is to be viewed in social teaching, not just in himself or herself, but in the context of the complex social systems of his or her day. However, the human person is not to be subjected to economic, social or political processes. “The processes are also to be directed to the good of the human person. The utility of economic and political processes in our postmodern world is measured by how they build community.”¹⁴³

For John Paul II, the human person is the primary and fundamental way for the church, meaning the promotion of human dignity is very essential to the identity and the mission of the church. In his encyclical *Redemptor Hominis* (1979), he stated rightly that, this “way” is “traced out by Christ himself,” the mystery of the incarnation and the redemption is grounded in God's love for human beings (RH 14). This is the model that Christ has offered her church and the church would do well to accept and live by this model. In John Paul II's view, the defense of human dignity and human rights, which are at the core of the church's social teaching, are more than significant human and moral ventures. It is a moral imperative for the Catholic Church.¹⁴⁴ Through her social teaching, the church takes up the task of defending the dignity of human life.

Through her social teaching, the Church has emphasized a Christian understanding of the human person, “rooted both in the Christian tradition and the tradition of reason, demands that human dignity be respected through the civil guarantee

¹⁴² John Paul II, “Puebla Address,” *Origins*, 8 (February 8, 1979), 535.

¹⁴³ Judith A. Merkle, *From the Heart of the Church. The Catholic Social Tradition*, 15.

¹⁴⁴ J. Byran Hehir, “John Paul II: Continuity and Change in Social Teaching of the Church,” in Official Catholic Social Teaching Readings in Moral Theology, No. 5, 255.

of religious freedom.”¹⁴⁵ As Hollenbach points out, the church in her mission and through her conciliar response (that forms a part of Catholic social teaching) to the social and ideological pluralism of the context in which her members live their faith has made a great contribution in the efforts to establish justice and peace in our global society. The Church in her social teaching has affirmed that there “are basic rights in the social, economic, political, and cultural fields which all systems and all ideologies are bound to respect. These are the basic rights of the human person, derived from the fundamental dignity of the person.”¹⁴⁶

Conclusion

We began this chapter by offering a historical overview of the human rights issue. We explored the foundations and meaning of human rights. Our discussion did reveal the importance of human rights for our world. The future of our world depends on how serious we strive to promote and defend the rights of people and empower them to contribute to the growth of their individual societies by upholding civil and political, economic and social rights.

We did examine the contemporary schools of thought on human rights and did realize that there are two main schools of thought, the liberal and the communitarian thought. These two big schools have contributed immensely to shape our understanding of human rights. We did highlight some of the limitations of the contemporary schools of

¹⁴⁵ David Hollenbach, “Global Human Rights: An Interpretation of Contemporary Catholic Understanding,” in Official Catholic Social Teaching Readings in Moral Theology No. 5, 369. See his other work, Justice, Peace, and Human Rights: American Social Ethics in a Pluralistic Context, Chapter 6, 87- 100, here 90.

¹⁴⁶ Ibid.

thought and the need to have an ongoing engagement by way of dialogue and discussion so as to advance the human rights agenda for our world.

We did point out that there are human rights abuses and violations around the world perpetrated by governments, institutions and individuals. It is encouraging to know that the Catholic Church has played a very important role in promoting human rights in various parts of the world. It is gratifying to know that the advocacy role played by the Church has yielded some positive results. Many more people and groups would need to committee themselves to the cause of promoting and defending human rights in our world so as to transform and make our world a more just and humane place.

CHAPTER 2:
HOLLENBACH'S INTERPRETATION OF
THE DEVELOPMENT OF HUMAN RIGHTS

Having given an overview and an explanation of the notion of human rights and how it relates to Catholic social teaching, our focus in this chapter will be a consideration of Hollenbach's interpretation of the contributions made by the Liberal Democracy, the United Nations and the Catholic Church in the debate on human rights.

Hollenbach argues that the Roman Catholic thought has something important to contribute to the debate on human rights so he has written extensively on his understanding of papal encyclicals.

We shall therefore devote much attention in this chapter to his interpretation of these papal encyclicals and other documents of the Second Vatican Council, the Synod of Bishops and the United States Catholic Bishops Pastoral Letter, (Economic Justice For All: A Pastoral Letter on Catholic Social Teaching and the U. S. Economy) that addresses issues on human rights, human dignity and economic rights. We shall also consider in this chapter, the religious, social, political and economic reasons for the Church's involvement in the human rights debate.

We will attempt to point out some of the key concepts that keep coming out of Hollenbach's reflections on human rights as a result of his interpretation and analysis of the development of the human rights tradition. The thesis of this chapter is that Hollenbach has sought in his reflections to blend individual liberties and social justice concerns. He has denounced the individualistic concept of human rights that prevails in

the United States which comes from the liberal theory. He has incorporated aspects of liberal and communitarian moral theories into natural law reasoning in his reflections on human rights. He provides a synthesis between the liberal and communitarian tradition and Catholic social thought. This makes his interpretation very distinct and unique.

2.1 Liberal Democracy

The Bill of Rights of the United States Constitution and the Declaration of the Rights of Man and Citizen of the French Revolution can be considered as the documents that give expression to the liberal theory of rights.¹ As Hollenbach rightly maintains, “the first ten amendments to the American Constitution continue as the human rights Charter of modern liberal democracy.”² These amendments underscore the importance of human rights in the United States society and how these rights that are enshrined in her Constitution makes her the toast of many nations of the world. Unfortunately, many of the rights that are enshrined in Americas Constitution are denied in many parts of the world where authoritarian and totalitarian regimes are in power. Many Christians do not have the freedom to practice their faith in countries like China and Indonesia. Torture, summary imprisonment and infringement on the fundamental rights are employed against

¹ This is the position or assessment of Hollenbach regarding these two documents mentioned. He does admit that the antecedents of these two documents are complex and varied. He is of the opinion that these two documents are very different from each other in many respects and in different ways. For an overview of the origins of these two documents, one can read C. B. Macpherson, “Natural Rights in Hobbes and Locke,” and John W. Chapman, “Natural Rights and Justice in Liberalism,” in D. D. Raphael, (ed.) Political Theory and the Rights of Man (Bloomington: Indiana University Press, 1967), 1- 15; 27 – 42. For an insight into the origins of the United States Constitutional approach to rights in Common law tradition one can see Zechariah Chafee, How Human Rights Got into the Constitution (Boston: Boston University Press, 1952), and Ernest Barker, “Natural Law and the American Revolution,” in Traditions of Civility (Cambridge: Cambridge University Press, 1948), 263- 355.

² David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition (New York: Paulist Press, 1979), 13. The tenets of human rights in the American Constitution among others are the rights to freedom of religion, Speech and assembly, the right to secure one’s person and property, the rights to *habeas Corpus* and to the due process of law.

political dissidents and opponents in Indonesia, Tibet, Zimbabwe, Iran and China. In liberal democracies, people have their political rights respected and they actively participate in the political life of the society where they exercise their franchise in voting at elections.

The rights enshrined in the liberal theory can be related to each other by having the freedom of the individual person as their common foundation. Freedom in this tradition is understood as granting primacy to the individual, or negative immunity from interference or political coercion. It does not exclude competition. Its content are the freedom of religion, speech and assembly, to be secured in one's person and property. In Hollenbach's opinion, "to attack or restrict these fundamental rights is to attack individual liberty, the most precious of human values in liberal thought."³ Thus, the liberal rights theory grounds human rights in the primacy of liberty. Hollenbach asserts that the natural state of humanity is the foundation and establishment of all legitimate political power. The question is what is the nature of this state? It can be described as a state that enables all persons without exception to have:

perfect freedom to order their actions, and dispose of their possessions and persons, as they see fit, within the bonds of the law of nature, without asking leave, or depending upon the will of any other man.⁴

Thus, this state empowers people with freedom and does not interfere in their actions provided they are within the limits of the law of nature.

In putting forth his understanding of the contributions of liberal democracy to the debate on human rights, Hollenbach relies on the work of H.L.A. Hart who among others,

³ Ibid.

⁴ John Locke, *Second Treatise on Civil Government*, in Ernest Barker (ed.) *Social Contract: Essays by Locke, Hume and Rousseau* (New York: Oxford University Press, 1962), 4. John Locke was a British Philosopher who supported and promoted the liberal rights doctrine and wrote extensively on the Social Contract that would enhance life in the liberal democratic system.

has offered an insight on the moral basis of this political theory. Hart is of the opinion that, “if there are any rights at all they are ramifications and extrapolations of individual freedoms.”⁵ For Hart according to Hollenbach, “not only constitutionally guaranteed legal rights but those moral rights which legitimate them are rooted in the fundamental right to liberty.”⁶ In Hollenbach’s view, Harts thesis is a summary of the liberal theory and liberal experience. Harts position can be presented in this manner:

If there are any moral rights at all, it follows that there is at least one natural right, the equal right of all to be free. By saying that there is this right, I mean that in the absence of certain special conditions which are consistent with the right being an equal right, any adult human being capable of choice (1) has the right to forbearance on the part of all others from the use of coercion or restraint and (2) is at liberty to do (i.e., is under no obligation to abstain from) any action which is not one coercing or restraining or designed to injure other persons.⁷

From Hart’s position stated above, rights are basically “negative” rights to immunity against interference or political coercion. They are defenses of individual liberty. There are duties corresponding to rights in this theory, but it must be said that they are more negative than positive in content and formulation. Any action is protected by “right which is not one coercing or restricting or designed to injure other persons.”⁸ This does not include the prevention of others from acting the way they choose unless they infringe on the liberty of others. Attempts to restrict the liberty of others by force or the threat of force are excluded. All other killings except in a situation of self-defense is forbidden. Hollenbach does add that it outlaws slavery. An important aspect of the liberal theory is

⁵ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 14.

⁶ Ibid.

⁷ H. L. A. Hart, “Are There Any Human Rights?” in F. Olafson, Society, Law and Morality, 1961, 173.

⁸ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 15.

that it does not exclude competition “even though in fact, owing to scarcity, one man’s satisfaction causes another’s frustration.”⁹

The last point made above has opened the floodgates for a series of criticism of the liberal rights theory. The origin of liberalism in the writings of Hobbes and Locke do point to a correlation between the eighteenth-century rights theory and the then market economy of the day. Hollenbach asserts that the “classical and medieval theories of natural law insisted upon the reality of positive duties toward others within a stable social order.”¹⁰ Liberalism did reject this tradition and rather set people free “to participate in the modern capitalist enterprise.”¹¹ As one critic put it, early liberalism “put every man on his own in a market society.”¹² One writer who is a bit sympathetic to the liberal theory maintains that the link between the liberal rights theory and the legitimacy of unlimited competition and acquisition of wealth “troubles the consciences of western liberals.”¹³ Even though as Hollenbach maintains Hart is aware that “it will be pedantic to point out to (the poor) that though they are starving they are free,”¹⁴ he (Hart) is not ready to modify his position to negative freedom and defensive rights as the basis of democratic politics. Thus in Hollenbach’s view, it would seem that “the liberal rights theory is compatible with the presence of extreme want in a society, even when the resources necessary to eliminate it are present.”¹⁵

⁹ H. L. A. Hart, “Are there Any Human Rights?” 173.

¹⁰ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 15.

¹¹ Ibid.

¹² C. B. Macpherson, “Natural Rights in Hobbes and Locke,” 5.

¹³ See Isaiah Berlin, “Two Concepts of Liberty,” in Four Essays on Liberty (New York: Oxford University Press, 1969), 125.

¹⁴ H. L. A. Hart, “Are There Any Natural Rights?”, 174.

¹⁵ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 15. Hollenbach would not subscribe to this position of the liberal rights theory - “the compatibility with the presence of extreme want in a society even when the resources necessary to eliminate it are present”

Proponents of the liberal tradition like John Chapman would want to soften the criticism of the liberal tradition by suggesting that Locke's defense of the liberty to acquire wealth is to be seen as a defense of the value of economic competition for society as a whole. In Chapman's view, the increased productivity that is a result of the competitive spirit espoused by the liberal tradition would benefit both the rich and the poor in society. In Hollenbach's opinion, Chapman believes that Locke and the liberal tradition after him, "has accepted the optimum conditions implied in the concept of economic rationality."¹⁶

Hollenbach does a bit of analysis on John Rawls' (a proponent of the liberal tradition) work on justice in his attempt in assessing the liberal theory. Rawls formulation is that:

All social primary goods – liberty and opportunity, income and wealth, and the bases of self-respect- are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favoured.¹⁷

This for Hollenbach is the normative standard and Chapman accepts this standard that he (Chapman) maintains represents the moral core of the liberal theory of rights.

In *A Theory of Justice*, Rawls according to Hollenbach makes it clear that he understands and recognizes the distinction between the defense of liberty and the effort to ensure that no one benefits at the expense of another. For Hollenbach, Rawls' general concept of justice, and his theory of rights can be divided into two principles.

Hollenbach's response to a situation of want is that "the needs of the poor take priority over the wants of the rich," "the freedom of the dominated takes priority over the liberty of the powerful," "the participation of the marginalized group's takes priority over an order which excludes them." See Hollenbach's Three Strategic Principles in his Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 203 - 207.

¹⁶ John W. Chapman, *Natural Rights and Justice in Liberalism*, 33, cited in Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 16.

¹⁷ John Rawls, *A Theory of Justice* (Cambridge: The Belknap Press of Harvard University Press, 1971), 303.

First Principle:

Each person is to have an equal right to the most extensive total system of basic liberties compatible with a similar system of liberty for all.

Second Principle:

Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged ..., and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.¹⁸

In Rawls' theory, the two principles of justice as given above are not of equal weight.

Rather, they are ordered "lexically."¹⁹ A lexical order is one "which requires us to satisfy the first principle in the ordering before we move on to the second A principle does not come into play until those previous to it are either fully met or do not apply."²⁰ In Rawls' theory, the "First principle, the principle of equal liberty has an "absolute weight" relative to the principle which calls for the basic societal structures designed to benefit the least advantaged."²¹

Rawls thinks that his way of ordering his principles "should not be objectionable to the poor or those who are otherwise disadvantaged because they are guaranteed the same liberty as the well off, by the First Principle."²² Rawls Second Principle suggests that some inequalities in the economic realm may be to the benefit of those who are poor in view of increased productivity. Such inequalities bring about in Rawls' version of Liberalism,

the question of satisfying social and economic needs arises only *after*

¹⁸ Ibid., 302.

¹⁹ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 17.

²⁰ John W. Chapman, "Natural Rights and Justice in Liberalism," 43.

²¹ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 17.

²² Ibid.

the basic liberal rights have been secured. There can be no trade off between the right of liberty and such rights as the right to food or housing or work. If push should come to shove it would appear that social and economic claims are not rights at all.²³

Hollenbach seems not to be in favor of this presentation of Rawls and he questions if Rawls can reconcile this trade off with his basic conception of justice? Hollenbach is of the opinion that Rawls cannot assert the priority of liberty and still defend the position that the goods of liberty, income and wealth can be equally distributed unless inequalities are to the benefit and advantage of the poor.

Hollenbach has a problem with the liberal theory's position on the negative right of liberty as a panacea for the conflicts and tragedies that plague modern society. In view of the fact that we live in a pluralistic society coupled with the different world religions and cultures, the defense of liberty is an urgent and pressing one. The fact of pluralism or inequality in economic development makes it difficult to adjudicate between this one question of the legitimacy of restricting the economic liberty of the rich in the interest of those who are poor and deprived in society. In Hollenbach's opinion, Rawls theory and the liberal tradition do not have an answer that can better resolve this fundamental and existential problem. In his assessment, the liberal tradition, "escapes the dilemma by restricting its concerns to problems of justice and human rights which arise in societies which are relatively well off."²⁴ In view of this restriction, Hollenbach maintains that Rawls' version of the liberal theory of rights is "an inadequate foundation for developing a human rights policy for our world."²⁵

²³ Ibid.

²⁴ Ibid., 20.

²⁵ Ibid.

2.2 Human Rights and the United Nations

The full realization of human rights has been recognized as a legitimate concern of the world community. The effort to protect human rights at the international level began in the nineteenth-century Europe. The slave trade was outlawed among Western Powers, and the foundations of humanitarian law were laid. The International Labor Organization was founded in 1919 to protect workers' right. Minorities rights in some European countries were protected by provisions of treaties after World War II.

An attempt to include a provision on human rights in the Covenant of the League of Nations, however, proved fruitless. President Woodrow Wilson had proposed that all the members of the future league be required to pledge that they would make no law interfering with the freedom of religion.²⁶ His proposal supported by the United Kingdom, was eventually dropped, allegedly because Baron Makino of Japan suggested that the pledge should also include commitment to the equal treatment of all races and non-discrimination in the treatment of aliens.²⁷

A qualitative advance in the international protection of human rights occurred when the original members of the United Nations included the promotion of human rights among proposals of the organization.²⁸ At the San Francisco Conference, where the United Nations Charter was drafted, United States Secretary of State Edward R. Stettinus advocated that the promotion of human rights be so emphasized, stating that the "Four

²⁶ See Louis B. Sohn & Thomas Buergenthal, International Protection of Rights, (Bobbs – Merrill, 1973), 127.

²⁷ Albert Verdoodt, "Naissance et Signification de la Declaration Universelle des Driots de l'Homme" (Louvain-Paris: Editions Nauwelaerts, 1963), 36.

²⁸ Article 1 of the United Nations Charter (1945) cites the achievement of international Cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.: See also Articles 55 and 56 of the Charter in Universal Declaration of Human Rights," in *Human Rights: A Compilation of Instruments of the United Nations*.

Freedoms” enunciated by President Franklin D. Roosevelt encompassed all other rights and freedoms.²⁹ In his Four Freedoms speech to congress in 1941, Roosevelt had said:

In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression everywhere in the world. The second is freedom of every person to worship God in his own way everywhere in the world. The third is freedom from want, which, translated into world terms, means economic understandings which will secure every nation a healthy peacetime life from fear for its inhabitant- everywhere in the world. The fourth is freedom from fear, which, translated into world terms, means a world- wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor– anywhere in the world.³⁰

Awareness of the historical influence of western concepts in international human rights standards has led to ideological conflict in international forums and to considerable discussion in the current literature on human rights.³¹

The United Nations Charter seeks to promote a respect for human rights and it is evident how it developed the “so called three generations of human rights: first generation, civil and political rights; second generation, social and economic rights; third generation, rights of world development and peace.”³² These developments have not been without many hurdles in the implementation of the Charter as Hollenbach does articulate due to the “divergence in the interpretation given to human rights by the Marxist and

²⁹ Sohn & Buergenthal, International Protection of Human Rights, 509.

³⁰ “Address of the President of the United States,” January 6, 1941, Congressional Record, Vol. 87, Part 1 (Government Printing Office, 1941), 46- 47.

³¹ See Adamantia Pollis & Peter Schwab, (eds.) Human Rights: Cultural and Ideological Perspectives (New York: Praeger, 1979); Rhoda Howard, “Evaluating Human Rights in Africa: Some Problems of Implicit Comparisons,” *Human Right Quarterly* Vol. 6 (May 1984), 160; Yougindra Khushalani, “Human Rights in Asia and Africa,” *Human Rights Law Journal*, Vol. 4, No. 4 (1983), 403; Cornelius F. Murphy, Jack Donnelly, “human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights,” *American Political Science Review*, Vol. 76 (June 1982), 303.

³² Leonard Swindler, “Human Rights: A Historical Overview,” in The Ethics of World Religions and Human Rights Hnas Kung and Jurgen Moltmann, (eds.) *Concilium 1990/2 (Philadelphia: SCM Press International, 1990)*, 19.

democratic traditions.”³³ In Hollenbach’s opinion, the United Nations debates regarding the foundations and interrelation of rights have opened a window of opportunity manifesting the reality of “both new possibilities and urgent problems in the effort to develop a more adequate theory of human rights.”³⁴

He sees the tension that has developed between the two traditions as emanating from the interpretations of rights as presented in the United Nations Universal Declarations Articles 55 and 56.³⁵ The Universal Declaration of Human Rights was approved by the General Assembly in 1948 as a “common standard of achievement for all the peoples and nations.”³⁶ The foundation of the rights advocated in the Universal Declaration is the fact that “All human beings are born free and equal in dignity. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. (Article 1). Articles 3 and 21 offer a list of all the rights in the liberal tradition: life, liberty, and security of person, property, association, and freedom from arbitrary arrest. Articles 22 – 27 provides the social and economic rights which are articulated in the socialist traditions: the rights to social security, work, just wages and education. The Declaration stresses, therefore, that

a full delineation of human rights must include both negative immunities from coercion and positive entitlements to participate in the public spheres

³³ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 28.

³⁴ Ibid.

³⁵ Articles 55 and 56 of the United Nations Charter seek to promote the respect for human rights throughout the world. It would do this by promoting higher standards of living, full employment, solutions of international economic, social, health and related problems, and the universal respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. In article 56, all member nations would pledge themselves to cooperate with the organization for the achievement of the ideals set forth in Article 55.

³⁶ See Universal Declaration of Human Rights, Preamble, in Human Rights: A Compilation of the International Instruments of the United Nations (United Nations, New York: United Nations Publications, 1973), 1.

of the economy, the state and the world of culture.³⁷

Hence as Hollenbach submits, effective implementation of the social and economic rights contained in the declaration rests upon the recognition that “everyone has duties to the community in which alone free and full development of his personality is possible.” (Article 19,1). From the foregoing analysis then, “rights can be perceived not simply as claims *against* other persons, but *claims on* the community as a *whole*.”³⁸

It is worthy of note that one of those who were instrumental in the formulation of the draft of the Universal Declaration of human Rights was Monsignor Roncalli, as he then was, subsequently Pope John XXIII. This might explain the fact that some years later in his encyclical *Pacem in Terris*, Pope John XXIII did advocate for a Charter of Fundamental Human Rights.³⁹ The United Nations has strived to translate the Universal Declaration into legally binding instruments, which together with the Declaration are known as The International Bill of Human Rights; namely, the ‘International Covenant on Civil and Political Rights; and the Optional protocol to the International Covenant on Civil and political Rights – all adopted in 1966.

Hollenbach has observed some weakness in the United Nations Declaration as it is far from being adhered to in many nations across the globe. He maintains that the weakness in this theory is the result of:

the absence of really fundamental and explicit consensus about the content of human rights, the resistance of many countries to all forms of international concern for human rights, and achievement of a decent standard of living for

³⁷ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 28.

³⁸ *Ibid.*

³⁹ See Sean MacBride, “The Universal Declaration – 30 Years After,” in Alan D. Flaconer (ed.) Understanding Human Rights: An Interdisciplinary and Interfaith Study (Dublin: Irish School of Ecumenics, 1980), 9.

all with the guaran-twisted by national self-interest.⁴⁰

It appears that from Hollenbach's perspective, civil and political rights from the liberal democratic tradition and social and economic rights from the Soviet Marxist tradition (that are brought together by the United Nations tradition) do not simply differ on the basis of their content but also differ "in calling for different models of political implementation."⁴¹ In his opinion, liberal democratic thought has laid emphasis on rights that are formulated into legislation and Constitutional principles. Socialist thought from his analysis underscores the crucial importance of social and economic institutions and rights. The rights that are stressed upon by the socialist tradition are intended to bring about greater participation by all people with the help of social and economic institutions. In his view, therefore, the United Nations debates point to the fact that "any adequate theory and program of human rights must recognize that different rights require different means of implementation."⁴²

2.3 Human Rights and the Catholic Church

Hollenbach recalls that historically the Catholic Church opposed the socialist and democratic traditions thought on human rights theory. Human rights were to some extent identified with the Enlightenment in the philosophical realm and with the call for

⁴⁰ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 31. Hollenbach feels that he is not alone in criticizing the weakness of the United Nations Universal Declaration. He contends that Maurice Cranston in his book What Are Human Rights? mentions all the issues he (Hollenbach) has raised as problems that make the international law on human rights weak. Cranston however thinks that the inclusion of socio-economic rights in the Declaration is the real cause of the weakness in the tradition. See, Maurice Cranston, What Are Human Rights? (New York: Taplinger Publishing Co., 1973).

⁴¹ *Ibid.*, 32. Hollenbach asserts that in the early United Nations debates, the different approaches to the implementation of these rights were employing "legal rights" for civil and political and "programme rights" for social and economic rights.

⁴² *Ibid.*, 33.

democracy in the political realm. There was a dramatic change at the end of the nineteenth century and the middle of the twentieth century in the church's approach to the issue of human rights. Papal teachings not only endorsed human rights but the Popes became the champions of human rights throughout the world. The stress on human rights has become a focus in Catholic social teaching.⁴³

2.3.1 *Leo XIII*

The history of Catholic teaching on human rights begins with the pontificate of Leo XIII (1878 – 1903) and his encyclical *Rerum Novarum* (1891).⁴⁴ With his pontificate, the Church took a new direction from resistance to modern western developments in political and social life to one of a critical participation in them. Hollenbach is of the view that two movements precipitated this move. The first was the rising aspirations for political equality as a result of the Industrial Revolution (1780) and the movements for economic

⁴³ Literature which articulates Human Rights as a cornerstone in Catholic social teaching are extensive and some can be found in David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, "Global Human Rights; An Interpretation of the Contemporary Catholic Understanding," in Justice, Peace and Human Rights: American Catholic Social Ethics in a Pluralistic World (New York: Crossroad Publishing, 1988), 87- 100; Catholicism and Liberalism. Contributions to American Public Philosophy, David Hollenbach & Bruce Douglas (eds.) (Cambridge: Cambridge University Press, 1994); Human Rights in the America: The Struggle for Consensus . Alfred Hennelly & John Logan, (eds.) (Washington D.C.: Georgetown University Press, 1982); The Gospel of Peace and Justice: Catholic Social Teaching since Pope John. Joseph Gremillion (ed.) (New York: Maryknoll, Orbis Books, 1976); Donald J. Dietrich, Human Rights and the Catholic Tradition (New Brunswick: Transaction Publishers, 2007); John T. Pawlinkowski, "Human Rights in the Roman Catholic Tradition," *Selected Papers: The American Society of Christian Ethics* (1979) 145- 166. It is however amazing to note that there are some objections to the emphasis placed on human rights in the Catholic Social Thought. See, Ernest L. Fortin, "The New Rights Theory and Natural Law," in *Review of Politics* 44 (1982): 590- 612.

⁴⁴ Charles Curran maintains that the first modern use of the encyclical occurred with Pope Benedict XIV in 1740. He asserts that only with Pius XI in the Nineteenth Century, however, did the encyclical form become more frequently employed. He notes that Pius IX also used encyclicals to address questions of the political order (example *Quanta Cura*, 1864) in his condemnation of liberalism and secularism as well as socialism. So in his opinion, Leo XIII was not the first to use encyclicals or to address the political order. See his Catholic Social Teaching: 1891- Present: A Historical, Theological and Ethical Analysis (Washington D.C.: Georgetown University Press, 2002) and Michael J. Schuck, That They Be One: The Social Teaching of the Papal Encyclicals, 1740- 1989 (Washington D.C.: Georgetown University Press, 1991).

equality and socialism “stimulated by the growing industrialization of society during the nineteenth century.”⁴⁵

There was the creation of the new kingdom of Italy and this allowed for an extension in the franchise, which made it possible for the socialists to get into parliament in coalition with the radicals. There was the deteriorating conditions of the proletariat (the landless working class) on whom the rich had laid “a yoke little better than that of slavery itself.” (R. N.2). There was the migration of people from the countryside to town and cities to work in factories and this brought about loss of identity. Around this same time, Karl Marx came out with his Communist Manifesto that was to offer the Socialist ideology as an alternative to capitalism or economic liberation. The Socialist vowed to eradicate the liberal evils by destroying capitalism and also do away with the religious, moral and civil society which was supposed to be aligned to it. Hence, a new revolution was in the offing with the goal of establishing a “dictatorship of the proletariat.” *Rerum Novarum* was the response of the Church to this complex socio-economic and political situation that could escalate into a class war. The pontiff intended in the document “to make clear the principles by means of which the struggle can be ended, as equity and the facts of the case require.” (R. N. 1)

In his analysis, Leo concluded that the class war was the result of the shameful reality of the inhumanity of employers and the greed of competitors, who saw the working class as instruments for gain and valued them only as so much mere energy and strength (R. N. 16), leaving them poor and helpless. He offered a positive affirmation about the political implications of human dignity in the statement that “Man precedes the

⁴⁵ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 43.

State.”⁴⁶ Thus, the worth of the human person becomes the measure by which political and legal institutions are to be evaluated. To shed some light on the statement of Leo, Hollenbach asserts “politics and law are to serve persons. Persons do not exist to serve the political and legal order.”⁴⁷ For this reason, “the human person is never simply of functional or utilitarian value.”⁴⁸ Leo affirmed and upheld the transcendental personal worth of each person as he condemned the various social and political provisions in which persons are made instrumental. Leo did believe in the preservation and promotion of the dignity of the human person. He believed that persons have a transcendental worth that entitles them not to be treated simply as means to the economic well-being of others.

As Hollenbach can recall, “perhaps the most notable of these themes in his writing is the opposition to all subordination of the person to an absolutist state.”⁴⁹ This would be seen as a rejection or an attack of the socialist theory with its subordination of the individual to society. Neither did Leo approve of the one-sided individualism associated with liberalism and Enlightenment. From Hollenbach’s reading of Leo’s encyclical then, “human persons “precede” the state by virtue of the primacy of the moral claim of every person to respect for his or her transcendental worth.”⁵⁰

The question then that remains to be answered is how can the idea of equal human dignity be protected and defended? According to Hollenbach, Leo believed that a hierarchical understanding of social order provided the only framework within which human dignity could be defended. Leo’s work laid great emphasis on equality both in the

⁴⁶ R. N. No. 6. See David O’Brien & Thomas Shannon (eds.) Catholic Social Thought: The Documentary Heritage (New York: Orbis, 1992), 16.

⁴⁷ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 44.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid., 45.

economic sphere and before the law. As Hollenbach alleges, in Leo's treatment of social order, "class, and the distinction of the benefits of higher culture, the paternalistic or hierarchical emphasis prevailed."⁵¹

Leo in Hollenbach's view made the most substantive contribution to Catholic social teaching carrying his idea of equality further in his treatment of the economic and social rights of workers. Due to their human dignity, each person has a claim to be protected by the state against those who would misuse, exploit and dehumanize them for their own gains. "No man may with impunity outrage that dignity which God Himself treats with great reverence."⁵² In advocating for equal treatment in the socio-economic sphere, Leo was influenced by historical circumstances that shaped his outlook and thought.⁵³ Leo's *Rerum Novarum* is outraged by the situation in which the fundamental dignity of people were violated. He states in *Rerum Novarum* that "The first thing of all to secure is to save unfortunate working people from the cruelty of men of greed, who use human beings as mere instruments for money making."⁵⁴

For Hollenbach, Leo's efforts in *Rerum Novarum* was to relate the notion of human dignity to the concrete conditions of his day that resulted in "the formulation of a number of quite specific rights and duties in the economic sphere."⁵⁵ Among the rights that Leo defended in *Rerum Novarum* were the right to adequate remuneration for one's

⁵¹ Ibid.

⁵² R. N. No. 40; Catholic Social Thought: The Documentary Heritage, 34.

⁵³ Hollenbach claims that several decades before the issuing of *Rerum Novarum*, groups of "Social Catholic" were at work trying to formulate an approach to the new economic realities of industrial capitalism with the goal of mitigating the offensive conditions of the lives of workers. They wanted to come up with a moral theory that would blend the claims of human dignity with a social theory adequate to the new realities of the industrial revolution. See his Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 46.

⁵⁴ R. N. No. 42; Catholic Social Thought: The Documentary Heritage, 35.

⁵⁵ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 47.

labor, retain results of labor in the form of private property, adequate food, clothing and shelter.⁵⁶ *Rerum Novarum* defended the just wage for workers, the right of workers to organize and the need for limited State intervention to benefit groups in trouble.

“Wherever the general interest of any particular class suffers, or is threatened with, evils which can in no other way be met, the public authority must step in to meet them....

[T]he law must not undertake more, nor go further, than is required for the remedy of the evil or the removal of the danger.”⁵⁷ Thus, “the beginning of modern Catholic social teaching insisted on what might be called today a relational anthropology that avoided the opposite extremes of individualism and Collectivism.”⁵⁸

The rights in *Rerum Novarum* are not primarily protecting freedom; they are empowerments that give freedom for a particular end or purpose. The understanding of rights here is objective. It is based on the objective order of things, not on subjective aspects of the person. The rights enunciated here also are social and economic rights distinguished from political and civil rights. Leo’s encyclical as Hollenbach asserts “laid the groundwork for the modern Catholic theory of human rights.”⁵⁹

2.3.2 Pius XI

In 1931, Pope Pius XI issued a social encyclical on the Reconstruction of the Social Order, to commemorate the fortieth anniversary of *Rerum Novarum*. The

⁵⁶ R. N. No. 34; Catholic Social Thought: The Documentary Heritage, 31.

⁵⁷ R. N. Nos. 28- 29; Catholic Social Thought: The Documentary Heritage, 27- 28.

⁵⁸ See Charles Curran, Catholic Social Teaching 1891- Present: A Historical, Theological and Ethical Analysis, 9.

⁵⁹ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 49.

encyclical, *Quadragesimo Anno* (1931)⁶⁰ appeared during a period of great economic depression in Europe, America and other places of the world. It addressed many issues of human development, calling for the reconstruction of the social order along the path set forth by Leo XIII.

Pius XI in this influential encyclical, *Quadragesimo Anno*, did focus on the economic situation and the violations of the personal dignity of the human person. These patterns thrust large numbers of persons into a state of “hand- to- mouth uncertainty which is the lot of proletarian.”⁶¹ The situation where patterns of domination occurred in the economic sphere according to Hollenbach’s reading of *Quadragesimo Anno* was “objectionable because they functionalize human persons.”⁶² In his estimation, all of Pius XI’s claims about “respect of persons claims to material, bodily and even psychological necessities are ultimately founded on a characteristic of the person which transcends any and all of these needs.”⁶³

Pius’ defense of the transcendental worth of the person according to Hollenbach led to his strong critique of theories of moral obligation and social organization linked with liberal and competitive capitalism as well as Marxism and Socialism. The pope criticized these traditions since in his view they did not ‘fully’ demonstrate respect for human dignity. His position was that the human person should not be subordinated to nonpersonal ends be it in economic, social or political relationships. From Hollenbach’s careful analysis of *Quadragesimo Anno*, Pius XI did not intend to defend an

⁶⁰ For a refined and systematic treatment of Pius XI’s Social thought, See Oswald von Nell-Breuning, *Reorganization of Social Economy: The Social Encyclical Developed and Explained*, Bernard W. Dempsey (trans.) (New York: Bruce, 1939). Nell-Breuning is said to be one of Pius XI’s Chief advisors of social matters and may have had a part to play in Pius XI’s encyclical *Quadragesimo Anno*.

⁶¹ Q. A. No. 61; *Catholic Social Thought: The Documentary Heritage*, 56.

⁶² See David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 51.

⁶³ *Ibid.*

individualistic notion of the person. “Social life is constitutive of the dignity of the human person, for persons are always and everywhere social.”⁶⁴ For this reason, social and political organization need to be subordinated to the well being of the persons who make up the society, and not the other way round.

From the foregoing discussion, one can realize that the dignity of the person was very central to Pius and shaped his approach to the presence of the Fascist and Nazi dictatorship. In dealing with these political groups, Pius worked for the freedom of the Catholic Church and was quick to reject all forms of State absolutism. Pius XI affirmed the teaching of *Rerum Novarum* on the relative rights and mutual duties of the rich and poor, and of Capital and labor. Labor and capital need each other, none can claim exclusive right to the fruit of production. On the contrary, wealth must be distributed in such a way as to justify the needs of all (Q. A. 53 – 57).

He reiterated the Leonine teaching on the part that must be played by the Church, the State, and the Association of workers and employers. The Church he said has a right, and indeed an obligation from God to address social and economic issues as far as they fall under moral law (Q. A. 53 – 57). What is at stake is the emancipation of the proletariat, and the reform, needed calls for the co – operation of the State, the Church, and the Association of the workers and employers. Pius XI like his celebrated predecessor ascribes only limited role to the State, as he so clearly states in what has come to be known as the principle of subsidiarity:

Just as it is wrong to withdraw from the individual and commit to a group what private enterprise and industry can accomplish, so too it is an injustice, a grave evil and a disturbance of right order, for a larger and higher association to arrogate to itself functions which can be performed efficiently by smaller and

⁶⁴ Ibid., 53.

lower societies. This is a fundamental philosophy, unshaken and unchangeable.⁶⁵

He emphasized the two-fold aspect of ownership: individual and social, emphasizing that the right to private property is not absolute. He called for a wage system that would be sufficient for a man and his family, such that women and children could not be abused in the work world. It is the task of public authorities to ensure that just wages are paid. And the wage contract itself should be modified by a contract of partnership between the employer and the laborer (Q. A. Nos. 71, 65).

Hollenbach raises a very important point about Pius XI's encyclical *Quadragesimo Anno* and this is the fact that Pius like Leo provides concrete and positive specifications of the moral claims of human dignity. In Hollenbach's view, the most "significant change in the discussion of the positive demands of human dignity in the encyclicals of Pius XI was the result of his development of the notion of "social justice" into a key ethical concept in Catholic Social thought."⁶⁶ The notion of "social justice" is very important in Catholic ethics since it is employed as a tool by "which moral reasoning takes into account the fact that relationships between persons have an institutional or structural dimension."⁶⁷ Hence, the discussion of the content of human rights needs to consider the institutional dynamics within which it can be promoted or defended. For Hollenbach, Pius XI's use of "the notion of social justice, therefore

⁶⁵ Q. A. Nos. 11, 41; *Catholic Social Thought: The Documentary Heritage*, 44, 50.

⁶⁶ See David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 54. Hollenbach makes this claim based on statements made in Q. A. Nos. 57, 58, 88, 110, 126; D. R. (Divini Redemptoris) Nos. 50- 55.

⁶⁷ *Ibid.*

indicates the emergence of a new sensitivities in Catholic thought to the possibility of conscious institutional change.”⁶⁸

2.3.3 Pius XII

Pius XII who led the Church after Pius XI did carry on with the efforts of his predecessor in working for the rights of the human person. Hollenbach claims that Pius XII “spoke more frequently and more systematically of the moral roots of social, political and economic order than had any of his predecessors.”⁶⁹ He goes on to assert that his “discussions of human rights was also a response to the precarious situation of the church in Eastern Europe after the war.”⁷⁰ His contribution in the church’s effort to build a society that respects the rights of others was in his conception of a social and juridical order that is dynamic and living. The goal was that it would lead to the formation of a community of morally responsible Citizens with full respect for the dignity of persons.

For Pius XII, the basic principles of internal order of nations that he envisioned as prerequisite for lasting international peace required a closer examination.⁷¹ He maintained that this internal order had to develop out of a recognition of the dignity of all persons living within the society. He argued that this recognition could not be imposed mechanically or by force. If this is superimposed it would be “fictitious” and not real. If it were imposed, in his view, it would be a form of disorder.⁷² In view of this, Hollenbach

⁶⁸ Ibid., 55.

⁶⁹ Ibid., 56.

⁷⁰ Ibid.

⁷¹ Pius XII’s stance on social morality was mostly revealed in his Christmas Address of 1942. For Hollenbach, this address is very important for the subsequent development of the tradition since it was cited about eleven times in John XXIII’s *Pacem in Terris*.

⁷² Christmas Address, 1942, in Vincent A. Yzermans, (ed.) The Major Addresses of Pope Pius XII, (St. Paul: North Central Publishing Company, 1961), 54.

proffers that “Pius XII put forward a conception of social and juridical order which is dynamic and living.”⁷³ From this perspective as it is presented by Pius XII, Hollenbach is of the view that “it is far removed from that of political theories which view order primarily as a “restrainer” of evil or as essentially coercive.”⁷⁴

Pius XII’s understanding of social morality is mainly public just as his predecessors Leo XIII and Pius XI thought. He was concerned about such a person oriented public morality that was threatened by the structures of social organization of his day and world. His fear was heightened by the power of modern technology that sought “in social and economic life the subordination of the person to the logic of technological growth.”⁷⁵ This technological pattern could have a serious repercussion on the social life of the person. It could lead to a new form of existence, as Hollenbach puts it, “that of mass or anonymous man.”⁷⁶ In his first encyclical, *Summi Pontificatus*, issued in 1939, Pius XII did describe his age as one of “spiritual emptiness and deep-felt interior poverty.”⁷⁷ The Pontiff’s description of his age was a result of a “social; and political situation that had uprooted persons from a living sense of their mutual dignity and reduced society to something purely “physical and mechanical.”⁷⁸

Pius XII did not only offer a critique of the technological change of his day but did provide a positive alternative of his vision of life in society as that of a “community

⁷³ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 57.

⁷⁴ Ibid.

⁷⁵ Ibid., 58.

⁷⁶ Ibid.

⁷⁷ See S. P. No. 5. The encyclical is *Summi Pontificatus* (On the Unity of Human Society) issued on October 12, 1939.

⁷⁸ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 58 and also Christmas Addresses, 1951, in The Major Addresses of Pope Pius XII, Vol. II, 156.

of morally responsible citizens.”⁷⁹ Pius did advocate for a respect for persons in the various levels of social structure. In Hollenbach’s view, this aspect of Pius XII’s vision “brought out an essential characteristic of the moral theory of the modern papacy.”⁸⁰ Respect for the dignity of the person in the Pontiff’s view is not to be conceived of as an ideal to be achieved but rather an intrinsic element in the very nature of organization itself.⁸¹ The task of respecting human dignity is a moral one present *within* the conditions and limits of human life. Hence, the task is not beyond our capabilities neither is it an impossible ideal but realizable moral imperative. Respect for human dignity takes place within the limits and conditions of a “community of morally responsible citizens.”

Though human dignity is of transcendental worth, it remains a *finite* good. The finite conditions that are necessary for the promotion of human dignity are human rights. Even though Pius XII did not attempt to offer a systematic treatment of all such rights in his writings, he did clarify the fundamental forms of human interrelationship that organize and internally condition human dignity. In his writings, social institutions such as the family, property, association and government for him are the structures through which the moral community of responsible persons is ordered and protected.⁸²

Pius XII in hinting about the institutions that influence the value of human dignity also pointed to a number of human rights and corresponding duties in his reflections and writings. In his Christmas address of 1942, he mentioned that respect for the dignity of persons includes: the right to maintain and develop one’s corporal, intellectual and moral

⁷⁹ See Christmas Addresses, 1952, in The Major Addresses of Pope Pius XII, Vol. II, 163.

⁸⁰ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 58.

⁸¹ *Ibid.*, 59.

⁸² See his Christmas Address, 1952, and Christmas Address, 1954 in The Major Addresses of Pope Pius XII, Vol. II, 162- 163; 202-204, 222.

life and especially the right to religious formation and education, the right to worship God in private and public, the right to work and the right to a free choice of a state of life.⁸³

The Pontiff also pointed out that each person has a right to a government that protects all of the rights of the person. The government has a duty to promote the common good – “that form of society in which responsible citizens act in a way which leads to mutual respect for the rights and dignity.”⁸⁴ From Hollenbach’s analysis of Pius XII’s writings, his presentation of the common good and the role of government in protecting it demonstrates that “for Pius XII as well as for the entire tradition, human rights cannot be understood apart from social interdependence, nor can social well – being be understood apart from personal rights.”⁸⁵ Hollenbach does however have a problem with this position and it is this that “as a *principle*, it does not *specify* how conflicts between individuals and social goods are to be resolved in the concrete.”⁸⁶

2.3.4 John XXIII

The encyclicals of John XXIII are considered by many writers to mark the beginning of a new era in the Church’s teaching on social issues. On the international scene, the gap between the rich and the poor nations was widening, and while some, the minority, were growing daily in opulence, especially with the achievements and breakthrough of technology, the majority of the human population were still reduced to subhuman socio-economic conditions, including the phenomenon of hunger and

⁸³ See his Christmas Address, 1942 in The Major Addresses of Pope Pius XXII, Vol. II, 60- 61.

⁸⁴ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 61.

⁸⁵ Ibid.

⁸⁶ Ibid.

starvation. Even though many colonized nations were becoming independent, economic domination still threatened their cultural identity, freedom and humanity. The prevalent pattern of international relations especially international trade, was very lopsided. It was to the advantage of the rich and industrialized nations, who charged exorbitant prices for industrial goods, and paid a pittance for raw materials from the poor nations. There was widespread injustice, a situation that undermined the fundamental rights and freedom of individuals and whole nations.

It was against the background described above that John XXIII issued his encyclical *Mater et Magistra* in 1961. As Hollenbach asserts, his sensitivity to the pains of the human struggle of this world “led him to open the way for innovation and development in the Catholic human rights tradition.”⁸⁷ In this encyclical, John XXIII provided an outline of reasons that made it necessary to have a new perspective on social morality. The changing world order did point to the conclusion that “one of the principle characteristics of our time is the multiplication of social relationships, that is a daily more complex interdependence of citizens.”⁸⁸ Thus society is becoming more complex and human interrelations are governed and affected by this complexity. This could lead to a situation where human freedom is exercised and limited by social organizations. Eventually, the transcendental value of the human person could be jeopardized or compromised.

Hence *Mater et Magistra* proffered the fundamental value of human dignity. John XXIII reaffirmed that the human person is “the foundation, cause and end” of all social institutions. He did underscore the fact that human dignity can only exist within a

⁸⁷ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 62.

⁸⁸ M. M. No. 59; Catholic Social Thought: The Documentary Heritage, 93.

consciously developed context of human interdependence.⁸⁹ To overcome the tendency of persons becoming instrumentalized by the complex social organization, he proposed that there be the development of structures that will serve to help interdependent persons *together* to control these processes.⁹⁰ Thus, in a concerted effort, the notion of human dignity would be protected when persons come together *in association*. This call made by John XXIII can be considered as very strong and significant than those made in other previous papal pronouncements.

In calling for the respect of the claims of human dignity, John XXIII links it to the protection of the common good of all people. Human agency can threaten the claims of human dignity. We need therefore to control the human agency that threatens the claims to human dignity. We need to uphold the common good.

John XXIII in 1963 issued *Pacem in Terris*, certainly the most acclaimed of modern papal documents. It is also the most systematic of the modern papal statements on social and political questions. It was the first encyclical in the history of the church to be addressed to “all people of goodwill.” It was published during the course of the Second Vatican Council when the attention of the world was focused upon Rome, and on the “good pope.” It was issued shortly after the Cuban missile crisis of 1962, and the creation of the Berlin Wall. Pope John XXIII was addressing a world that was very much aware of the dangers of nuclear war, and one that longed for peace and security. As if to continue from where he stopped in *Mater et Magistra*, the central message of the pope in this document is clear: Peace can only result when men and women subject themselves to the order established by God. Peace needs to be based on an order “founded on truth,

⁸⁹ John XXIII’s emphasis on this point of the dignity of the person can be found in M. M. Nos. 157, 200.

⁹⁰ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 63.

built according to justice, vivified and integrated by charity, and put into practice in freedom.”⁹¹

In this document, John XXIII begins his discussion of order among human beings with a consideration of human rights. One would realize that in *Pacem in Terris*, he does not only change the image and perception of the church to the outside world, but also he begins an important process of internal development within the church’s social teaching itself.⁹² John XXIII began with the necessity of human rights for the good order of society:

Any human society, if it is to be well ordered and productive, must lay down as a foundation this principle, namely, that every human being is a person; that is, his nature is endowed with intelligence and free will. Indeed, precisely because he is a person he has rights and obligations flowing directly and simultaneously from his very nature. And as these rights and obligations are universal and inviolable, so they cannot in any way be surrendered.⁹³

This passage offers a great deal of insights about the standard form of Catholic human rights theory as presented in the official social teaching of the church. First, it appropriates two key notions that are offered as harmonizing with each other, that is, the personal character of the human being showed in intelligence and freedom, and the nature, which is the source of rights and duties. Secondly, the content of human rights in *Pacem in Terris* is comprehensive.

From Hollenbach’s interpretation of this encyclical, its importance can be seen in its systematic presentation of the “consequences of this basic moral norm in highly

⁹¹ P. T. No. 149; *Catholic Social Thought: The Documentary Heritage*, 155.

⁹² For a presentation on the innovative approach and its impact on the Church and the modern world, one can read E. E. Y. Hale, *Pope John and His Revolution* (Garden City, New York: Doubleday, 1965).

⁹³ P. T. No. 9, *Catholic Social Thought: The Documentary Heritage*, 132.

organized societies and in the world as a whole.”⁹⁴ It goes further to enumerate and specify the claims of human dignity in relations between person, in relations between individuals and public authority within the state, between nations and in relations among all nations in the international community. *Pacem in Terris* espouses human dignity and the rights of persons in community. As Hollenbach observes, “they are neither exclusively the rights of individuals against the community nor are they the rights of the community against the individual.”⁹⁵

Pacem in Terris provides an excellent discussion of the correspondence between rights and duties. Corresponding to the moral claims which arise from human dignity there are duties and responsibilities of society. In Hollenbach’s opinion, the duties or responsibilities enumerated in *Pacem in Terris* are the responses called for by the dignity of the person. They are at the same time the result of the interdependence of persons upon one another.⁹⁶ Hence, the basis for the respect for human dignity according to Hollenbach led John XXIII “to understand both civil- political rights and socio- economic rights within a single integrated theoretical framework.”⁹⁷ *Pacem in Terris* maintains that the protection and coordination of human rights are increasingly a task that calls for organized action within society as a whole.⁹⁸ The encyclical offers what Hollenbach in his most acclaimed study of the Catholic human rights tradition calls “the most complete and systematic list of ... human rights in the modern Catholic tradition.”⁹⁹

⁹⁴ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 65.

⁹⁵ Ibid.

⁹⁶ Ibid., 66.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid. John P. Langan offers other insights into this particular encyclical in his article, “Human Rights in Roman Catholicism,” in Human Rights in Religious Tradition. Arlene Swindler (ed.) (New York: Pilgrim Press, 1982), 25 – 32.

This encyclical mentions frequently natural law as the basis of these rights. The types of rights enumerated in this encyclical are: the right to life and a worthy standard of living, rights to freely choose one's state of life, economic rights, the right of meeting and association, the right to emigrate and immigrate and political rights. We would like to make a quick observation that in this document; rights are the first topic in dealing with the moral order among persons and duties are treated after rights. Rights include civil and political rights, with special stress on religious freedom as well as economic and social rights.

2.3.5 *The Second Vatican Council*

In 1965, two years after the publication of *Pacem in Terris*, the Second Vatican Council approved and promulgated two documents that did provide great insights on the dignity of the human person and carried the church's agenda on human rights a step further. In Hollenbach's view, the Council's most important contribution to the rights tradition "was its important new acknowledgement that the demands of human dignity are historically conditioned ones."¹⁰⁰ The Council's document on the Church in the modern world did demonstrate the Church's understanding of the relation that existed "between the transcendental worth of persons and the historical realization of this worth leads it to conclude that the full implications of the dignity of the person cannot be known or affirmed apart from the concrete conditions of an historical epoch."¹⁰¹

¹⁰⁰ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 70.

¹⁰¹ Ibid.

Hollenbach notes that the recognition of historicity as an essential characteristic of human personhood “threatens to undermine human rights by relativizing them. It also threatens to relegate claims to mere expressions of cultural and ideological bias.”¹⁰²

Having made this point however, Hollenbach admits that this document does acknowledge the challenge of historicity to the traditional concepts of dignity and rights. It also reaffirms and clarifies the validity of the traditions view that moral obligation is not simply a matter of cultural bias or prejudice.

In his assessment of this document, Hollenbach observes that *Gaudium et Spes* in pointing to the sense of historical limitation and the drive to transcendence provides a focus of the new ethical treatment of personal dignity in the Constitution. The document seeks to suggest in his estimation that the limits and conditions of historical existence are not enemies of human dignity. “Rather, the limited conditions of nature and history are the context within which personal dignity are realized.”¹⁰³ The personal relationship and structures of social organization are vital for the enhancement of ones historical life as a person. Though they limit and condition the human personality they are not to be considered as constrains on the growth of the human person. They do indeed become “constructive and oppressive when they are not put in check and properly ordered, but in their basic structure, interpersonal relationships and social organizations are positive possibilities in and through which human dignity is realized.”¹⁰⁴

¹⁰² Ibid. The point being made by Hollenbach demonstrates how balanced he is in his presentation and assessment of this Council’s document as he moves from a critique of historicity to a positive note in the next line.

¹⁰³ Ibid., 73.

¹⁰⁴ See G. S. Nos. 14, 23, 25; *Catholic Social Thought: The Documentary Heritage*, 173, 179, 180. The structures for the realization of human dignity are of two types. The first category has to deal with the “innermost nature” of the person. They include forms of human interrelationship such as the family and the political community.

The Council did teach that there is a basic equality between all persons without exception, since all are equally created in the image of God, having the same nature and origin, and the same supernatural end. The Council therefore applauds the growing awareness of the sublime dignity of the human person “who stands above all things, and whose rights are universal and inviolable.” Especially commendable in the eyes of the Council is the United Nations’ “Human Rights Declaration” of 1948.

The Council further helped in the development of the notion of human rights when it taught in *Gaudium et Spes* that:

From a keener awareness of human dignity there arises in many parts of the world a desire to establish a political- juridical order in which personal rights can gain better protection. These include the rights to free assembly, of common action, of expressing personal opinions, and of protecting a religion both privately and publicly (No. 73).¹⁰⁵

Gaudium et Spes did point to a new way of combining the traditional view of human rights as rooted in human nature with modern historical consciousness. Due to the ever increasing interdependence of persons, the means to this respect for human dignity must be channeled through the concerted efforts of all communities and of society as a whole. Hence from the foregoing presentation, the Council did suggest that social, economic and cultural rights “defined in relation to historical conditions, assume a new place of importance in the Catholic human rights tradition.”¹⁰⁶

In the Council’s Declaration on Religious Freedom, *Dignitatis Humanae Personae*, the Council Fathers sought to bring Catholic teaching abreast of modern Western thought on the right to religious liberty. This was a major contribution to the developing social ethical tradition of modern Catholicism. In this document, “the Council

¹⁰⁵ G. S. No. 73, *Catholic Social Thought: The Documentary Heritage*, 215.

¹⁰⁶ David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 75.

brought Catholic social thought into a new relationship with the entire western liberal tradition.”¹⁰⁷

The Council was very much concerned about the threat to freedom in the world so it did frame its doctrinal position with an analysis of the moral problematic of contemporary society. For the first time, the Church officially “accepts religious freedom that is based on the rights of all citizens to be free from external coercion to act against their conscience or preventing them from acting in accord with their conscience in religious matters.”¹⁰⁸ This recognition of religious freedom is based on the dignity of the human person. Article 1 of this document does acknowledge and affirm the dignity of the human person and the personal responsibility that characterizes contemporary humanity.¹⁰⁹

The Council in this declaration did acknowledge the thrust to human dignity and responsibility and so sought to deepen recognition of this principle by stating that it “intends to develop the doctrine of recent Popes on the inviolable rights of the human person and in the Constitutional order of society.”¹¹⁰ Hollenbach quotes Murray¹¹¹ as saying that in no other Conciliar documents is it so clearly expressed that the intention of the Council is to “develop” Catholic doctrine. Thus *Dignitatis Humanae Personae* is very

¹⁰⁷ Ibid.

¹⁰⁸ See Charles Curran, *Catholic Social Teaching 1891 – Present: A Historical, Theological and Ethical Analysis*, 11.

¹⁰⁹ D. H. No. 1. See *The Documents of Vatican II*, Walter Abbot (ed.) (New York: American Press, 1982), 675.

¹¹⁰ D. H. No.1, *The Documents of Vatican II*, 677.

¹¹¹ John Courtney Murray, an American Jesuit exerted great influence on this document and is considered one of the drafters of *Dignitatis Humanae Personae*.

significant in that it builds on the tradition of the Church that is one of progress in understanding the truth.¹¹²

From Hollenbach's perspective, *Dignitatis Humanae Personae* is very important in that it provides the key to the problem of the foundation, interrelation and institutionalization of human rights. The use of freedom in a responsible manner defines the nature of social morality. The content of the responsibility needs to evolve from the context of a given cultural and social structure. It is therefore right to argue that human rights are rights *within society*. They are to be recognized as both negative immunities and positive entitlements. It is the responsibility of the State to protect freedom so that persons are free to act in society. Thus for *Dignitatis Humanae Personae*, order is an ordering of freedom. "Only thus is it possible to understand the common root of both personal and social rights and to see their essential interrelationship with each other."¹¹³

2.3.6 Paul VI

Since he became Supreme Pontiff, Paul VI issued two major documents on social morality, the encyclical *Populorum Progressio* (1967) and the Apostolic Letter commemorating the eightieth anniversary of *Rerum Novarum*, *Octogesima Adveniens* (1971).

Populorum Progressio is the first encyclical devoted entirely to the issue of international development. Issued on March 26, 1967, just sixteen months after the promulgation of *Gaudium et Spes*, Paul VI's encyclical underscored the extent of the

¹¹² See David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 77. The quote of Murray that Hollenbach cited is from Murray's running commentary on *Dignitatis Humanae Personae* in *The Documents of Vatican II*.

¹¹³ David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 77.

struggle between the rich and poor classes which Leo XIII dealt with to encompass the conflict between rich and poor nations. His social statements are indeed shaped and influenced by consciousness of the historicity of social institutions. Paul VI does a structural analysis of the prevalent inequalities between nations. He identifies the legacy of colonialism, continuing forms of neo- colonialism and the imbalance of power between nations that affect their trading relations as some of the causes. His document is thus dominated by concern with transnational and international patterns of human interdependence.

The contribution of Paul VI in the Church's efforts in the issue of human rights cannot be overlooked. Perhaps the greatest contribution of him in his encyclical *Populorum Progressio* is his teaching on human development and its emphasis on "integral development." Development cannot be limited to economic growth: it must foster the development of each person, and of the whole person. Quoting the words of the eminent French Dominican, L. J. Lebert, the pope said;

We do not approve of separating the economic from the human or of considering development apart from the civilization to which it belongs. In our opinion, great value is to be placed on man, each man, each group of men and human society as a whole.¹¹⁴

The point being made by the pope is that the human personality is multifaceted. The protection of human dignity therefore, "required the respect for the multiple social, economic, intellectual, interpersonal and religious conditions of personal development."¹¹⁵ The development of the person is considered as the realization of the human potential that is within the person. This takes place in a society that has structures

¹¹⁴ P. P. No. 9, *Catholic Social Thought: The Documentary Heritage*, 243; L. J. Lebert, "Dynamique Concrete du development" (Paris: Econome et Humanisme Les Editions Ouvrieres, 1961), 28.

¹¹⁵ See David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Human Rights Tradition*, 78-79.

to protect and promote the development of the person. Thus the document submits clearly “this perfecting of the human person is to be considered a summary, so to speak, of our obligations.”¹¹⁶ As Hollenbach points out, the “normative standard of integral development therefore *includes* all those personal and social rights which have been set forward in previous phases of the traditions.”¹¹⁷

The document does acknowledge that in his or her effort for development, the person may encounter conflict between different values and even persons and nations. *Populorum Progressio* believed that the resolution of conflicts between different aspects of fundamental norm of development indignity is not an illusory goal or endeavor. This can be done within the context in which genuine claims to respect the dignity, needs and freedoms of others are experienced. In view of this, *Populorum Progressio* points out that there can be no integral development which is not based on mutual respect: “The complete development of the individual must be joined with that of the human race and must be accomplished by mutual effort.”¹¹⁸ For Hollenbach, this notion of mutuality is certainly in line with the thoughts of Pius XII and John XXIII as it is specified in certain concrete moral demands – human rights and duties.¹¹⁹ This leads him to argue in this way: “human rights, therefore, are expressions of the more fundamental moral experience of human solidarity. Whether these rights be negative immunities or positive entitlements they pre-suppose that persons recognize that they are bond together in a moral community of mutual interdependence.”¹²⁰

¹¹⁶ P. P. Nos. 16, 28, 34; *Catholic Social Thought: The Documentary Heritage*, 243, 246, 248.

¹¹⁷ David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 79.

¹¹⁸ P. P. No. 43; *Catholic Social Thought: The Documentary Heritage*, 250.

¹¹⁹ David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 81.

¹²⁰ *Ibid.*

2.3.7 Synod of Bishops – Justice in the World

The Second Vatican Council did have a great impact on the Roman Catholic rights tradition in that it did stimulate changes in Papal teaching. It did also result in the establishment of the International Synod of Bishops. In its second session in 1971, the gathering of representatives of Episcopal Conferences from all over the Catholic World, and other invited experts did consider the concerns and plight of the churches in Africa, Asia and Latin America and the issues of justice and human rights. *Justice in the World* is the document that was produced at the end of the synod. This document makes powerful Scriptural and theological justification for the involvement of the Church in temporal affairs. The synod asserts that:

Action on behalf of justice and participation in the transformation of the world fully appears to us as a Constitutive dimension of the preaching of the gospel, or, in other words, of the Church's mission for the redemption of the human race and its liberation from every oppressive situation.¹²¹

The Synod observed that structural injustices oppress humanity and stifle freedom. This is why it is imperative on the church to take action on behalf of the victims of these evil structures, which include migrant workers, poor workers, refugees, and victims of religious persecution. Ours is a world that is at once keenly aware of human dignity and the finite nature and dynamic, yet the force forces of division, such as arms race, economic injustices, and political marginalization and the general violation of human rights, seem to be increasing.¹²²

¹²¹ J. W. No. 6, *Catholic Social Thought: The Documentary Heritage*, 289.

¹²² J. W. Nos. 3- 27, *Catholic Social Thought: The Documentary Heritage*, 288- 292. In paragraph 10, we read among other things that "... these stifling oppression constantly give rise to great numbers of "marginal:" people, ill-fed, inhumanely housed, illiterate and deprived of political power as well as of the suitable means of acquiring responsibility and moral dignity." The indications are that the "development model" has failed to meet the needs of the poor, it has actually increased the numbers of the poor. See Donal Dorr, *Option for the Poor* (New York: Orbis Books, 1983), 180.

From Hollenbach's reading of this document, it is "both carefully balanced and aggressively innovative. It incorporates both the strength of the traditions theory of human dignity and rights, on the one hand, and differentiated understanding of social relationships characteristic of Paul VI's writings on the other."¹²³ The document recognizes human dignity as consisting of a plethora of rights which need to be understood as being in dynamic interrelation with each other. This notion of interlocking of rights is clearly portrayed in the Synod's affirmation of the existence of "rights to development." It defines human rights as "a dynamic interpretation of all those fundamental human rights upon which the aspirations of individuals and nations are based."¹²⁴ In Hollenbach's opinion, this document by the Synod "clarifies the traditions understanding of how the content of rights is to be determined."¹²⁵

The Synod did insist that the participation of all persons in shaping of social and political conditions is a prerequisite for the realization of all other rights. Marginalization or lack of participation becomes a yardstick for judging if human dignity is being violated. If people are marginalized, this leads to injustice and as the Synod warned, "Economic injustice and lack of social participation keep a man from attaining his basic human and civil right."¹²⁶

¹²³ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 85.

¹²⁴ J. W. No. 15; Catholic Social Thought: The Documentary Heritage, 290.

¹²⁵ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 85.

¹²⁶ J. W. No. 9; Catholic Social Thought: The Documentary Heritage, 289.

2.3.8 John Paul II

John Paul II who assumed the papacy on October 16, 1978, issued his first encyclical on March 4, 1979. Titled *Redemptor Hominis* – The Redeemer of Man, the encyclical appears at first sight to be concerned specifically with the redemptive work of Christ. But this Christology of John Paul II is at the same time a theology of the human person – a Christian humanism. He speaks in the encyclical about human dignity, human rights, and the Church’s task in proclaiming the Gospel not in the abstract, but to real, concrete individuals with all the threats that they face, within the society that they have inherited. The encyclical letter picks up some of the ideas in Paul VI’s *Evangelii Nuntiandi* particularly the link between the Church’s mission and human progress and development. But John Paul’s attitude toward modern technological advancement is rather sober or even somber, especially when he considers the human and environmental costs of our rapid industrialization.

At the center of his reflection is always the human person, the concrete, unique, and unrepeatable person. John Paul’s Christological Anthropology “or Christian humanism can be summed up in two phrases from the encyclical; “in Christ and through Christ, human persons have acquired full awareness of their dignity” and “all routes for the Church are directed towards the human person”¹²⁷In Christ, God has entered the human “heart”; in Christ the human person who was created in the image of God in the beginning, but who fell due to sin, has been redeemed. In the incarnation, passion, death and resurrection of Christ, the inestimable love and mercy of God towards the human

¹²⁷ R. H. Nos. 40, 41.

race is revealed. Or rather, the revelation of God's love and mercy has taken a form and a name: that of Jesus Christ.

The extent of the human person's worth and dignity before the eyes of God is mysterious and tremendous, for if the human person gained so great a Redeemer, if God gave his only son just so that the human person should not perish ...then in the eyes of God he or she must be precious beyond human comprehension. This profound mystery that the human person is, inspires the Church to reach all persons without exception, and to present to each one "the unsearchable riches of Christ." For at the incarnation, Christ united himself with all persons, and with each person. Each person therefore in his or her real, concrete, historical reality, is included in Christ's redemption. The human person is therefore to be sought after so that he or she may be shown the path that leads to life: The whole person – in his or her personal and social being, in his or her sinfulness and aspiration for truth. This is the fundamental mission of the Church.¹²⁸

In 1991, the centenary of the appearance of Leo XIII's *Rerum Novarum*, John Paul II issued a new social encyclical to celebrate the occasion. In this new encyclical, the pope honors *Rerum Novarum* and all the social encyclicals and documents that have appeared in the last one hundred years, which together constitute the "social magisterium" of the Church, and proposes a "re-reading" of the document by "looking back" at the text itself, "looking around" at the "new things" (new historical and social, political and economic circumstances) that surround us, which may be seen as quite different from those of Leo XIII's era to show the fruitfulness of the principles enunciated by Leo XIII, and the permanent value of the social teaching of the Church. The encyclical also proposes an analysis of some events of recent history, and invites all

¹²⁸ R.H. Nos. 9- 14.

to “look to the future” at a time when the advent of the third millennium ushers in a new “era of evangelization.”

John Paul II reflects on the changes that swept through Eastern Europe in 1989, and identifies the widespread violation of the right of workers, the inefficiency of the economic system and the spiritual void brought about by atheism, among the factors that led to the collapse of Communism. He observed that:

Marxism had promised to uproot the need for God from the human heart, but the results have shown that it is not possible to succeed in this without throwing the heart into turmoil.¹²⁹

Even though the events of 1989 took place mainly in the Countries of Eastern Europe, it had world-wide consequences. The fall of Marxism, for example has a great impact on the division of the human community into opposing and competing ‘blocks’. The idea of social interdependence in our modern world made the pope call for generous support of the other European nations to see Eastern Europe through this period of recovery from political repression and economic strangulation.

The pope did note with delight the new attraction for democracy but observed that authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person and advocates that:

It is necessary for peoples in the process of reforming their systems to give democracy an authentic and solid foundation through the explicit recognition of these rights In a certain sense, the source and synthesis of these rights is religious freedom, understood as the right to live in the truth of one’s faith and in conformity with one’s transcendent dignity as a person.¹³⁰

Democracy easily turns to totalitarianism if it is not based on the truth of God and of the human person. Democracy becomes a nightmare if the truth of the human person’s

¹²⁹ C. A. No. 24; Catholic Social Thought: The Documentary Heritage, 456.

¹³⁰ C. A. No. 47; Catholic Social Thought: The Documentary Heritage, 474- 475.

dignity and of his or her rights is not acknowledged and respected. Without this truth, freedom loses its foundation to the violence of passion and to all sorts of manipulation.¹³¹

2.3.9 Benedict XVI

Benedict XVI has also followed in the tradition of his predecessors to contribute to the social teaching of the church with regard to human rights. Even though his two encyclicals *Deus Caritas est* and *Spe Salvi* are not directly on human rights, last year during a visit to the United States, he called for the respect of Human Rights in an address to the United Nations.¹³² The pope called on the United Nations to support the legitimate rights of nations and the “desire for peace, the quest for justice, respect for the dignity of the person, humanitarian co – operation and assistance.”¹³³

The pope did note that:

Human rights are increasingly being presented as the common language and the ethical substratum of international relations. At the same time, the universality, indivisibility and interdependence of human rights all serve as guarantees safeguarding human dignity They are based on the natural law inscribed on human hearts and present in different cultures and civilizations. Removing human rights from this context would mean restricting their range and yielding to a relativistic conception, according to which the meaning and interpretation of rights could vary and their universality would be denied in the nature of different cultural, political, social and even religious outlooks.¹³⁴

¹³¹ C. A. No. 46; Catholic Social Thought: The Documentary Heritage, 473- 474.

¹³² Pope Benedict XVI gave an address to the United Nations General Assembly on April 18, 2008. The pope’s address did coincide with the Sixtieth anniversary of the United Nations Universal Declaration of Human Rights, a landmark agreement among the Nations of the world on basic principles governing the relationships among people. The declaration does state “everyone has the right to life, liberty and security of person.” The pontiff touched on several broad themes in his address, among them: a call for upholding ethical and moral principles as a guiding force even in pluralistic societies, a human rights agenda that took on broad religious freedom, and the sacredness of human life, and the responsibility of first- world nations to aid developing ones. This address can be downloaded from the website <http://wcbstv.com.seenon/pope.Benedict.Speech>. One can also find this address in Christ our Hope: Major U.S Addresses of Pope Benedict XVI. A Study Guide (Libereria Editrice Vaticana, 2008), 28 – 35.

¹³³ *Ibid.*, 28

¹³⁴ *Ibid.*, 31

Here, we find Benedict XVI offering his understanding of human rights and it appears that his presentation is in line with the position of his predecessors. Human rights are based on the dignity of the human person; they are universal and linked to the natural law that is known to all cultures and civilizations. In view of this, he cautions against the tendency toward relativism that threatens the very basis for human rights because it denies that there are truths about humanity that apply to all persons at all times.

Benedict warned against human rights being viewed merely as a result of a lawmaking process, stating that humans have rights as a result of their being created in the image of God. This position, the concept of “human dignity” does inform the Catholic church’s view of human rights and reminds us that rights are inviolable and given to us by God and not the society or any group. The United Nations Declaration has reinforced the conviction that respect for human rights is principally rooted in unchanging justice, sadly the pontiff notes that this is often overlooked when the attempt is made to deprive rights of their true function in the name of narrowly utilitarian perspective. Rights are to be seen as fruit of a community held sense of justice built primarily upon solidarity among the members of society and hence valid at all times and for all peoples. Therefore, human rights “must be respected as an expression of justice, not merely because they are enforceable through the will of the legislators.”¹³⁵

In his view, the promotion of human rights remains the most effective strategy for eliminating inequalities between Countries and social groups, and for increasing security. He cautions that “indeed, the victims of hardship and despair, whose human dignity is violated with impunity, become easy prey to the call to violence, and they can then

¹³⁵ Ibid., 33

become violators of peace.”¹³⁶ Benedict has also acknowledged the crucial role women play in promoting human rights, the dignity of life and the family. He argued that because of their “unique capacity for the other, women have a crucial part to play in the promotion of human rights, for without their voice the social fabric of society would be weakened.”¹³⁷

Regarding the content of human rights, Benedict asserts that it must include the right to religious freedom, understood as the expression of a dimension that is at once individual and communitarian – a vision that brings out the unity of the person while clearly distinguishing between the dimension of the citizen and that of the believer. It should never be necessary to deny God in order to enjoy one’s rights.

Hollenbach acknowledges that Benedict’s address to the United Nations came out strong on the responsibility to protect the doctrine that is emerging – the reality of human rights. It is about “the need to come to protect people that is more important than national borders.”¹³⁸ In Hollenbach’s estimation, this is a human right idea. He thinks Benedict is moving in that direction but at the same time Benedict tends to draw a distinction between the role of the State and the lay person as he does in his encyclical *Deus Caritas est*. Hollenbach is concerned about this – the distinction between political order and Church order, between love and justice. Hollenbach is not comfortable with this

¹³⁶ Ibid., 32

¹³⁷ Benedict XVI, Message to participants of the Vatican’s First International Conference dedicated to Women and Human Rights, March 20, 2009. The theme for the conference organized by the Pontifical Council for Justice and Peace, The World Union of Catholic Women’s Organizations and the Rome-Based World Women’s Alliance for Life and Family was titled: “Life, Family, Development: The Role of Women in the Promotion of Human Rights.”

¹³⁸ David Hollenbach, Interview in Pittsburgh, March 26, 2009.

distinction. He wants to see an integration of both justice and love. He is worried about making Christianity too secular at reducing faith to social /political questions.¹³⁹

From our reading of Benedict's latest encyclical, *Caritas in Veritate* (June 2009) we dare say that the pope's new social encyclical puts development of the person at the center of wide-ranging issues, such as globalization, the global financial crisis, education, technology and ecological health. He calls for a greater social responsibility. He rejects the idea that social problems can be solved "through the simple application of commercial logic" and says that "grave imbalances" exist when economic activity ("conceived merely as an engine for wealth creation") is separated from political action ("conceived as a means for pursuing justice through redistribution"). He espouses the notion of the fundamental right to life and the need to strive for the common good. We think this encyclical would surely add to Hollenbach's appreciation for the contribution of Benedict to the human rights debate. One of the most striking features of this encyclical is its linking of "life ethics" and "social ethics." This is something that we think Hollenbach would truly appreciate as he writes on and promote the cause of human rights in our world.

2.3.10 Economic Justice for All: A Pastoral Letter on Catholic

Social Teaching and the U. S. Economy

The United States Conference of Catholic Bishops issued this pastoral letter on November 18, 1986. It did criticize the United States' maldistribution of wealth. It

¹³⁹ Ibid. Hollenbach expressed this concern during our interview with him. He thinks that these are legitimate concerns but then he acknowledges that we need to have a dialogue between them and not separate them. But Hollenbach did note that Benedict made some good points on Human Rights in his address at the United Nations last April. He is of the hope that Benedict would have more to say oh human rights in his up coming social encyclical.

therefore proposed a “Christian view of economic life that is based on biblical perspectives and traditionally accepted natural law principles of Catholic social teaching.”¹⁴⁰ It further endorsed ways that would lead to economic democracy and envisioned a society that would recognize the basic economic rights for all citizens of the United States. The Bishops noted: “Basic justice demands the establishment of minimum levels of participation in the life of the human community for all persons.”¹⁴¹ Hollenbach has proffered that human rights are the minimal conditions for life in the community. As we shall find out in chapter 3 of our work, he is convinced that human rights are guarantees of participation in the life of the community and not simply being left alone but being able to contribute to the growth of society. Hence the Bishops challenge their readers “the ultimate injustice is for a person or group to be treated actively or abandoned passively as if they were nonmembers of the human race.”¹⁴² This is what Hollenbach calls marginalization and as we shall find out in chapter 4 of our work, he considers this an injustice.

Providing justice for the poor the Bishops argued, was the “single most urgent claim on the conscience of the nation.” The nation was urged to direct her energies toward meeting the economic needs of the poor. Basic economic rights were “as essential to human dignity as are the political and civil freedoms granted pride of place in the Bill of Rights of the United States Constitution.

¹⁴⁰ See Charles Curran, Catholic Social Teaching 1891- Present: A Historical, Theological and Ethical Analysis, 14.

¹⁴¹ See National Conference of Catholic Bishops, *Economic Justice for All: Catholic Social Teaching and the U. S. Economy* (1986), No. 77 in David J. O’Brien and Thomas A. Shannon (eds.) Catholic Social Thought: The Documentary Heritage, 576- 577.

¹⁴² Ibid.

The Bishops could call for a better economic order because they did recognize our relationship with all other human beings and so developed the guiding principles of love, solidarity and justice. We will discover in chapter 4 of our work that these are some of the major themes in the writings of Hollenbach as he contributes to the debate on human rights. The Bishops did rely on the conceptions of human dignity and the common good that are a part of their own religious tradition in a “sustained attempt to deepen the American understanding of what sort of economy liberal democracy requires.”¹⁴³

2.4 Salient Points from Hollenbach’s Interpretation on the Development of Human Rights

Our review of Hollenbach’s interpretation of the contributions made by the Liberal Democracy and the United Nations did provide us with his admiration for the strengths of these traditions and the weaknesses he found within them. He is a strong advocate for a theory that would incorporate the strengths in all the traditions into one theory that would really help in addressing the issue of human rights in the world.

Our assessment of the contributions made by the Catholic Church also brought out some of the strengths and weaknesses of the papal encyclicals and how Hollenbach is convinced that the Catholic Church has something important to contribute to the debate on human rights. Our findings in our overview of the Catholic Church’s contribution to the debate on human rights affirms the statement of Hollenbach that “the truth of John XXIII’s claim that the fundamental and dominant concern of the tradition has been single

¹⁴³ See Paul J. Weithman, “Religion and the Liberalism of Reasoned Respect,” in Paul J. Weithman (ed.) Religion and Contemporary Liberalism (Notre Dame: University of Notre Dame Press, 1997), 30; David Hollenbach, “Religion, Morality and Politics,” *Theological Ethics* 49 (1988): 68- 89.

and clear: the preservation and promotion of the dignity of the human person.”¹⁴⁴ The transcendent value of the human person was seen as the one unifying aspect of all the documents we examined and it is the basis from which emerge all moral claims, all rights and duties.

Human persons have a worth that claims respect in every situation and in every type of activity. This dignity should therefore be seen as the “norm by which the adequacy of all forms of human behavior and all the moral principles which are formulated to guide behavior are to be judged.”¹⁴⁵ Human dignity is to be seen as a concrete reality that exists wherever persons exist. Therefore as Hollenbach rightly points out, “the affirmation of dignity as an ontological characteristic of every human person is present throughout the tradition we have reviewed.”¹⁴⁶

In view of the above, we can point out that the Roman Catholic tradition does see the foundation of human rights as the dignity of the human person. This notion of human dignity is an entirely concrete reality but in so far as it has a transcendental character, “it is identical in meaning with the fulfillment of any need, with the freedom for any particular kind of action or with the attainment of any specific law of relationship.”¹⁴⁷ As Hollenbach points out, both the Liberal – Democratic and the Marxist thought have been found to identify a limited domain of human existence with the foundation of human rights. The Catholic rights theory does not follow this identification but has gone further to recognize that the relationship between the transcendental worth of the person and the

¹⁴⁴ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 89.

¹⁴⁵ *Ibid.*, 90.

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*, 91.

particular material, interpersonal, social and political structures of human existence has to be specified.

We dare say that Hollenbach in reading and interpreting the Catholic human rights tradition is being influenced by the documents. They have shaped his reflections on human rights and he builds on the Roman Catholic rights tradition. As the subtitle of his book Claims in Conflict indicates, he retrieves and renews the Catholic rights tradition. The notion of human dignity, common good, justice, participation and solidarity that are key concepts in the Catholic human rights tradition are employed by Hollenbach in his writings. He claims that the “Catholic theory of rights “is far removed from individualist or libertarian social philosophy. The theory presented in the encyclicals is personalist, not individualist, and it recognizes that persons are essentially social and institution building beings.”¹⁴⁸ His thoughts are influenced and shaped by these traits found in the Catholic human rights theory as we shall discover in the next section of our work. He writes on our interconnectedness and the need to uphold economic and social rights. He makes a case for human rights building his argument on our interconnectedness and the interconnectedness of all personal, social and instrumental rights. He submits, as we shall discover in chapter 4 of our work that the participation of all persons in the shaping and transformation of social and political conditions is essential for the realization of all other rights.

¹⁴⁸ Ibid., 97.

*2.4.1 Is there a Shift in Hollenbach's Thinking on Human Rights after
Claims in Conflict?*

Hollenbach's passion for human rights issues have deepened after his seminal work, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition. In continuation of his first work, he has greatly contributed to the development of Catholic social ethics in ways that respond to the challenge that was raised by the Second Vatican Council and to "the cultural challenge posed by the pluralism of contemporary American moral experience and reflection."¹⁴⁹

Acknowledging the pluralistic nature of the United States' society, he has submitted that it provides the context for social ethics and helps the Church in her understanding of its mission in society and also for the way Christians should understand the basic norm of social morality, that is justice. Hollenbach addresses issues of economic justice, human rights and the morality of warfare. In addressing these issues, Hollenbach does provide suggestions on how to resolve these social ethical concerns and how they can be fully integrated into the daily pastoral life of the Church.¹⁵⁰ His commitment to human rights issues capture the position of Frederick Herzog, a North American theologian who gives an historical focus to the place faith and public concern hold in the Church today. Herzog claims that the early Church was devoted to the primary questions of God's closeness to Jesus. During the Reformation it was God's

¹⁴⁹ See David Hollenbach, Justice, Peace, and Human Rights, X.

¹⁵⁰ *Ibid.*, chapter 5, 181- 225.

closeness to the human person. Today, the focus is God's closeness to history in the struggle for justice.¹⁵¹

In his work, The Common Good and Christian Ethics, much of Hollenbach's reflection did articulate his position on the role of religious communities in the public square and how their engagement with human rights can help "strengthen the public life of a free society in democracies."¹⁵² He has taken his human rights agenda further by advocating for the participation of religious communities in public affairs because "it brings people out of a narrow world of isolation into a shared world where goods can be attained that can never be enjoyed in private."¹⁵³ Hollenbach's call for the engagement of religious communities in public gains credence from the events in Eastern Europe, Latin America and parts of East Asia where religious communities in those parts of the world "have helped constitute and strengthen civil society as a domain free from the authoritarian control of the state's apparatus."¹⁵⁴

In fact, Hollenbach's efforts have been an attempt in rethinking the practical import of the civil right of all persons to religious freedom. Basing his argument on the right to freedom of religious experience, he does defend the role of religious communities in advancing faith-based arguments in the public forum, advocating that this right should mean the right of religious communities "to be seen and heard in public and to propose their visions of the common good for deliberation in public."¹⁵⁵ Aware of the factious nature of much liberal debate, Hollenbach cautions that it should be neither assumed by

¹⁵¹ Frederick Herzog, God- Walk. Liberation Shaping Dogmatics (Maryknoll, New York: Orbis Books, 1998), 46.

¹⁵² David Hollenbach, The Common Good and Christian Ethics, 112. See also his work, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights tradition.

¹⁵³ David Hollenbach, The Common Good and Christian Ethics, 46.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid., 165- 166.

Christians that direct appeal to faith-based convictions is appropriate in the public square nor alleged by secularists that direct appeal to faith-based convictions is inappropriate in liberal democracies.¹⁵⁶ Very pertinent in his reflections on human rights is demonstrating why and how secularist and religious persons alike can gather around human rights agendas and work for the common good of society.

From the foregoing discussion, one can surmise that Hollenbach's thinking on human rights have not shifted after his seminal work, Claims in Conflict: Retrieving and Renewing The Catholic Human Rights Tradition but rather, his scope and the role of the players who are involved in the work of human rights have been expanded. In his seminal work, one sees a systematic presentation of human rights but in his subsequent works, he demonstrates his passion for human rights by addressing a wide range of issues related to morality and justice (poverty, common good, the rights of refugees, humanitarian crisis, war and the environment).

¹⁵⁶ David Hollenbach, The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics, 147.

2.4.2 *Key Concepts that Keep coming up in Hollenbach's Reflections on Human Rights*

In interpreting the development of the human rights tradition, Hollenbach has appropriated some of the concepts in his own writing. The concept of the fundamental dignity of the human person is central to the debate on human rights and acknowledged by the Catholic social tradition.¹⁵⁷ This principle has been seen in his writings as a principle of moral and political legitimacy not an ideological principle of social organization.

In acknowledging this norm, the dignity of the human person as crucial to the human rights debate, Hollenbach submits that the next step is finding ways to identify what the specific requirements of human dignity are and this for him demands a lot of careful discernment and evaluation. In his opinion, the notion of human dignity is nearly empty of meaning unless it is applied in concrete and existential settings to existing human beings. We find in all his writing, an effort at integrating the transcendental worth of the person and the existential response in particular cultural, social and political settings. He submits that, “unless the relationship between the transcendental worth of persons and particular human freedoms, needs, and relationships can be specified in greater detail, the notion of dignity will remain an empty notion.”¹⁵⁸

¹⁵⁷ See the documents, *Rerum Novarum, Quadragesimo Anno, Mater et Magistra, Pacem et Terris and Redemptor Hominis*.

¹⁵⁸ David Hollenbach, *Justice, Peace, and Human Rights*, 96.

The common good ¹⁵⁹ is another concept that Hollenbach has frequently referred to in his writings following his groundbreaking work, Claims in Conflict. In fact he has written a book on this concept and argues that Churches have an important role to play in contributing to the common good. ¹⁶⁰ Hollenbach considers the notion of the common good as very essential to the debate on human rights and argues for a theological reconstruction of rights that appropriates the traditional natural-law conviction that humans are social beings. Having studied the history of the development of human rights, he submits that the Church provides a communitarian alternative to liberal human rights theory that better serves the common good. In his opinion, human beings are dependent on one another not only for the higher achievements of cultural life but also for the necessities of material-economic well being. In his view, a “recovery of an active social commitment to the common good is a critical element in serious efforts to reduce poverty and advance economic justice.”¹⁶¹

Hollenbach argues that human rights are moral claims of all persons to be treated, by virtue of their humanity, as participants in a shared life of human community. Hence, one sees in his writings a great emphasis on the notion of participation. Appropriating an idea from the U. S. Bishops’ Pastoral Letter, *Economic Justice for All*, which noted that “Basic justice demands the establishment of minimum levels of participation in the life of

¹⁵⁹ It appears that the realization of the common good has been the driving force behind many of the pontiffs and many scholars who take up the challenge to write and speak on human rights. They are worried about the unjust structures, systems and institutions that do not help in advancing the good life. The good life of a single person and the quality of the common life persons share with one another in any given society are linked. Thus, it can be stated that the good of the individual and the common good are inseparable.

¹⁶⁰ See his work, The Common Good and Christian Ethics. We shall return to this concept in chapter 4 of our work.

¹⁶¹ David Hollenbach, The Common Good and Christian Ethics, 173.

human community for all persons,”¹⁶² Hollenbach has asserted that human rights are the minimal conditions for life in the community. Hence in his view, “the ultimate injustice is for a person or group to be treated actively or abandoned passively as if they were nonmembers of the human race.”¹⁶³ Hollenbach calls this marginalization which he considers an injustice.

The notion of participation is found in the writings of John Paul II and also the Synod of Bishops. The Synod of Bishops did note that participation of all persons in shaping of social and political conditions is a prerequisite for the realization of all other rights. If people are marginalized, it leads to injustice and the Synod cautioned that “economic injustice and lack of social participation keep a man from attaining his basic human and civil rights.”¹⁶⁴

And so the question is what is Hollenbach’s response to a situation where the rich and the powerful who are in the minority continue to get richer at the expense of the poor? What becomes of the marginalized who are unable to contribute to the socio-economic development of society? How do we respond to situations where a few have the opportunity to participate or have a say in how the majority are governed? His three strategic principles in his Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition would be his response to the situations described above. He submits that “the needs of the poor take priority over the wants of the rich,” “the freedom

¹⁶² See National Conference of Catholic Bishops, *Economic Justice for All: Catholic Social Teaching and the U. S. Economy* (1986). No. 77 in David J. O’Brien and Thomas A. Shannon (eds.) Catholic Social Thought: The Documentary Heritage, 576- 577.

¹⁶³ Ibid.

¹⁶⁴ J. W. No. 9; Catholic Social Thought: The Documentary Heritage, 289.

of the dominated takes priority over the liberty of the powerful,” “the participation of marginalized groups take priority over an order which excludes them.”¹⁶⁵

Hollenbach is an advocate for social solidarity in human rights talks.¹⁶⁶ This approach in his view is in contrast to the individualistic view of human rights so characteristic of the United States, which for him is inadequate. He contends that the many problems throughout the world and Africa, in particular, makes it “essential that we move from the brute fact of the world’s growing interdependence to a greater sense of moral dependence and solidarity.”¹⁶⁷ By stressing the notion of solidarity, he is able to call attention to the plight and rights of refugees in our globalizing world and our responsibility to protect them by our common humanity.¹⁶⁸ He is able to address the issue of refugees, internally displaced persons and humanitarian crisis and the challenges they pose by employing the concept of solidarity and calling for “burden sharing on the rich countries of the West to settle some of the displaced by granting them asylum and eventually citizenship.”¹⁶⁹

In his reflections, Hollenbach has sought to blend individual liberties and social justice concerns. He has denounced the individualistic concept of rights that prevails in the United States that comes from the liberal theory. He has incorporated aspects of liberal and communitarian moral theories into natural law reasoning in his reflection on

¹⁶⁵ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 203 – 207.

¹⁶⁶ He also calls for intellectual solidarity in human rights debate. See his work, The Common Good and Christian Ethics, 229; “Globalization, Solidarity, Justice,” in *East Asia Pastoral Review* 43. 1: 21- 38, here 29- 31, 35.

¹⁶⁷ See David Hollenbach, The Common Good and Christian Ethics, XIV. Again, we see Hollenbach stressing the need for solidarity in the human rights debate as is the case in the writings of John Paul II. This concept can also be found in Catholic social teaching.

¹⁶⁸ See his work, The Rights of Refugees in a Globalizing World (Dayton: The University of Dayton, 2009). See his edited work, Refugees Rights: Ethics, Advocacy, and Africa (Washington D.C.: Georgetown University Press, 2007).

¹⁶⁹ *Ibid.*, 15.

human rights. Commenting on the U.S. Bishops Pastoral Letter, *Economic Justice for All* he noted that from the liberal theory, which underscores the fact that the right is prior to the good, the bishops appropriated the language of individual rights and freedom. From the communitarian theory, which teaches that the good is prior to the right, they did appropriate a modern language of virtue and the common good. In his opinion, the liberal theory lacked the right Aristotelian and Thomist emphasis on the morally constitutive roles of communities in shaping individual sensibilities. The weakness of liberalism for him is that it neglected the role of community in shaping the individual “self” an idea on which liberalism is based. The weakness of the communitarian theory is its emphasis on the virtue and the common good that needed the liberal theory component for individual rights. Without liberalism, communitarian theory is defective.¹⁷⁰

Hollenbach can be seen as a theologian who appreciates a blend of modern and ancient language of rights and the common good. In his view, Catholic social ethics can be seen at its best when it endeavors to synthesize the Aristotelian and Thomist notion of covenanted community with the liberal commitment to the freedom and equality of all individuals before the law.¹⁷¹

One would question why Hollenbach finds it important to engage the traditions – the liberal tradition, the United Nations and the Catholic tradition. One might ask what does his analysis of the traditions contribute to his overall understanding of human rights and in what ways is his interpretation and or appropriation of these traditions distinct or

¹⁷⁰ See John Rawls, *A theory of Justice* (Cambridge, MA.: Harvard University Press, 1971); Bruce A. Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980); Michael J. Sandel, *The Limits of Justice*; Amitai Etzioni, *The Spirit of Community: Rights, Responsibilities, and the Communitarian Agenda* (New York: Crown Publishers, 1993).

¹⁷¹ David Hollenbach, “Liberalism, Communitarianism and the Bishops’ Pastoral Letter on the Economy,” *Annual of the Society of Christian Ethics* 1978 Washington, D.C.: Georgetown University Press, 19- 23, here 20- 21.

unique? We would say that he finds it important to engage the different traditions because they all have something good to offer in our understanding of rights.

The liberal theory espouses the rights to freedom (of religion), Speech and assembly, the right to secure one's person and property, the rights to *habeas Corpus* and to the due process of law. These rights are enshrined in the Constitutions of many democratic nations and when upheld, can lead to the promotion of human rights. In countries where these rights are denied, people out there do not have the freedom to practice their faith. We also find cases of torture, summary imprisonment and infringement on the fundamental rights are employed against political dissidents and opponents in those countries.

Hollenbach's understanding of rights from the liberal tradition is that it grounds human rights in the primacy of liberty. His analysis of this liberal tradition does contribute to his understanding of human rights by revealing that the State empowers people with freedom and does not interfere in their actions provided they are within the limits of the law of nature. This tradition does shape his understanding of rights as "negative" rights to immunity against interference or political coercion. They are thus perceived as defenses of individual liberty. What makes Hollenbach's interpretation and or appropriation of this tradition unique or distinctive is that he is not just reaffirming or restating what is in the tradition. He questions the liberal theory's stance on the negative right of liberty as a solution for the conflicts and tragedies that plague modern society. He maintains that unfortunately the "liberal theory is compatible with the presence of extreme want in a society, even when the resources necessary to eliminate it are

present”¹⁷² This tradition in his view escapes the dilemma of what looks like a barbarous trade-off of the liberties of some against the basic material needs of others “by restricting its concern to problems of justice and human rights which arise in societies which are relatively well off.”¹⁷³

To overcome the weakness of the liberal tradition, he insists that human beings have economic rights to such goods as food, housing, and employment as well as civil and political rights such as free speech and religious freedom. But Michael Novak tends to be critical of Hollenbach’s injection of the notion of economic rights in the human rights debate.¹⁷⁴ We tend to agree with the position of Hollenbach since securing economic necessities for all is primarily, the responsibility of government.

Hollenbach endeavors to articulate a better position that is available in the usual U. N. discussions so as to correlate the two United Nations Covenants on rights. He “strongly resists the attempts by Maurice Cranston and other liberal theorists to dismiss the United Nations Covenants on economic rights as mere programmatic ideals than rights.”¹⁷⁵ The U.N. tradition has helped his understanding of rights by way of pointing to the fact that “rights can be perceived not simply as claims *against* other person, but *claims* on the community as a *whole*.”¹⁷⁶ His appropriation of the U. N. tradition is distinct in that it influences him to seek a balance between the personal and the communitarian in the human rights debate. He observes that “human rights cannot be

¹⁷² David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 15.

¹⁷³ *Ibid.*, 20.

¹⁷⁴ See our extended treatment of the argument between David Hollenbach and Michael Novak regarding the idea of economic rights in the human rights debate in chapter 4 of our work.

¹⁷⁵ See John A. Coleman, “Catholic Human Rights Theory: Four Challenges to an Intellectual Tradition,” in *Journal of Law and Religion* II, 2 (1984), 346. Also Maurice Cranston, What are Human Rights (New York: Taplinger Publishing Company, 1973).

¹⁷⁶ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 28.

understood apart from the social interdependence nor can social well-being be understood apart from personal rights.”¹⁷⁷ Furthermore, he asserts that “the rights which protect human dignity are the rights of persons in community. They are neither exclusively the rights of the individuals against the community nor are they the rights of the community against the individual.”¹⁷⁸ We tend to admire this position of Hollenbach since it brings together the liberal and the U.N. traditions understanding of rights. He does provide a synthesis between the liberal and the communitarian traditions and this makes his interpretation distinct.

In view of the weaknesses in the two traditions, Hollenbach sees the Catholic tradition as a way out. He sees the Catholic tradition as having developed “an approach to human rights which is both activist and theoretically vigorous. In his view, the Catholic theory can more adequately ground a theory of human rights which looks to needs, freedoms, and relationships than alternative theories.”¹⁷⁹ Hence, “... the Roman Catholic tradition was led to respond to the threats of human dignity in a more integrated way than either democracy or Marxism had done.”¹⁸⁰

¹⁷⁷ Ibid., 61.

¹⁷⁸ Ibid., 65.

¹⁷⁹ Ibid., 41.

¹⁸⁰ Ibid., 68.

CHAPTER 3

HOLLENBACH'S METHODOLOGY

This chapter of our work will examine the methodology of Hollenbach. We shall consider what influenced his writings or reflections and what school of thought he belongs to, and who his intended audience or dialogue partners are. We will also consider the structure of his argumentation, the significant points in his argument, the backings he offers for the truth claims he makes, the warrants or principles that are adduced for his backing, the sources that he utilizes and how, what alternative methodological approaches may be out there and why he is not using these alternative approaches and the distinctive substance in his writing that is relevant to the global situation on human rights. But before we get to examine Hollenbach's methodology, we would offer an overview of the present –day methods employed in moral decision making, and then present some of the perspectives on recent studies on Catholic social teaching from the European, Latin American, African and North American context.

The thesis of this chapter is that Hollenbach's use of theology, philosophy, faith and reason has enabled him to appeal to both Christians and non- Christians with his message of promoting and defending human rights. In arguing that the Church (Churches) has an important role to play in contributing to the common good, even within pluralistic societies, Hollenbach makes a case for us to consider theology as very relevant to the public square.

3.1 An Overview of Present-Day Methods

The moral goodness of the person is the chief concern of moral theology (Christian ethics). It deals with persons, institutions and their actions. It is concerned with decision-making. Its basic goal and purpose is to gain the right vision for human action and guidelines that the person must follow in order to arrive at the moral rightness in his or her decisions. Thus, moral theology (Christian ethics) enables one to distinguish between the rightness and wrongness of an act. As Richard Gula asserts, moral theology is interested in the “implications of Christian faith for the sort of persons we ought to be and the sorts of actions we ought to perform.”¹

The moral rightness or wrongness of an action is very much determined by the perspective from which one views it. From our human experience, an act can be interpreted differently just because people judging it assess it from different perspectives. This effect brings in the notion of the specific method used in arriving at the moral goodness or badness of a person. What are these methods?

¹ Richard M. Gula, What Are They Saying About Moral Norms? (New York: Paulist Press, 1982) 9. A theologian like Peschke sees moral theology as a part of theology that endeavors to study in the light of Christian faith and of reason the guidelines that a person must follow to attain his or her final goal. See C. Henry Peschke, Christian Ethics : A Presentation of General Moral Theology in the Light of Vatican II. Vol. 1 (Alcester & Dublin: C. Goodliffe Neale 1981), xv. Bernard Haring, one of the foremost Catholic moral theologians of the twentieth century in his writings does not follow the trend of those who limit moral theology practically to “normative ethics” but sees its aim as the gaining of right vision to evaluate main perspectives, and to present those truths and values which should bear upon decisions to be made before God. See Bernard Haring, Free and Faithful in Christ. Moral Theology for Priests and Laity. Vol. 1 (Middlegreen Slough: St. Paul Publications, 1978). 6.

3.1.1 *The Deontological or Formalist Method*

One of the methods is the deontological or the formalist method. This method rejects the view that the morally good act is determined solely by consequences. It further demonstrates that some acts are right or wrong no matter the consequences. For example, killing the innocent is always wrong, all abortion, euthanasia, suicide and all artificial birth control are wrong. Telling the truth and keeping promises are always right. This method holds that some acts are always and everywhere “intrinsically and morally evil.” For proponents of this method, as Gula asserts, “the norm becomes the principal reference by which actions are judged to be morally right or wrong.”²

Different deontologists classify acts of sexuality under the “absolutely wrong” category. Others differ as to which acts fall in this category. Some may include only adultery as absolutely forbidden. Some prominent theologians who are adherents of this method are Germain Grisez, William E. May, Paul Ramsey, John Connery, John Finnis and Joseph Boyle³.

We can summarize the deontologist method as that which does not insist on results, looks to the past for rules, for precedents, tends to be a priori, works from top down, tends to be deductive and absolute.

² Richard M. Gula, *What Are They Saying About Moral Norms?*, 81.

³ Richard A. McCormick, *Corrective Vision: Explorations in Moral Theology* (Kansas City: Sheed & Ward, 1994), 8. Here, writing on an overview of moral theology from the 1940-1989, this author talks about the trend of methods and gives a list of those who belong to the deontological group who are opponents of proportionalism as well as a list of twenty one leading theologians who belong to the proportionalist camp. Others to be considered in the deontologist group are Benedict Ashley and Kevin O’Rourke in *Health Care Ethics* (St. Louis: Catholic Health Association, 1977).

3.1.2 Consequentialism

Consequentialism is another methodological approach in moral decision-making. This method tends to look at the goal or end of an act. Consequentialism looks to the reasonably foreseeable consequences. It does insist on results and tends to be a posterior. It also tends to be inductive.

A principal proponent of consequentialist is Joseph Fletcher. He puts “love” at the center of moral life. In his opinion, the most important thing is not whether an action in the past like (keeping a promise) did have good effects but if it will in this present situation offer the greatest good for the greatest number. Thus in moral decision making he observes that

... he (the situationist) is prepared in any situation to compare them or set them aside in the situation if love seems better served by doing so.”⁴

Thus, the situationist will submit to himself or herself to be tortured and even die for his or her family that is kidnapped if that would lead to their (family) being released. We can also consider those who for love of their country would carry out sacrificial suicide as some bombers are doing in the Middle East to “uphold” the integrity of the Palestinian nation.⁵

⁴ Joseph Fletcher, *Situation Ethics: The New Morality* (Philadelphia: Westminster Press, 1966), 26.

⁵ Norman L. Geisler, *Christian Ethics: Options and Issues* (Grand Rapids: Baker Book House, 2001), 43-61. Geisler presents a solid treatment of Situationism and in applying the love norm, he offers some marginal moral cases that the situationists would approve of. Other literature that offers a lot of insight into situationism are: John A. T. Robinson, *Honest to God*, (Philadelphia: Westminster Press, 1963); Joseph Fletcher, *Moral Responsibility*, (Philadelphia: Westminster Press, 1947).

3.1.3 Proportionalism/Revisionism

Proportionalism has been proposed by some moral theologians to deal with conflict situations. It is the method of moral decision-making that involves an assessment of all the good and evil in an act and not just the consequence. This method looks to a proportionate reason in an act to determine if it is evil or good, right or wrong. Proportionate reason becomes the ultimate criterion of the morally good. The emphasis that is laid on proportion has led many to refer to this method as proportionalism.

This method assesses all the evil in an act, including the effects, and the proportionate reason would refer to all the good expected from a particular act. In effect, “the moral judgment would depend on the balance.”⁶ The act in question would be considered good or right if the ontic good outweighs the ontic evil and morally evil or wrong when the ontic evil outweighs the ontic good. Before this analysis is made, the evil in the act that has been performed would be considered a premoral or ontic evil. Hence some proportionalist theologians like Peter Keane, David Hollenbach, Helmut Weber and Richard McCormick⁷ contend that commensurate or proportionate reason can justify either the direct willing of a nonmoral, premoral or ontic evil. Ontic good refers to the inherent goodness of an act. Ontic evil is what we call “any lack of a perfection at which we aim, any lack of fulfillment which frustrates our natural urges and makes us suffer.”⁸ Ontic evil, nonmoral or premoral evil are what we experience as regrettable, harmful,

⁶ John Connery, “Catholic Ethics: Has the Norm For Rule-Making Changed?” *Theological Studies*, 42, (1981), 235. This author explains the new norm for making rules known as proportionalism and presents an analysis of how proponents of this method arrive at moral judgment.

⁷ Richard A. McCormick, “Ambiguity in Moral Choice,” in *Doing Evil to Achieve Good* Richard A. McCormick and Paul Ramsey (eds.) (Chicago: Loyola University Press, 1978), 7- 10.

⁸ See Louis Janssens, “Ontic Evil and Moral Evil,” in *Readings in Moral Theology* No. 1, 45 Charles E. Curran and Richard A. McCormick (eds.) (New York: 1979), 60.

detrimental to full human growth. These would include such things as suffering, injury, fatigue, ignorance, violence and death. Ontic evils are inevitably present in human actions because of the unavoidable limitations that come with being human. All our concrete actions involve ontic evils.

For proportionalists, no act is immoral or sinful by its very nature except that those acts immediately directed against God or a direct involvement in the sin of another. An example of direct involvement in the sin of another is providing a gun for someone to commit murder or aiding someone to rob a bank. Thus in effect, to judge the morality or otherwise of an act, one must assess the act in relation to its circumstances and end as well.

Proportionalism does not claim to justify morally wrong actions by a good intention. The proponents of this method advocate that if the moral object is wrong (for example, torture), nothing can justify it. On the other hand, where the object is described without reference to circumstances or intention its moral worth is ambiguous. The action may or may not be justified morally. The justification can stem from the fact of the good intention of surgically removing a cancerous organ.⁹ Thus to inflict pain that is necessary to cure an illness may be acceptable to the proportionalist.

This theological method that is employed by theologians who are known as revisionists is also known as revisionism. Revisionist theology is “concerned with defending and adjudicating theological truth-claims by means of publicly warrantable

⁹ Charles E. Curran, *The Catholic Moral Tradition: A Synthesis* (Washington, D.C: Georgetown University Press, 1999), 156. Curran, a proponent of proportionalism dispels the view held by some opponents of proportionalism that the method does justify morally wrong actions by a good intention.

criteria.”¹⁰ Revisionist theology is opposed to postliberalism which avoids speaking about “universal” of any kind, whether it be a matter of universal religious experience or universal standards of rationality. Post liberal thinkers argue “if one gives proper weight to the finite, the particular and the local, then one speaks not of universal experiences and standards but of enveloping cultural- linguistic systems, of encircling networks and webs of belief, of the incommensurability informing various conceptual frameworks.”¹¹

Revisionist theologians seek to develop some philosophical justification for their assertions. Unlike postliberalism, revisionist thought espouses that all validity claims, including theological ones must have public attestation. In pursuit of making truth claims redeemed by publicly available warrants, revisionist theology seeks to justify theology as a public enterprise. The revisionist school can be seen as espousing classical Christian, particularly Roman Catholic themes and concerns. Its emphasis on “publicness,” with the notion that some “evidence for faith is available to all reasonable inquirers strikes a deeply resonant word in the Christian tradition.”¹²

Revisionism as a method has brought in a new way of doing theology. It has brought a shift from the old theology to the new theology with its accompanying shift from the “classicist” worldview to the one marked by: “historical consciousness” This theological method deals with the historical person in the historically particular circumstances than dealing with the universals of humankind. Thus this method tends to deal with the concrete while the old classical method that espouses the deontological method deals with the abstract.

¹⁰ For a useful description of revisionist theology and treatment of correlation and contemporary models, one can consult the work of Thomas G. Guarino, Foundations of Systematic Theology (New York: T & T Clark International, 2005), 311- 337, here 316.

¹¹ Ibid., 313.

¹² Ibid., 318.

3.1.4 Proportionalism and the Basic Good

Even though this term “basic good” had been coined by Germain Grisez,¹³ proportionists have also picked it up. They realize that there are basic tendencies that motivate people towards specific goods or values that pave the path for human accomplishment. These basic tendencies are known as the basic goods. McCormick lists some of the basic goods as

to preserve life, mate and raise children, explore and question friendship
use of intelligence in guiding action, be religious, develop and exercise
skills in play and the arts .¹⁴

We are of the view that what constitutes the realm of morality is the relationship between the realization of these basic goods and values that satisfy them. One basic good may sometimes override the other in its fulfillment. For example, one may give up part of the money that has been set aside for the purpose of educating one’s children to support a foundation that takes care of orphans.

Proportionalism sees these basic goods as premoral. Moral values are realities such as justice and integrity. Premoral values can never be absolutized because they always exist in connection with other premoral values in our world. The most fundamental among the basic premoral goods is life and it has generally been accepted that life can be taken in the case of self-defense. The premoral goods are often described in terms of behavioral norms or physical acts such as no killing, no mutilating and false speech.

¹³ Literature which articulates the Basic Good Theory is extensive and can be found in Germain Grisez, The Way of the Lord Jesus: Christian Moral Principles Vol. 1. (Chicago: Franciscan Herald Press, 1983); Germain Grisez & Russell Shaw, Fulfillment in Christ: A Summary of Christian Moral Principles (Notre Dame: University of Notre Dame Press, 1991).

¹⁴ Richard A. McCormick, “Bioethics and Method,” *Theology Digest* 29/4 (Winter 1981), 305.

Proportionate reason does help in justifying a premoral evil. The killing of an unjust aggressor is justified by the right of the attacked person to self defense if there is no other way to save one's life. For proportionalism, the basic goods are commensurable. To choose against any good or any evil by itself is a premoral disvalue. One may ask how does premoral good or value become moral good or evil? For Knauer, moral evil "consists in the last analysis in the permission or causing of physical evil which is not justified by commensurate reason."¹⁵

The consequences of human acts do bring values and disvalues. We ought to act in such a way so as to bring about values. Moral evil or disvalues are "determined in relation to that which the will commands, which is always both an act situated within specific circumstances and the reason for the act."¹⁶ Proportionalism considers the context in which human acts are performed. As Fuchs poignantly points out, morality must be assessed in a context not in isolation. He remarks that morality seeks to determine

... the significance of an action as value or non-value for the individual, for interpersonal relations and for human society, in connection of course, with the total reality of man and his society and in view of his whole culture.¹⁷

¹⁵ Peter Knauer, "The Hermeneutic Function of the Principle of Double Effect," in *The Natural Law Forum* 12 (1967), 133. Peter Knauer is generally considered to be the theologian whose writings introduced the method known as proportionalism in moral decision-making. See Joseph Fuchs, "The Absoluteness of Moral Terms," *Gregorianum* 59 (1971), 444- 447.

¹⁶ John A. Gallagher, *Time Past, Time Present: An Historical Study of Catholic Moral Theology* (New York: Paulist Press, 1980), 251. In chapter 12 of this book, the author in presenting Proportionalism and Contemporary Moral Theory, argues strongly that Proportionalism can be considered as an alternative moral theory.

¹⁷ Joseph Fuchs, "The Absoluteness of Moral Terms," *Gregorianum* 59 (1971), 437.

3.1.5 Natural Law

Natural law can be considered as a method in moral decision -making. In Roman Catholic moral theology, it has provided the basis for claims to certitude in situations of great ambiguity; it has been the basis on which norms can be said to be applicable always, everywhere, and for everyone. It has been the law by which to argue for the rightness of particular actions without recourse to specifically religious reasons. The best known definition of natural law is that provided by Thomas Aquinas. He defined it as “the participation of a rational creature in the eternal law.”¹⁸ It is a personal participation in God’s plan, his providence and wisdom, for the eternal law is God himself as the source of moral law and obligation in our world. However, the way we participate in the eternal law through the natural law has been open to a variety of interpretations.

Throughout history, two interpretations of natural law have dominated – one following the interpretation of Cicero (d. 43 BC.) and the other by the jurist Ulpian (d. 228 AD). Cicero’s interpretation of natural law speaks of an innate power to which we ought to conform. This power is reason, prudential and thoughtful judgment. This interpretation has given a central place to reason in the meaning and use of natural law. Ulpian’s interpretation on the other hand has given rise to a physicalist understanding of natural law by defining it as what man shares in common with the animals.

Thomas Aquinas made a distinction between the natural law according to the “order of reason” (*lex naturale*), that is, human reason providing guidance and direction for human affairs, and the natural law according to the “order of nature” (*ius naturale*), namely, those basic tendencies and inclinations that human beings share in common with

¹⁸ See his *Summa Theologica* 1- II, q. 91, a. 2.

animals.¹⁹ In spite of his treatment of these two interpretations, there is still tension between the two approaches in subsequent Catholic theology.

The order of reason approach to understanding natural law does not yield the clear unambiguous position that the order of nature approach does. Most Catholic moralists today opt for the “order of reason” approach, found both in Thomas Aquinas’ works and the Church’s social teaching over the past century.

The strength of the physicalist approach to natural law “is that it clearly recognizes the “givenness” of human nature.”²⁰ It can be said that there is a fixed character of human existence with which humankind must cooperate in promoting the well- being of human life. On the other hand, one can submit that the weakness of this approach is “to mistake the “givens” of human nature as the whole of human nature, or to take the fixed character of human existence as being close and beyond the control of human creative development.”²¹

The physicalist approach to natural law has been criticized on many counts and has been rejected by “revisionists theologians.”²² Revisionist theologians are advocating that the natural law need not assume a static, “blueprint” view of human nature and base moral norms on physical criteria alone. What they are submitting is that “the natural law is not so closely tied to physicalism and the classicist worldview that it would be

¹⁹ Ibid., II- II, q 154, a. 12: “reason presupposes things as determined by nature ... so in matters of action it is most grave and shameful to act against things as determined by nature.”

²⁰ See Richard M. Gula, What Are They Saying About Moral Norms, 39.

²¹ Ibid.

²² See Edward A. Malloy, “Natural Law Theory and Catholic Moral Theology,” in *American Ecclesiastical Review* 169 (September 1975): 456- 469. Also Charles E. Curran, “Absolute Norms in Moral Theology,” Norm and Context, Gene Outka and Paul Ramsey (eds.) 139- 173, also “Absolute Norms and Medical Ethics,” in Absolutes in Moral Theology Charles E. Curran (ed.) (Washington, D.C.: Corpus Books, 1968), 108- 153.

misleading to use the natural law in a worldview that takes experience, history, change, and development seriously.”²³

Natural law at its most basic is the imperative “to do good and avoid evil.” From this flows the recognition of other values, such as respect for human life and dignity, freedom, justice and solidarity. This understanding of natural law- the imperative to avoid evil and the necessary respect for human life and dignity that flows from it, is at the heart of the Church’s teaching on human rights. The Church assumes that the principles of right and wrong are accessible to all people through their consciences and through reason, not solely through the doctrines of the Church. Encyclicals that employ the “order of reason” approach of natural law are *Rerum Novarum* (1891), *Quadragesimo Anno* (1931), *Pacem in Terris* (1963), *Gaudium et Spes* (1965), *Populorum Progressio* (1967), *Octogesima Adveniens* (1971). Those that employ the “order of nature” approach are *Casti Connubii* (1930), *Humanae Vitae* (1968), and *Humana Persona* (1975).

3.2 Perspectives on Recent Reflections of Catholic Social Teaching

Having given an overview of the present-day methods we shall now offer some perspectives on recent studies of Catholic social teaching. In recent years, there has been a lot of inquiry and reflections on Catholic social teaching. This renewed interest in the social teaching of the church can serve to help people understand better this rich heritage of the church and how they can integrate these teachings in their lives.

²³ See Richard M. Gula, What Are They Saying About Moral Norms, 40.

3.2.1 European Perspectives

One can recall among the many research findings and reflections that have evolved over the years on Christian social teaching in general the seminal work by Ernst Troeltsh, *The Social Teachings of the Christian Churches*.²⁴ As Joseph Holland rightly asserts, this groundbreaking work ended with the eighteenth century and so it does not capture fully or cover and address most of the modern papal encyclicals and pronouncements.²⁵ Despite this limitation of Troeltsh's work, it offers a great ecumenical perspective to later research work.

One important point worthy of mention is the fact that European Catholic researchers in their work and reflections on papal encyclicals and pronouncements have done so from a plethora of perspectives. French scholar Jean -Yves Calvez and Jacques Perrin who represent one of the well known European schools, have provided reliable commentaries and reflections on texts, which focuses on political and economic analyses in relation to Catholic social action.²⁶ Mention can be made of Roger Charles, who in his reflections has approached the papal encyclicals and teaching on Catholic social thought as magisterial pronouncements of natural law. From this perspective, one can consider his work as a subdivision of moral theology for the social and public square.²⁷ Amintore

²⁴ Ernst Troeltsh, *The Social Teachings of the Christian Churches*, Vols. 1 & 2. Olive Wyon (trans.) (New York: Harper & Row, 1960). As one can see from the title of this work, it offers a general perspective on the social teachings of the Christian Churches and it still remains a classic text.

²⁵ Joseph Holland, *Modern Catholic Social Teaching: The Popes Confront the Industrial Age 1740- 1958* (New York: Paulist Press, 2003), 6.

²⁶ Jean-Yves Calvez and Jacques Perrin, *The Church and Social Justice: The Social Teaching of the Popes from Leo XIII to Pius XII, 1878- 1958* J. R. Kirwin (trans.) (Chicago: Henry Regnery Co., 1961).

²⁷ Roger Charles and Drostan Maclaren, *The Social Teaching of Vatican II: Its Origin and Development* (San Francisco: Ignatius Press, 1982).

Fantani, an Italian political writer offers a different perspective on papal encyclicals. He sees them as a voice of Catholicism calling for attention over industrial capitalism.²⁸

Donald Dorr has recently added a new and insightful perspective to the study of papal encyclicals appropriating from the Latin American church, that is, the “option for the poor.”²⁹ This Irish scholar in his reflections has examined the positions taken by different popes in relation to the issues of poverty, injustice and oppression in society. In his view, the advantage of using the concept of an option for the poor is that it provides a standard by which one can assess the reality and the thoroughness of the official Church’s frequently expressed concern for the poor.³⁰ Another Irish scholar who has made his voice heard on the subject of Catholic social thought is Sean McDonagh. In his reflections, he has made a clarion call for a centering of Catholic social thought in ecology.³¹ Another perspective from Europe is that of Ian Linden who has stressed in his reflections that Catholic social thought must focus on lay leadership.³² Marie-Dominique Chenu, the eminent French theologian has rather offered a criticism of the whole corpus of papal encyclicals calling them an “ideology.”³³

²⁸ Amintore Fantani, Catholicism, Protestantism and Capitalism (Notre Dame, Ind.: University of Notre Dame, 1984)..

²⁹ Donal Dorr, Option for the Poor: A Hundred Years of Catholic Social Teaching (Maryknoll, New York: Orbis Books, 1983).

³⁰ *Ibid.*, 1.

³¹ See Sean McDonagh, To Care for the Earth: A Call to a New Theology (Santa Fe, New Mex.: Bear & Company, 1986, 1987); The Greening of the Church (Maryknoll, New York: Orbis Books, 1990); Passion for the Earth (Maryknoll, New York: Orbis Books, 1994).

³² Ian Linden, Back to Basics: Revisiting Catholic Social Thought (London: CIIR, 1994). Ian Linden is with the Catholic Institute for International Relations in London. In his reflections, he has come out with a challenging overview of Catholic social thought and has called for a greater emphasis on lay leadership and participation in Church ministry.

³³ Marie-Dominique Chenu, La ‘doctrine Social’ de L’eglise comme ideologie (Paris: Les ‘editions du Cert, 1979). Chenu’s critique of the papal encyclicals as being an “ideology” deserves a careful consideration and critical analysis. It is only then that these official documents will serve the purpose for which they are written.

3.2.2 Latin American Perspectives

It would not be difficult for one to figure out that the school of thought outlined above has close resemblance with Latin American liberation theology that has Gustavo Gutierrez as its founding father. From its very beginning, liberation theology was recognized as a broader movement that sought a radical transformation within the church and the society in Latin America. Proponents of this movement had the support from the bishops' meeting at Medellin (Columbia) in 1968. The theology of liberation has helped a great deal in drawing attention to the situation of the poor in Latin America. Official Church documents and Instructions now clearly espouse an "option for the poor," and the need for structural changes in the Latin American society and elsewhere.³⁴ Thus, liberation theology has influenced new developments and perspectives in Catholic social teaching.

Besides Gutierrez, mention can be made of the Chilean scholar Arturo Gaete who in his reflections has explored and provided an analysis of three stages of papal response to socialism.³⁵ Another Latin American scholar who has made significant contributions to

³⁴ Though a thorough and comprehensive history of liberation theology remains to be written, some readable overviews of liberation theology do exist for now. Examples are the works of Philip Berryman, Liberation Theology (New York: Pantheon, 1987), Edward L. Cleary, Crisis and Change: The Church in Latin America Today (Maryknoll, New York: Orbis Books, 1985), Leonardo Boff & Clodovis Boff, Introducing Liberation Theology (Maryknoll, New York: Orbis Books, 1987), original 1986; See Chapter 5, "A concise History of Liberation Theology." Arthur F. McGovern offers an excellent treatment of the history of liberation theology in his work, Liberation Theology and Its Critics: Towards An Assessment (Maryknoll, New York: Orbis Books, 1989), see chapter 1, as well as Roberto Oliveros, "History of the Theology of Liberation" in Mysterium Liberationis: Fundamental Concepts of Liberation Theology Ignacio Ellacuria & Jon Sobrino (eds.) (Maryknoll, New York: Orbis Books, 1986), 8. For the seminal work, see Gustavo Gutierrez, A Theology of Liberation: History, Politics and Salvation Sr. Caridad Inda & Jon Eagleson (trans. & eds.) (Maryknoll, New York: Orbis Books, 1973) , See also Clodovis Boff, Theology and Praxis: Epistemological Foundations Robert R. Barr (trans.) (Maryknoll, New York: Orbis Books, 1987).

³⁵ Arturo Gaete, in his articles "Socialism and Communism: A Problem- Ridden Condemnation," Social Catholicism and Marxism: An Impossible Dialogue," and "Christians and Marxism, From Pius XI – Paul VI," as translated and edited in Latin Americans Discuss Marxism- Socialism (Washington, D.C.: United States Catholic Conference), 16- 66.

the recent research and reflections on Catholic social teaching is Ricardo Antoncich of Columbia. His contribution is a provision of a Latin American hermeneutic of Catholic social teaching from the perspective of liberation,³⁶ and Pablo Richard of Chile and Leonardo Boff of Brazil who have proposed that Catholic social teaching be seen from an ecological or biocentric perspective that would have the advantage of linking Earth and the poor.³⁷ Jon Sobrino offers a new vision of the church in which the poor receives the attention of the church in their struggle for liberation.³⁸ This calls for a kind of solidarity with the poor. Hence, he proposes a perspective of liberation that calls for solidarity and Communion.³⁹ Ivone Gebara, a Brazilian nun who has written a lot in the area of critiquing the Greek theology base of Western theology has also contributed to the Latin American school of thought on Catholic social teaching from an eco – feminist perspective.⁴⁰

3.2.3 African Perspectives

African scholars have also embarked on research studies of the Church's social teaching. To commemorate the first centenary celebration of the encyclical *Rerum Novarum*, over a hundred participants drawn from across Europe and Africa were brought together by the Catholic Institute for Development, Justice and Peace for a

³⁶ Richardo Antoncich, Christians in the Face of Justice: A Latin American Reading of Catholic Social Teaching Matthew J. O'Connell (trans.) (Maryknoll, New York: Orbis Books, 1987).

³⁷ Pablo Richard, "Liberation Theology Today: Crisis or Challenge?" in *The Notebook* (Publication of Catholic Movement for Intellectual and Cultural Affairs, Pax Romana), Vol. 16, no. 2-3 (Summer – Fall 1992), 16- 20 and Leonardo Boff, Ecology and Liberation: A New Paradigm John Cumming (trans.) (Maryknoll, New York: Orbis Books, 1995).

³⁸ Jon Sobrino, The True Church and the Poor (Maryknoll, New York: Orbis Books, 1984).

³⁹ Jon Sobrino, "Communion, Conflicts and Ecclesial Solidarity," in Mysterium Liberationis: Fundamental Concepts of Liberation Theology (Maryknoll, New York: Orbis Books, 1986), 615- 636.

⁴⁰ Ivone Gebara, Longing for Running Water: Eco Feminism and Liberation (Minneapolis, MN.: Fortress Press, 2000).

symposium on the theme: Catholic Social Teachings En -Route in Africa.”⁴¹ At the symposium, Carroll Houle did proffer that Catholic social teaching should be approached from the perspective of peace making and reconciliation. He argued that the “Church is not the Church unless it is involved in the struggles of the people. If the Church in Africa is to take firm root it must wed the gospel to the struggles of the people.”⁴² Houle asserts “that peace- making and reconciliation must be based on the gospel, the cultures of the people and the present reality.”⁴³ He did acknowledge that Catholic bishops of Africa have issued statements for justice, peace and reconciliation on a national level, especially in countries like South Africa, Zimbabwe, Angola, Mozambique Uganda, Sudan, Ghana as well as on a regional level at times.

Osita Eze sees the Catholic social teaching especially on *Rerum Novarum* of Leo XIII from the perspective of human rights and peace. He envisions the encyclical as mainly concerned with the upliftment of the person, in his or her social and material conditions. This approach in his opinion contributed to the evolution of socio- economic rights.⁴⁴ However, in advocating that Catholic social teaching and especially *Rerum Novarum* be approached from the perspective of human rights, Eze cautions that the Catholic Church, “if it is to be humane and relevant to the process of eliminating the exploitation of man by man, needs to move away from its doctrinal rigidity of defending

⁴¹ This symposium took place at Enugu, Nigeria from August 11- 19, 1990. Among other themes that were discussed at this forum were human rights, Justice and Peace; Ethics; Economy; Religion and Politics; the social question and theological dialogue.

⁴² Carroll Houle, “Peacemaking and Reconciliation: A Grassroots Ministry,” in Catholic Social Teachings En – Route in Africa Obiara F. Ike (ed.) (Enugu: Snaap Press Ltd., 1991), 14. Carroll Houle is a Maryknoll missionary who has worked in several African countries since 1962. One might be correct in observing that this call from Houle and a similar one from other Episcopal Conferences from Africa might have influenced or given impetus for the synod of bishops from Africa that was held in October 2009 in Rome. The theme for the synod was “The Church in Africa at the Service of Reconciliation, Justice and Peace.”

⁴³ *Ibid.*, 21.

⁴⁴ Osita C. Eze, “Human Rights, Peace and *Rerum Novarum* of Leo XIII,” in Catholic Social Teachings En - Route in Africa, 10.

the dominance of the private ownership of property.”⁴⁵ Eze does acknowledge that it seems that this is beginning to take place in the Church since in recent times it appears that the Church has shifted her emphasis that adopted the stance that “private property should not have pre- eminence over the human condition.”⁴⁶

George Ehusani in his reflections on Catholic social teaching asserts that what he sees emerging from that corpus of tradition is a contemporary humanism that seeks to promote the integral development of the social, economic, political, cultural and religious dimensions of the human person.⁴⁷ He envisions the rich teaching that the church possesses as “the Social Gospel.”⁴⁸

3.2.4 North American Perspectives

Scholars in North America have also shown great interest in reflecting on Catholic social teaching. One of the foremost scholars from North America who demonstrated keen interest in writing on Catholic social teaching is Philip Land. He was very much concerned about the challenges that confronted Catholic social teaching in the second half of the twentieth century.⁴⁹ Another scholar worthy of mention is Michael Novak, who has also contributed in no small measure to a better understanding of the

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ George Ehusani, *An Afro Christian Vision: Ozovehe* (Lanham, MD.: University Press of America, 1991).

⁴⁸ George Ehusani, *The Social Gospel: An Outline of the Church’s Current Teaching on Human Development* (Lagos: Ambassador Publications, 1992). In this work, the author brings together a brief summary of eighteen major documents of the Church on human work and the relationship between labor and Capital, the right to private property and the universal destination of the resources of the earth, the right and duties of the State towards individuals and other States, the value of every human life, including the life of the unborn child, the elderly and the handicapped, the fundamental question of justice, and the search for global peace.

⁴⁹ Philip S. Land, *Catholic Social Teaching: As I Have Lived, Loathed, and Loved It* (Chicago: Loyola University Press, 1994). This author loved the Catholic social teaching that he lived his adult life exploring the contents of this tradition and how they can be a basis for Christian living in our time.

tradition by situating the United States' concept of libertarianism in dialogue with the ever growing tenets of Catholic social teaching.⁵⁰

Other North American scholars who have researched and written on papal encyclical tradition include David O'Brien, a historian whose perspective has been an excellent summary of the historical stages of Catholic social teaching with emphasis on the theme of liberalism.⁵¹ John Coleman, a sociologist has written on the major internal shifts as well as on the sources that are utilized in the Catholic social tradition.⁵² Furthermore, Coleman has articulated his position on the Catholic human rights theory and the four challenges to an intellectual tradition.⁵³

J. Bryan Hehir has done a lot of work in the area of Catholic social teaching. His perspective on Catholic social teaching is that of offering the church an understanding of itself as a public church with an understanding of her pastoral responsibility including participation in the wider society.⁵⁴ He has also researched and written a lot on church - state issues and especially Just war theory.⁵⁵ Andrew Greeley has also contributed to the

⁵⁰ See Michael Novak, Freedom with Justice: Catholic Social Thought and Liberal Institutions (San Francisco: Harper & Row, 1984); The Catholic Ethic and the Spirit of Capitalism (New York: Macmillan, 1993). This author is a Catholic layman who is a neo- conservative theologian. He was the United States Ambassador to the United Nations during the presidency of Ronald Regan. He defends capitalism and sees it as the ethos, the spirit of the economic system. For Novak, any vision of capitalism's future prospects must consider the powerful cultural influence of Catholicism has exercised throughout the world. The Church has for generations been slow to come to terms with capitalism. However, as Novak articulates in his book The Catholic Ethic and the Spirit of Capitalism, a hundred- year- long debate within the Church has produced a richer and a more humane vision of capitalism than that offered in Max Weber's classic.

⁵¹ David O'Brien, "A Century of Catholic Social Teaching: Context and Comments," in John A. Coleman, (ed.) One Hundred Years of Catholic Social Thought: Celebration and Challenges (Maryknoll, New York: Orbis Books, 1991), 113- 124.

⁵² John A. Coleman, "Introduction: A Tradition Celebrated, Reevaluated, and Applied" and "Neither Liberal nor Socialist," in John A. Coleman, (ed.) One Hundred Years of Catholic Social Thought: Celebration and Challenges, 25- 42.

⁵³ See his article "Catholic Human Rights Theory and the Four Challenges to an Intellectual Tradition," in *The Journal of Law and Religion* II, 2 (1984), 343- 366.

⁵⁴ J. Bryan Hehir, "Responsibilities and Temptations of Power: A Catholic View," in *The Journal of Law and Religion* 8, no. 1- 2 (1990): 71- 83.

⁵⁵ J. Bryan Hehir, "The Right and Competence of the Church in the American Case," in One Hundred Years of Catholic Social Thought.

research study of Catholic social teaching in North America with a perspective on the principle of subsidiarity.⁵⁶ Charles Curran, a distinguished moral theologian has approached Catholic social teaching from three perspectives – historical, theological and ethical (perspective) analysis. He does so from the perspective of a liberal interpretation of Catholic moral theology.⁵⁷ Curran has also provided a significant research work on United States figures in the tradition. Among them are John A. Ryan, Central – Verein and William J. Engelen, Paul Hanly Furfey, John Courtney Murray and James W. Douglass.⁵⁸

The Canadian scholar Gregory Baum has also offered a perspective on the traditions dialogue with Marxism as a system.⁵⁹ Michael and Kenneth Himes have grounded the church's social teaching in theological reflection and by so doing have tried to blend the church's social teaching with systematic and moral theology. They have addressed major theological and social questions in the light of classically Catholic categories: creation, grace, incarnation, Trinity, human rights and community.⁶⁰ One other work worthy of mention is that of Peter Henriot, Edward DeBerri and Michael Schultheis, which provides an excellent summary of Catholic social teaching in the papal encyclicals calling the tradition "the church's best kept secret."⁶¹

⁵⁶ Andrew Greeley, No Bigger Than Necessary (New York: Meridian, 1977).

⁵⁷ Charles E. Curran, Catholic Social Teaching 1891- Present: A Historical, Theological and Ethical Analysis (Washington, D.C.: Georgetown University Press, 2002). In this work, Curran provides an excellent treatment and a comprehensive analysis and criticism of the development of modern Catholic social teaching from the historical, theological and ethical perspectives. He also offers in this book, a methodology and content of the documents of Catholic social teaching.

⁵⁸ Charles E. Curran, American Catholic Social Ethics: Twentieth Century Approaches (Notre Dame, Ind.: University of Notre Dame Press, 1982).

⁵⁹ Gregory Baum, The Priority of Labor: A Commentary on Laborem Exercens, Encyclical Letter of Pope John Paul II (New York: Paulist Press, 1982).

⁶⁰ Michael J. Himes & Kenneth Himes, Fullness of Faith: The Public Significance of Theology (New York: Paulist Press, 1993).

⁶¹ Peter Henriot, Edward DeBerri & Michael Schultheis, Catholic Social Teaching: Our Best Kept Secret (Maryknoll, New York: Orbis Books, 1992).

3.3 David Hollenbach

One theologian who has devoted much of his writings to the Catholic social teaching tradition is David Hollenbach. His reflections blend the wisdom of tradition with the insights of modern scholarship. He could be considered as a progressive theologian who perceives papal social teaching through the lens of the modern tradition of human rights and in so doing has added a new perspective to the United States secular rights tradition.⁶² In taking this approach, we find Hollenbach endorsing political rights and defending economic rights in opposition to Novak.

At this point, one might ask what influenced Hollenbach's writing's, what school of thought he belongs to and who his intended audience or dialogue partners are.

Hollenbach maintains that there are three issues that influenced his reflections on human rights. First, as a young Jesuit, he became interested in issues of social justice and issues of the civil rights movement in America and the conflicts of Vietnam War.

Secondly, after he obtained his Masters in Divinity, he wanted to pursue doctoral studies in theological ethics or religious ethics and the major issue that came to the fore was a discussion of the United Nations work on population limitation. He eventually had his doctoral dissertation on the right to procreate and its limits on society.⁶³ The idea of rights was very fascinating to him. He eventually developed his dissertation into a book

⁶² David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition (New York: Paulist Press, 1979). This seminal work of Hollenbach paved the way for his future writings on Catholic social teaching especially his reflections on human rights. He offers both a critical appropriation and a sympathetic criticism of the tradition of the Catholic Church on human rights. Employing John Courtney Murray's landmark work on religious freedom as a model and inspiration, he attempts to retrieve and renew Catholic thought on human rights.

⁶³ I was privileged to have an interview with Dr. David Hollenbach on March 26, 2009, at Pittsburgh, Pennsylvania. I am indebted to Dr. Hollenbach for his presentation of the background that influenced his writings on human rights and justice. Much of the insights I gained from my interview with Dr. Hollenbach have been of tremendous help to me especially in this chapter of my work. The actual title of Dr. Hollenbach's doctoral dissertation is "The Right to Procreate and Its Social Limitations: A Systematic Study of Value Conflict in Roman Catholic Ethics."

not on population but human rights – Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition.

The third issue that influenced his writings was the new initiative in the mid 1970's on human rights in United States foreign policy during the presidency of Jimmy Carter. This new initiative in the United States foreign policy inspired him to write on human rights in light of Catholic social thought. In Hollenbach's opinion, for most people in ethics and moral theology the questions that we face are questions that are in the society that we live in. They are not theoretical but practical issues. During the mid 1970's according to Hollenbach, a lot of discussions were going on about what should be United States' policy on human rights with relation to Latin America example Chile and August Pinochet who was a dictator. The question was should the United States be involved in supporting Right wing military regimes in Latin America and how does this relate with human rights concerns? These were practical issues of great concern and they were practical questions for Hollenbach.

3.3.1 Hollenbach's Methodology

It must be said that the work of John Courtney Murray has been very foundational for Hollenbach's reflection on human rights and religious freedom.⁶⁴ To the questions raised above, Hollenbach wanted to address them from the standpoint of a strong religious response. How do we respond as a Church? So for him, the theological aspect is very important. Hence like other Catholic social ethicists, Hollenbach offers a "tradition

⁶⁴ Other scholars who have written in Murray's tradition include most Catholic social ethicists like J. Bryan Hehir, John Coleman, Richard John Neuhaus, Dennis McCann, J. Leon Hooper and Todd Whitmore. Lutheran scholar Martin Marty has also written on their role of religion in American public life that made use of Murray's insights.

of political practices, Church teaching, and praxis of the reign of God with public analysis and participation.”⁶⁵ Employing the concept of the common good, human dignity, justice and participation and solidarity, he is able to make the Catholic Church’s voice be heard in a pluralistic society like the United States and beyond. In his reconstruction of the ancient tradition of the common good,⁶⁶ Hollenbach sets out to address contemporary social discussions and issues of human rights abuses by employing social analysis, moral philosophy and theological ethics to suggest new directions in both urban life and global society. With this approach, Hollenbach provides “a fruitful framework for understanding and promoting the roles of religion and theology in politics.”⁶⁷

. As he observes, his approach to the concept of the common good in his work, The Common Good and Christian Ethics, is in part inductive.⁶⁸ This inductive approach does not raise the suspicion that his methodology overlooks the great importance to historical consciousness. This approach is distinctive about Hollenbach. This is his way of answering post modernism about the problem of universal claim. In his view, let us attend to particular context and culture and then move on from there to universal claims of human rights. He avoids imperialistic approach in his writings. He claims that wherever you find human beings, there is the need for community and participation. This is a distinctive aspect of Hollenbach’s methodology. He lays great emphasis on community and participation. In his opinion, certain universals cannot be arrived at in abstract ways. He maintains that you arrive at these universals not by abstract reasoning

⁶⁵ Lisa Sowle Cahill, “Theological Ethics, The Churches and Global Politics,” in *Journal of Religious Ethics*, 35. 3: 377- 399, here 392.

⁶⁶ See his book, The Common Good and Christian Ethics (Cambridge: Cambridge University Press, 2002)

⁶⁷ Lisa Sowle Cahill, “Theological Ethics, The Churches and Global Politics,” 392.

⁶⁸ David Hollenbach, The Common Good and Christian Ethics, XIV.

but by (particular cultural and historical period) observing human beings. He seems to be rebuffing the post modernist claim that you cannot look at particularity to arrive at universal claims.⁶⁹

This method of Hollenbach has influenced his thinking and some of the conclusions he has proffered as we shall see in chapter 4. He asserts that the theory of rights and justice “will necessarily remain general and incomplete unless its roots in the experience of love can be shown.”⁷⁰ Hence he proposes a love for concrete persons observing that the principles of justice remain as guidelines and norms. In his view, they remain principles of discernment guiding prudential decisions. But, concrete love for persons – “both as individuals and as members of society - is the only pathway to the love for persons – “both as individuals and as members of society – is the pathway to the discovery of the concrete meaning of justice and rights in a given socio-political situation.”⁷¹

Hollenbach does some social analysis in his reflections in view of the fact that he intends to respond to real problems and real issues. As a scholar, he looks at the reality from an involved, historically committed perspective, discovering the situation with the view of calling attention to action.⁷² In employing social analysis, facts and issues are no longer regarded as isolated problems. Rather, they are seen as interrelated parts of a whole. By employing social analysis, “we can respond to that larger picture in a more

⁶⁹ We find Hollenbach making a case for historicity and particularity in his work, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 17.

⁷⁰ *Ibid.*, 168.

⁷¹ *Ibid.*, 173.

⁷² Social analysis from this perspective is what the authors Joseph Holland and Peter Henriot have called “Pastoral.” They have offered insights into this form of social analysis with an illustration of what they term “the pastoral circle.” The circle shows the close link between four mediations of experience: 1. Insertion, 2. Social Analysis, 3. Theological Reflection, and 4. Pastoral Planning. See their work, Social Analysis: Linking Faith and Justice (New York: Orbis Books, 2006), 7- 8.

systematic fashion.”⁷³ Social analysis can be defined “as the effort to obtain a more complete picture of a social situation by exploring its *historical and structural* relationships.”⁷⁴

He writes of the rights of refugees in Darfur and other internally displaced persons in other parts of the world. He responds to the actual needs of these people by bringing the tradition of the Christian community into interaction with their practical needs. He also brings in the findings of the theological and philosophical traditions. His work on The Common Good and Christian Ethics came in part out of his lived experience in Kenya where he came into contact with students from all over sub-Saharan Africa some of whom were at war with each other. His association with these students deepened his “conviction that developing an understanding of the common good that is plausible in a diverse society is one of the greatest intellectual needs of our time.”⁷⁵ He is very convinced that “the many problems faced throughout Africa today make it essential that we move from the brute fact of the world’s growing interdependence to a greater sense of moral interdependence and solidarity.”⁷⁶

He appropriates the Church’s teaching on economic justice, human rights, and War and suggests how these issues could be integrated into the daily pastoral life of the Church. He underscores the importance of social, political and theological analysis in his work arguing that these are essential parts of the task of social ethics if the imagination is

⁷³ Joseph Holland and Peter Henriot, Social Analysis: Linking Faith and Justice, 11.

⁷⁴ *Ibid.*, 14.

⁷⁵ See David Hollenbach, The Common Good and Christian Ethics, XIV.

⁷⁶ *Ibid.* This idea of solidarity will be given a detailed treatment in chapter 4 of our work as an important theme in Hollenbach’s writings.

to be informed by not only the realities of Christian faith, but also of our social environment and location.⁷⁷

Hollenbach in his writings on human rights addresses the larger community and not just the Church. His intended audience or dialogue partner is the larger society and this is where in a certain way the natural law emphasis in his work comes from. He formulates his position in such a way that he is both theological and oriented towards the larger society. So for example in chapter 3 of his work Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, even though this work deals with a Christian theory of rights, he provides the theological understanding of human rights, he also appeals to reason. Thus, he keeps the two perspectives – faith and reason together to inform each other.⁷⁸ Hence, it can be said that Hollenbach’s social ethic employs a public – church model that underscores and values the “mutual informing of church and society by taking empirical data seriously on its own terms and communicating in modes accessible to those beyond the faith community in the course of public witness.”⁷⁹

Hollenbach like other contemporary United States theologians such as Lisa Cahill stresses the need to situate the discussion of human rights in “the transcendental framework of Christian theology” as Cahill puts it, “to overcome the alleged weakness of the liberal tradition and its emphasis on the individual.”⁸⁰ Rather than focus on the notion

⁷⁷ David Hollenbach, Justice, Peace, and Human Rights: American Catholic Social Ethics in a Pluralistic Context (New York: Crossroad, 1988), 201.

⁷⁸ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 118.

⁷⁹ Kristin E. Heyer, Prophetic and Public: The Social Witness of U.S. Catholicism (Washington, D.C.: Georgetown University Press, 2006), 63. This happens to be Kristin Heyer’s assessment of J. Bryan Hehir’s social ethics that is very similar to that of David Hollenbach. Heyer points out that Hehir has admitted to the fact that his colleagues such as Hollenbach have convinced him on the value and use of theological language in his argumentation.

⁸⁰ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 55.

of covenant, Hollenbach emphasizes the concept of the common good, theologically conceived. From this perspective, “rights are not spoken of primarily as individual claims against other individuals or society. They are woven into a concept of community, which envisions the person as a part, of the whole. Rights exist within and are relative to a historical and social context and are intelligible only in terms of the obligations of individuals to other persons.”⁸¹

It can be stated unequivocally that no theologian works in the abstract. Every theologian comes from a theological tradition and is influenced by predecessors in both positive and negative ways. A theological tradition can be called a school, not necessarily and primarily in the context or sense of a structure or building but in a sense of methodology, approach and emphasis. Hollenbach claims to be a revisionist theologian.⁸² Revisionist theologians or moral theologians are Catholic theologians who are rooted in the Catholic moral tradition, acknowledge its achievements, but are modifying the classical language and method of that tradition. Revisionist theologians, helped by Bernard Lonergan’s reflection on the shift from the old theology to the new theology with its accompanying shift from the “classicist” worldview to the one marked by “historical consciousness”⁸³ have brought a new perspective to doing theology. We can also mention the contribution of the Age of Enlightenment and the development of empirical science and philosophy’s “turn to the subject” as major influences on the approach of the revisionists theologians stance on doing theology.

⁸¹ Lisa Sowle Cahill, “Toward a Christian Theory of Human Rights,” in *Journal of Religious Ethics*, 8, 2 (Fall 1980), 284.

⁸² Interview with David Hollenbach, March 26, 2009.

⁸³ See Bernard Lonergan, “Theology in Its New Context,” *Theology of Renewal*, Vol. 1 Renewal of Religious Thought L. K. Shook (ed.) (New York: Herder & Herder, 1968), 34- 36; also his “The Transition from a Classicist World-view to Historical Mindedness,” Law for Liberty James E. Biechler (ed.) (Baltimore: Helicon Press, 1967), 126- 133; also his “Dimensions of Meaning,” in Collection F. E. Crowe (ed.) (New York: Herder & Herder, 1967), 221- 239, 252- 267.

Being a revisionist moral theologian means that one takes seriously the modern worldview – historical consciousness. The historically conscious view conceives the person as part of an ongoing process that allows us to grow closer to the truth but not to be so bold as to claim the whole of it anywhere along the way. This worldview perceives reality primarily as dynamic and evolving, historical and developing. This is opposed to the classicist worldview that sees reality primarily as static, immutable and eternal. The modern worldview speaks of the world of reality as marked by progressive growth and change whereas the classicist worldview speaks of the world of reality as marked by objective order and harmony.

A revisionist theologian would deal with issues in the concrete particularity of historical moment whereas a Catholic moralist who embraces the classicist worldview would deal with issues in the abstract and as universal. A revisionist theologian would deal with the historical person in the historically particular circumstances whereas the theologian who is not from the revisionist camp would deal with universal of humankind. Being a revisionist theologian means that one places great emphasis on responsibility and actions fitting to changing times while a theologian who espouses the classicist approach would put emphasis on duty and obligation to reproduce established order.⁸⁴

In terms of moral theological method, a revisionist begins with the experience of the particular and not with abstract universal principles. The revisionist theologian is able to employ this method of theological interpretation in view of the fact that he / she embraces the historical worldview (modern worldview) that works with facts and data unlike the classical mentality that equates truth with being. Here, we can situate David

⁸⁴ For a chart that sketches some important features of the two worldviews, see Richard M. Gula, What Are They Saying about Moral Norms?, 20- 21.

Hollenbach who writes from the experience of the particular – human rights in the United States and elsewhere, the plight of refugees in Darfur, Somalia, Kenya and of humanitarian crisis in our world. He deals with issues in the concrete particularity of historical moment.

The revisionist theologian interprets reality by empirical science and inductive reason examining data and not by metaphysics and deductive reason abstracting essence. Hollenbach as a revisionist employs this approach in his writings. He sets out to address contemporary social discussions and issues of human rights abuses and injustice by employing social analysis, moral philosophy and theological ethics to suggest new directions in both urban life and global society. His inductive reasoning calls us to examine particular context and culture where we find human rights abuses, injustice, exploitation, marginalization and ecological degradation and then move on from there to universal claims.

Being a revisionist theologian, we find Hollenbach underscoring the importance of responsibility and actions fitting to changing times. He calls for the ordering of society toward the common good and in doing so, he seeks to propose the flowering of a community built on an ethic of responsibility. Living in a world that has given in to a culture of irresponsibility – greed, a world that is plagued by endemic corruption, his call for the ordering of society toward the common good could be the way forward. He advocates for support to aid refugees employing the idea of our “responsibility to protect” them.⁸⁵ He is able to make this suggestion by employing the modern worldview’s theological method that espouses that some conclusions change as the empirical evidence changes. Since the approach that “places all the responsibility for preventing and dealing

⁸⁵ See a detailed discussion of this concept of “responsibility to protect” in chapter 5 of this work.

with displacement on the home state of the displaced is not adequate. Continuing our understanding of the scope of responsibility to the home states of the displaced will far too often leave them with nowhere to turn for protection and help they urgently need.”⁸⁶ The above are just a few of the things that Hollenbach does that we think are consistent with what revisionist theologians would do.

Hollenbach acknowledges that with regard to Catholic social teaching on human rights, there are rich resources within the tradition so his book Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition is his contribution toward disseminating the authoritative teaching of the Church to the public. As the subtitle of the book denotes, he maintains that he has tried in his writings not only to retrieve and draw on those dimensions of the tradition that will enhance the situation of human rights in our world but also he has sought to renew them and find ways to develop them in ways that speak to the current situation. Hence, he sees himself as a traditionalist and a revisionist. The notion of retrieval and renewal is certainly in line with the Second Vatican idea of “aggiornamento.” – to update or radically reassess the Catholic Church’s relation to, and bearing on the modern world. Hollenbach does not claim that the tradition is bad and so we have to revise it but to draw from it in a way that the Church Fathers, Aquinas and papal teachings have done.⁸⁷ Indeed, the past does not have the whole answers to our current social needs. We need to respond in new ways today also.

⁸⁶ See David Hollenbach, “Humanitarian Crises, Refugees, and the Transnational Good: Global Challenges and Catholic Social Teaching.” A paper prepared for the Expert Seminar, “Scrutinizing the Signs of the Times and Interpreting them in Light of the Gospel,” Katholieke Universiteit Leuven Centre for Catholic Social Thought, Leuven, Belgium, September 9- 11, 2004, 9.

⁸⁷ This call of Hollenbach for retrieval and renewal is very appropriate when we recognize that Catholic social teaching is a collection or repertoire “of social wisdom” drawn from biblical insights, traditions of the Fathers, scholastic philosophy and theological reflections at various periods of the Church’s to thousand years history.

In his reflections, Hollenbach does employ natural law in his reasoning and arguments. He employs scholastic and Thomistic concept of natural law as part of his methodology.⁸⁸ Thomas Aquinas has described natural law as the participation of the rational creature in the eternal law. The basis of the natural law is the rational and social nature of human beings. Since natural law is God's law and is based on human nature, then all human beings must know it. Human rights from Hollenbach's perspective are derived from natural law. The person is considered as a member of an order established by God and he or she is subject to the laws of this ordering. The human person is social by nature. Objective law grounds human rights because law is the basis of human rights. However, we often hear of people who speak of human rights but "they forget to recognize that human rights are ultimately anchored in a natural law which also talks about human obligation."⁸⁹

In using natural law approach in his methodology, Hollenbach does not fail to incorporate the realities of redemption and sin into his ethics. The ethical importance of Jesus is not reduced to his role of giving human beings the possibility and the capacity to observe the natural law. He acknowledges the fact that human beings are not pure mind and that there is a conflict or rift in the "center of the human person and Christian theology calls it original sin."⁹⁰ He envisions the conflict and alienation that distort and afflict our world as the "consequences of human sin and therefore as counter to the structures of human existence as created by God."⁹¹ He goes on to point out sadly that

⁸⁸ For a comprehensive treatment of natural law, see Charles E. Curran, Themes in Foundational Moral Theology (Notre Dame, Ind.: University of Notre Dame Press, 1977), 75.

⁸⁹ See Charles E. Curran, American Catholic Social Ethics: Twentieth – Century Approaches, 183.

⁹⁰ David Hollenbach, Justice, Peace and Human Rights: American Catholic Social Ethics in a Pluralistic Context, 217.

⁹¹ *Ibid.*, 58.

“this sinfulness, moreover, is not simply the result of individual choice. It is embedded in the economic and social institutions of human communities.”⁹²

The truth claims that Hollenbach makes in his writings on human rights is his argument that the fundamental dignity of the human person is central to the whole debate and process.⁹³ This truth claim of Hollenbach is in line with Catholic thought that grounds its claims for universal human rights on the dignity of the person. For Hollenbach, this norm, the dignity of the human person was a principle of moral and political legitimacy, not an ideological principle of social organization. This claim for Hollenbach is supported by two warrants: the transcendence of the person over the world of things (a fact that is clear to all living and rational beings) and the creation of human beings in the image of God (a doctrine of faith).⁹⁴ Hence in Catholic theology as Hollenbach explains, doctrines illuminate general human experience and are themselves illuminated by experience. Thus the Church endeavors to integrate theology with philosophy which serves as a basis for human rights: “the Catholic tradition does not hesitate to claim a universal validity for the way it seeks to ground human rights in the dignity of the human person.”⁹⁵

Having acknowledged the fact that the fundamental dignity of the human person is central to the debate on human rights, Hollenbach asserts that the second step is finding ways to identify what the specific requirements of human dignity are and this for him

⁹² Ibid.

⁹³ The fundamental Dignity of the Human Person is one of the seven major themes/ principles of Catholic social teaching. The others are the Call to Family, Community and Participation; Rights and Responsibilities; Option for the Poor and Vulnerable; Dignity and the Rights of Workers; Solidarity and Care for God’s Creation.

⁹⁴ David Hollenbach, Justice, Peace, and Human Rights: American Catholic Social Ethics in a Pluralistic Context, 96.

⁹⁵ Ibid. For a more detailed and excellent discussion and treatment of these warrants, one can consult David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 107- 137.

calls for a lot of careful discernment and understanding. He maintains that as a norm of “political legitimacy the standard of respect for human dignity affirms that political and economic institutions are to serve human persons as free, needy, and relational beings.”⁹⁶ Thus for Hollenbach, the notion of human dignity is nearly empty of meaning unless it is applied in concrete and existential settings to existing human beings. We find him integrating the transcendental worth of the person and the existential response in particular cultural, social and political settings. For in his opinion, “unless the relationship between the transcendental worth of persons and particular human freedoms, needs, and relationships can be specified in greater detail, the notion of dignity will remain an empty notion.”⁹⁷

The backing for the truth claims that Hollenbach makes about the dignity of the human person is grounded in scripture and revelation. He supports his claims with the scriptural view and belief that all persons are created in the image and likeness of God (Gn. 1: 27), being loved by God and being redeemed by Christ as a sign of God’s great love for every human being. This for him is an extraordinary claim about the worth of every human person and so we need to treat each person and do so with that kind of reverence and respect that demonstrates that we are aware of how God values human beings. As human beings, we are marvelous creatures of the living God, made in the divine image. Psalm 139 reminds us that we are “fearfully, wonderfully made”(Ps. 139:14. Hollenbach also employs philosophical reasoning looking at human understanding and relationality and human freedom and not just to Christians but non –

⁹⁶ Ibid.

⁹⁷ Ibid. For Hollenbach, the task of discerning the concrete political, social and economic conditions that are required to protect human freedom, meet human needs, promote human rights and justice and support human relationships can be arrived at through continuing historical experience.

Christians as well. Thus he provides theological and philosophical reasons for supporting the truth claims he proffers.

The philosophical underpinnings of Hollenbach's thought are that the human person is social by nature and hence dependent on one another not only for the higher achievement of cultural life but also for the necessities of material- economic well being. Hence he is right in arguing that an active social commitment to the common good is a critical element in serious efforts to reduce poverty and advance economic justice.

From our reading of the writings of Hollenbach, we dare say that the distinctive substance of his writing that is relevant to the global situation on human rights is his emphasis on the importance of the link between human rights and the participation in the common good of society.⁹⁸ To speak of human rights and deny some the right to participate in the good of society is to say the least absurd. This is why Hollenbach gets around in explaining justice as "participation." We shall elaborate on this in chapter 4 of our work. Injustice for Hollenbach as we explain in chapter 4 is a kind of exclusion from human community. There is a tendency in some ways of thinking about human rights as protections of the individual against interference by the larger community. But Hollenbach argues that human rights should be understood as guarantees of basic capacity to participate in the life of the community. Hence, the right to free speech is not the right to simply to be left alone in ones room to talk to oneself. It is a way of guaranteeing ones ability to participate in the politics of the society. And in the same

⁹⁸ Interview with David Hollenbach. In fact Hollenbach does agree that the distinctive substance of his recent writings is his emphasis of the link between human rights and participation in the common good of society. You cannot speak of one without the other. This emphasis is very central to any discussion on human rights. It underscores the point that you cannot begin to talk of human rights when you do not acknowledge the fact that all should participate in the good of the society. For an excellent treatment of this distinctive substance in Hollenbach's reflections, one can consult his work, "Justice as Participation: Public Moral Discourse and the United States Economy," in Justice, Peace and Human Rights: American Catholic Social Ethics in a Pluralistic Context, 71- 83.

token, economic participation requires that one be able to find a job and have a certain educational resource that enables one to participate in the life of the society. As the United States Bishops' Pastoral Letter⁹⁹ of 1989 asserts: "Basic justice demands the establishment of minimal levels of participation in the life of the human community of all persons."¹⁰⁰ Thus human rights are the minimal conditions for life in the community. Therefore in his view, "the ultimate injustice is for a person or group to be treated actively or abandoned passively as if they were nonmembers of the human race."¹⁰¹ This position of Hollenbach has theological, philosophical, social and scientific grounding and this emphasis is distinctive of what he has tried to do in his reflections. Other scholars have also followed up on his position but we consider Hollenbach to have pushed this forward before the others took it up.

Hollenbach does not reflect a lot about virtue ethics in his writings. This is not his central focus. Neither does one find a lot of scriptural analysis in his work. In most of his reflections, he does not rely clearly on biblical foundations perhaps because he favors philosophical and empirical approaches in his analysis and advocacy that fill majority of his work. Like Bryan Hehir, Hollenbach is "far more likely to draw on the tradition of Catholic social teaching and conciliar documents than he is to draw directly on scripture."¹⁰² Hollenbach's less usage of scriptural analysis in his work to help inform and resolve the plethora of social problems is in contrast to the approach of some of his

⁹⁹ This is the historic pastoral letter of the United States Roman Catholic Bishops issued in 1986 titled *Economic Justice for All: Catholic Social Teaching and the U. S. Economy* that was authored principally by David Hollenbach.

¹⁰⁰ U. S. Catholic Bishops – *Economic Justice for All: Catholic Social Teaching and the U.S. Economy* (1986) in David O'Brien & Thomas Shannon (eds.) *Catholic Social Thought: The Documentary Heritage* (New York: Orbis Books, 1992), No. 77, 576- 577.

¹⁰¹ Ibid.

¹⁰² See Kristin E, Heyer, *Prophetic and Public: The Social Witness of U. S. Catholicism*, 65.

colleagues like Lisa Cahill¹⁰³ and Michael Baxter who is more evangelical in his approach. Kristin Heyer maintains that Baxter critiques scholars like Hehir and others (Hollenbach) who employ less scriptural analysis in their work noting that scripture does not have a normative function, “because it provides attitudes and directives without adequately informing concrete actions and decisions or ‘giving us a world to inhabit.’”¹⁰⁴ Baxter takes his criticism even further when he asserts “scripture informs ethics only paraneetically in Catholic social ethics.”¹⁰⁵

3.4 Hollenbach and Other Social Ethicists: Agreements and Disagreements

Hollenbach interacts a lot with his colleagues and admires their work and reflections a lot. He has had a bit of an argument with Bryan Hehir over the years about how theological should one be and how philosophical should one be in his or her reflections. Hehir’s approach to social ethics tends to be more philosophical based on reason and natural law but Hollenbach tends to be a lot more theological. Yet they tend to agree on most things. Hollenbach tends to agree with other Catholic social ethicists like Lisa Cahill and John Coleman but may tend to disagree with a Catholic social ethicist like Michael Baxter because in articulating his own social ethic which is largely in contrast to the model espoused by many Catholic social ethicists, Baxter “repeatedly

¹⁰³ Interview with David Hollenbach. Hollenbach acknowledges the fact that he is more philosophical than Cahill is in her methodology but that she brings in a lot of scripture because of her background as a scripture specialist. This idea of scholars being influenced by their background would be true of a scholar like John A. Coleman who brings in a lot of social sciences because he is a trained sociologist. Hollenbach is not in radical disagreement with these scholars just that their emphasis or methodology is different from his. Hollenbach and Bryan Hehir are very similar in many respects just that Hehir often wants to be a little bit excessively philosophical.

¹⁰⁴ See Kristin E. Heyer, Prophetic and Public: The Social Witness of U. S. Catholicism, 65.

¹⁰⁵ Ibid.

defines himself against those following in the tradition of Murray.”¹⁰⁶ Baxter tends to be opposed to the shape and central focus of contemporary Catholic social ethics that endorses a commitment to a public Church that engages in legislative debates and proposes concrete policy recommendations. He is clearly in opposition to this approach adopted by Catholic social ethics and he argues “in the field of Catholic social ethics, 95 percent of the thought goes into what the policies should be, and 5 percent into doing the works of mercy in a personal way. It should be just the reverse. Our emphasis should be on what actual people can do.”¹⁰⁷

Hollenbach actually disagrees with a scholar like Stanley Hauerwas (a contemporary protestant theologian) in his approach to Christian social ethics. Hauerwas is of the opinion that “the first social ethical task of the church is to be the church – the servant community As such, the church does not have a social ethic; the church is a social ethic.”¹⁰⁸ Hollenbach thinks that Hauerwas is too narrow in his idea of being a church. He is not just concerned with the church as church but is convinced that the church has a role in the larger society.

Hauerwas does not believe in universal human rights. In his view, beliefs in universal human rights ignore the fact that “there is no actual universal morality,” but rather “a fragmented world of many moralities.”¹⁰⁹ The rationale for Hauerwas’ position is that we come from different cultures and traditions and it would be difficult for us to reach a consensus on human rights. According to Hollenbach, Hauerwas does not think

¹⁰⁶ See Kristin E. Heyer, *Prophetic and Public: The Social Witness of U.S. Catholicism*, 71.

¹⁰⁷ Michael J. Baxter, “In the World but Not of It,” interview with the editors of *U.S. Catholic* 66, No. 8. (August 2001), 224- 228, here 224. Obviously this stance of Baxter is in contrast with that of Hollenbach who does not do a lot of virtue ethics and who espouses a public church model of social ethics.

¹⁰⁸ Stanley Hauerwas, *The Peaceable Kingdom: A Primer in Christian Ethics* (Notre Dame, Ind.: University of Notre Dame Press, 1983), 99.

¹⁰⁹ *Ibid.*, 63.

that the idea of the common good of the whole society is a viable one.¹¹⁰ Hollenbach thinks that Hauerwas is wrong about that and that he is right in espousing the need for bringing back the ancient concept of the common good into the debate on human rights and Christian social ethics.

Hollenbach might respond to Hauerwas's assertion that it's impossible to talk about human rights in view of our fragmented world and many moralities by appealing to the use of our reason and conscience. Hollenbach has an optimistic view of reason to discover what we need to know. In his view, sin has not ruined human reason so much so that it cannot help us in knowing the good. We tend to agree with Hollenbach's position. Even though we may come from different cultures and traditions, our God-given reason can lead us to an agreement of what human rights are and work towards the goal of a common morality. There is an empirical fact to support this position that when people come together, they can envision what is good. An example is the United Nations with her Universal Declaration of Human Rights - the product of different traditions and cultures coming together to work for the promotion and defense of human rights. To abandon any commitment to the idea of the common good as not being viable would tantamount to a rejection or abandonment of commitment to global social change that seeks to eradicate acts of injustice by partisan groups and states.

Endorsing Hauerwas' stance would mean that the church has nothing to contribute to the larger issues like human rights, justice in the world, unjust economic structures and environmental degradation. Hauerwas' response to this charge would be that the church is to maintain fidelity to internal ideals and not be involved in transforming the world. Hauerwas argues that "the Gospel cannot be at home in the

¹¹⁰ Interview with David Hollenbach.

world, because the church that is called into existence through the work of the spirit exists to witness to the God found in the life, death and resurrection of Christ.”¹¹¹

Hauerwas’ view is not what the Catholic Church espouses. The Catholic Church has always had a strong concern about the larger society. The Vatican has been involved in diplomacy and human rights and justice issues. These are very real issues for the church. As Cahill asserts of Hauerwas, “he does not explicitly envision a role for Christians or Churches in changing discriminatory social practices based on race, class, or gender.”¹¹² Cahill in fact maintains that Hauerwas “rarely if ever addresses how the “social ethics” that “is” the Church might define and address obligations of justice in an era of globalization, when our responsibilities extend beyond liberal society.”¹¹³

One evangelical theologian that Hollenbach might tend to agree with in terms of his presentation regarding the mission of the church is John Howard Yoder¹¹⁴ who also proposes that the church can contribute to social change and conflict in society. Yoder is of the conviction that the church can help promote social change without relying merely on moral appeal to political and economic leaders. He asserts that the social mission of the church has three main components: first and primary task of the church is that of a “modeling mission” – where the church strives to incarnate gospel values through her witness to the world. The second component is what he maintains is the mission of direct action in pursuit of social justice, “the creative construction of loving, nonviolent ways to

¹¹¹ See Stanley Hauerwas, With the Grain of the Universe: The Church’s Witness and Natural Theology (Grand Rapids, Mich.: Brazos Press, 2001), 219.

¹¹² Lisa Sowle Cahill, “Theological Ethics, The Churches and Global Politics,” 381.

¹¹³ Ibid.

¹¹⁴ John Howard Yoder is an evangelical (Anabaptist) theologian who has written extensively on ecumenism and the social mission of the church in the world. His book, The Politics of Jesus (Grand Rapids: Eerdmans, 1972; 2nd edition 1994) made him a notable theologian and gave the Anabaptist vision a new prominence in theology. He is a known pacifist.

undermine unjust institutions and to build healthy ones.”¹¹⁵ This includes lobbying and various forms of grassroots critique and advocacy. The third component is that of prophetic critique and the desire to “speak truth to power” publicly and courageously in the event when harm is being done. In fact Yoder asserts that the Christian Community is not only a model as Community; it is a pastoral and prophetic resource to the person with responsibilities of office, precisely in order to keep the office from becoming autonomous as a source of moral guidance.”¹¹⁶ Thus Yoder like Hollenbach, does propose that the church should have some form of social engagement with the view of transforming society.

3.5 An Appraisal of Hollenbach’s Methodology

Hollenbach in making his case for the promotion and defense of human rights employs a methodology that enhances ones understanding of the role of the church in society. His commitment and involvement in human rights and justice issues are influenced by his interest and social perspective. He believes that the way to universality is through particularity as liberation theologians do. His context did shape his methodology. This is what liberation theologians would call “historical praxis.” Gutierrez asserts that praxis “on which liberation theology reflects is a praxis of solidarity in the interests of liberation and is inspired by the gospel.”¹¹⁷ It is an enterprise that is perceived as a “transforming activity marked by and illuminated by love.”¹¹⁸

¹¹⁵ John Howard Yoder & Michael Cartwright, The Royal Priesthood: Essays Ecclesiological and Ecumenical (Grand Rapids: Eerdmans, 1994), 212- 213.

¹¹⁶ *Ibid.*, 186.

¹¹⁷ Gustavo Gutierrez, A Theology of Liberation (Maryknoll, New York: Orbis Books, 1988), XXX.

¹¹⁸ Arthur F. McGovern, Liberation Theology and Its Critics: Toward an Assessment (Maryknoll, New York: Orbis Books, 1989), 32.

Hollenbach's methodology is one that blends church teaching, political practices and connects the praxis of the reign of God with public analysis and participation. This approach comes out clearly in his work, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition and The Common Good and Christian Ethics. Staying focused on his interest on justice and human rights, he worked around the concepts of the common good, human dignity, social and material rights and obligations, justice and participation. He becomes an activist who offers a prophetic message of justice for the larger society. In this way, he reveals the Christian identity as demanding social action in respect of our common humanity and the good of the world. Due to his methodology, Hollenbach is able to articulate a vision of society adequate to both criticize and meet the problems of modern secular and democratic social reality.

An aspect of Hollenbach's approach that deserves mention is his emphasis on the importance of community, participation and the common good in his approach to human rights. For us to respect and promote the concept of rights in society, the vision of the common good is very paramount. We cannot build a just and humane society if we violate the rights of others especially the weak, poor, vulnerable and the unborn. Neither can we build a society worthy of the name when we exclude others from participating in the life of the community. Hence as we shall see in chapter 4 of our work, Hollenbach advocates for a kind of solidarity that would enhance the state of our society and world.

Hollenbach's methodology does not overlook the reality of sin in our human condition. He is aware of the nature of sin both personal and structural and how sin can affect our efforts in working for the respect and defense of human rights in our society. Since he acknowledges the reality of sin in human community, he calls for a commitment

to justice and the eradication of unjust economic and social structures in our society. This would lead to the creation of a society where people are treated with dignity and respect.

His approach in his reflections on human rights seeks to provide a balance between the personal and the communitarian. He argues rightly that “human rights cannot be understood apart from the social interdependence nor can social well – being be understood apart from personal rights.”¹¹⁹ Furthermore he maintains “the rights which protect human dignity are the rights of persons in community. They are neither exclusively the rights of the individuals against the community nor are they the rights of the community against the individual.”¹²⁰

His methodology is not in sharp contrast with the approach that many Catholic social ethicists adopt. His appeal to the dignity of the person, the uniqueness of each person that needs to be affirmed and the potential that cannot be repeated are all in line with Catholic social teaching. His ethics and especially his reflections on human rights are informed by his Christian concept of love.

His methodology enables him to get across his argument that human understanding and religious faith are not opposed though one cannot consider them to be identical. He is convinced that constructive dialogue and interaction can take place between the Catholic Church or community and the larger society. He seems to affirm what the U. S. Bishops said in their pastoral letter on the economy:

“Biblical and theological themes shape the overall Christian perspective on economic ethics. This perspective is also subscribed to by those who do not share Christian religious convictions. *Human understanding and religious belief are complementary, not contradictory.* For human beings are created in God’s image, and their dignity is manifest in the ability to

¹¹⁹ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 61.

¹²⁰ *Ibid.*, 65.

reason and understand, in their freedom to shape their own lives and the life of their communities, and in the capacity for love and friendship.”¹²¹

Thus for Hollenbach, human understanding and religious belief are not in opposition to each other. They can enrich and correct each other. He asserts that “the church can and should learn from the world; the world can and should learn from the gospel and the whole Christian tradition.”¹²²

His methodology draws on God as God of Christians and creation. For this reason he argues that it “is possible to hope that the Christian story as told in the scriptures is not entirely foreign or strange to those outside the church. It can raise echoes and perhaps recognition among all who share in the quest for the human good.”¹²³ The approach of Hollenbach is one of a public theology in collaboration and dialogue with others (intellectual solidarity) in promoting the common good. Hollenbach’s approach is laudable since it challenges some of the existing models (like that of Hehir and Baxter) in some regard, as he maintains “theology can contribute to the common good of a pluralistic society by being fully theological and fully public.”¹²⁴

Hollenbach does a wonderful work by balancing the claims of philosophy and theology, of faith and reason. We see this as a strength in his methodology. His appeal to natural law in his reflections can make his work more appealing to non-Christians as well as Christians. He situates the ultimate foundation for the dignity of the person in an ontological relation to God. We are inclined to think that human rights can be studied along cross-cultural lines and in this way be legitimized in a particular culture or society,

¹²¹ NCCB, “*Economic Justice for All*,” in David Hollenbach, Justice, Peace, and Human Rights: American Catholic Social Ethics in a Pluralistic Context, 75.

¹²² Ibid.

¹²³ David Hollenbach, “The Common Good in the Postmodern Epoch: What Role for Theology?” in James Donahue & M. Theresa Moser, (eds.) Religion, Ethics and the Common Good Annual Publication of the College Theology Society 41, (Mystic, CT.: Twenty-Third Publications, 1996), 3-22, here 16.

¹²⁴ Ibid., 20.

one that derives from the local experience to which people can relate to and make sense of and thereby respect and promote. But where one presents a case for human rights just by leaning on faith and theology, it makes it difficult if not impossible to convince non-Christians and people of different cultures to accept the call for the promotion and defense of human rights.

For those who do not favor a public church model, Hollenbach's methodology and the conclusions he offers can be seen as an attempt to subordinate the church to the states agenda. A critique of the public church stance that dominates Catholic social ethics that seek to reform inequalities and injustices that flow from Hollenbach's approach would argue "this kind of reformist agenda only serves to reinforce the assumption that the only effective mechanism for implementing justice in the modern world is the modern state."¹²⁵

Our view of Hollenbach's method that blends church teaching, political practices and connects the praxis of the reign of God with public analysis and participation is that it shows the length to which he goes to make a case for the promotion and defense of human rights. We find this to be a positive aspect in his approach. We consider it a strength in his writings. He draws on the findings of these sources to make a case for the promotion and defense of human rights. By so doing, he is able to appeal to a much greater audience than probably he would have were he to have resorted to just one of the above mentioned sources. It has been realized over the years that the human cooperation in the work of creation and redemption and the building of the kingdom of God is to be brought about through an integral development of the social, economic, political, cultural

¹²⁵ Michael J. Baxter, "Blowing the Dynamite of the Church": Catholic Radicalism from a Catholic Radicalist Perspective," in Michael L. Budde & Robert W. Brimlow (eds.), The Church as Counterculture (Albany, New York: State University of New York Press, 2000), 207.

and religious aspects of the human person. Hollenbach is convinced that the Church has a place in society. His insights and his commitment to the concrete, action-oriented mediation of Church to civil society and civil society to Church is an indispensable component in the effort to develop a public theology for the different United States and the very different Catholic Church today.

Hollenbach's approach of not doing much of scriptural analysis may not be very appealing to readers and scholars who would like to see his reflections on human rights grounded in scriptures. One does not find Hollenbach offering biblical foundations or warrants for his work on human rights. He does not provide a lot of references in his work from the Old Testament and the New Testament. Neither does one find a thorough reference (treatment) in his work on the social thought of the Fathers and or the scholastics. There is a neglect on exegetical and historical issues that gives the impression "as if this body of literature did not exist or have little importance to society."¹²⁶ We find this to be weakness in Hollenbach's approach. With this lacuna in his approach, how do we connect modern rights discourse with the Old Testament, the New Testament and Christian tradition?

Another weakness we find in Hollenbach's methodology is the fact that he does not provide a through analysis of racial- ethnic, gender, generational and class issues related to human rights. He is worried that many transnational movements and Non Government Organizations that are working for global justice and the realization of the common good are paradoxically focused on concerns for particular groups – women, the

¹²⁶ Francis Schussler Fiorenza, *A Review of Christ the Liberator: A View from the Victims* by Jon Sobrino in *Theology Today* Vol. 59, No. 2, 328 (July 2002). This quote refers to the flaw that Fiorrenza finds in the work of Jon Sobrino cited above and I think a similar criticism can be given on the Methodology (reflections) of Hollenbach in the area of human rights and Justice.

poor, specific ethnic and cultural minorities. This situation in his perspective calls into question how we can achieve effective and universal respect for the common humanity of all people even in the midst of their differences.¹²⁷ But we think such alternative perspectives are as important as, and sometimes more important than, the general perspective call for human rights in the world.

From our perspective, Hollenbach's approach would be better and stronger if he could incorporate a lot more of scriptural analysis, offering biblical foundations or warrants for his work on human rights.

Conclusion

This chapter of our work was an attempt to examine and present the methodology of David Hollenbach with regard to his reflections on human rights. Our research did reveal how his interest in social justice issues influenced his writings on human rights. Indeed all knowledge begins with interest. Hollenbach's use of theology, philosophy, faith and reason has enabled him to appeal to both Christians and non-Christians with his message of promoting and defending human rights. We did discover that he belonged to the revisionists school of thought and he claims that he is also a traditionalist who has endeavored to retrieve and renew the Catholic human rights tradition. Both liberals and conservatives would appreciate his work of grounding his reference on human rights in the fundamental dignity of the human person.

Hollenbach is convinced that the Church has a place in society. In arguing that the Church (Churches) has an important role to play in contributing to the common good,

¹²⁷ See David Held, Anthony McGrew, David Goldblatt & Jonathan Perraton Global Transformations: Politics and Economic and Culture (Stanford, CA.: Stanford University Press, 1999), 369.

Hollenbach challenges us to consider theology as very relevant to the public square. In the next chapter, we shall consider some of the major themes he has written on in his reflections on human rights.

CHAPTER 4

HOLLENBACH'S CONTRIBUTION TO THE DEBATE ON HUMAN RIGHTS

In the previous chapter, we discussed the methodology of Hollenbach with the aim of understanding better the theological and philosophical claims he has made in his writings and reflections. We made an attempt to offer an insight into the distinctive substance in his writing that is relevant to the global situation on human rights. In this chapter, we shall offer some of the themes and theological implications of the themes that Hollenbach has written on in the defense of human rights. We shall devote some attention in this chapter to examining the arguments and conclusions of Hollenbach's writings that are appropriate to the Christian tradition, especially the bible and the social teachings of the Roman Catholic Church. We shall also consider what contributions Hollenbach is making for our time.

The thesis of this chapter is that Hollenbach articulates ideological visions that are a challenge to society. His writings continue to challenge the global community to build a world that manifests more respect for human life and concern for those in need. He also challenges the church to act as a leaven in our society to transform it and in the process, purge it of values that militate against the tenets of Christianity and the dignity of the human person. His theological work brings church and society into dialogue with an inspiring and prophetic vision of a better world that can be created when people enter into dialogue about public issues and policy making.

4.1 A Link Between Human Rights, Social Solidarity and Development

One very important issue that has been a matter of contention in the human rights debate is the place of human rights in social development. Hollenbach's reflection on the theme of the link between human rights, social solidarity and development was occasioned by the comments of president Clinton who on a trip to Africa in 1998 emphasized the importance of human rights. In Accra Ghana, Clinton underscored the centrality of human rights in the moral conscience of the United States when that conscience is at its best: "Democracy requires human rights for everyone, everywhere, for men and women, for children and the elderly, for people of different cultures and tribes and background."¹ Clinton on this trip expressed his support for human rights and his hope that human rights and democracy would gain grounds on the African continent. The president went further to demonstrate his support for human rights and democracy by linking it to the growth of the free market in Africa:

Democracy must have prosperity. Americans of both political parties want to increase trade and investment in Africa. We have an African Growth and Opportunity Act now before Congress. Both Parties' leadership are supporting it. By opening markets and building businesses and creating jobs, we can help and strengthen each other.²

From the above presentation, we can infer that Clinton's policy for Africa are two fold: democracy and human rights on the one hand, and markets, trade, and investment on the other. We can point out that for him, free policies and free markets are the paths and answer to a more just and humane future for Africa and perhaps for the world.

¹ For a text of President Clinton's address to the people of Ghana at the Independence Square in Accra, one can refer to the transcribed version provided by the Federal Document Clearing House, March 23, 1998. Downloaded from the New York Times website, <http://www.nytimes.com>.

² Ibid.

Hollenbach's presentation on the link between human rights, social solidarity and development is also strengthened by the remarks John Paul II made on a visit to Nigeria in 1998. Nigeria was being ruled by a dictator, General Sanni Abacha who was known for his violation of human rights by imprisoning Moshood Abiola who had won an election for the presidency and also by hanging a human rights activists of the Ogoni tribe, Ken Saro-Wiwa.

John Paul on his trip to Nigeria emphasized the importance and relevance of human rights in all nations. The Pope maintained:

I come to Nigeria as a friend, as one who is deeply concerned for the destiny of your Country and of Africa as a whole. This moment in Nigeria's history is a moment that requires concerted and honest efforts to foster harmony and national unity, to guarantee respect for human life and *human rights*, to promote justice and development, to combat unemployment, to give hope to the poor and suffering, to establish a free and lasting solidarity between all sectors of society.³

The Pope includes the notion of solidarity to the prospect for a more just Africa. John Paul does not lean on the suggestion of Clinton and others who would argue that the free market, trade and investment will help curb Africa's problems of poverty, unemployment, political oppression and the sad phenomenon of violence. Rather, John Paul II has argued that the market rather than solving Africa's problems can add to it if it is not controlled by norms of justice that stem from a prospect of human solidarity.

Hollenbach articulates John Paul's position in a speech on a visit to Cuba to point out that for the pontiff, despite his support for human rights and democracies, political freedom and markets are an inadequate recipe for a just form of social development and emancipation. In Cuba, the pontiff observed sadly that:

³ Pope John Paul II, in his arrival Speech in Nigeria. March 21, 1998, no. 2. Downloaded from the website of the Holy See, [http:// www.vatican.va/](http://www.vatican.va/). This website offers an enormous wealth of Church documents and other resources.

Various places are witnessing the resurgence of a certain capitalist neoliberalism which subordinates the human person to blind market forces and conditions the development of peoples on those forces. From its centers of power, such neoliberalism often places unbearable burdens upon less favored Countries. Hence, at times, unsustainable economic programs are imposed on nations as a condition for further assistance. In the international community, we thus see a small number of countries growing exceedingly rich at the cost of the increasing impoverishment of a great number of other Countries; as a result the wealthy grow ever wealthier, while the poor grow ever poorer.⁴

Hollenbach recalls some of the arguments at the founding of the United Nations between advocates of liberal democracy who argued that civil and political rights were a prerequisite to social development and the socialists and Marxists who held the view that economic equality and emancipation of the proletariat was a precondition for democracy. Hollenbach draws from the vision of Clinton and Pope John Paul in presenting his position on the place of human rights in the social development of nations especially those of Africa. He is more open to the approach of John Paul whose reflections project a link between political democracy and social solidarity – “a bond of mutual responsibility that suggests that markets must be appropriately regulated by norms of justice that will guide them in the service of the poor.”⁵

In the 1970's – 1980's, a similar argument was proffered with an African State regarding the issue of the “right to development” proclaimed at the United Nations and in the Organization of African Unity's (now the African Union) Declaration of Human and

⁴ Pope John Paul II, Homily in the Jose Marti Square of Havana. Sunday, 25 January, 1998. Downloaded from the website of the Holy See, [http:// www.vatican.va/](http://www.vatican.va/).

⁵ David Hollenbach, “Human Rights and Communal Solidarity: A Catholic Perspective In the African Context,” Lecture at the Duquesne University, April 2, 1998, 5. For an excellent discussion of Hollenbach's views on the link between Human rights, Social Solidarity and Development, See David Hollenbach, “Solidarity, Development and Human Rights. The African Challenge,” in *Journal of Religious Ethics*, 26, 2 (Fall 1998), 305-313.

Peoples' Rights.”⁶ Hollenbach maintains that the demise of the Soviet Union and the unfortunate situation of one-party states in Africa, epitomized by the departure of Mobutu Sese Seko from Kinshasa in 1997 is a clear indication that advocates of the liberal tradition have won the day.⁷

Taking a clue from the findings of a project on Cultural Transformation and Human Rights in Africa by Abdullahi An-Na'im, which affirms that today “economic, social and cultural rights are at serious risk of total oblivion in the age of economic liberation and structural adjustment programs in Africa. Yet any human rights paradigm is unlikely to have much significance to Africans if it does not include concern with fundamental economic, social and cultural claims and entitlements ...⁸ Hollenbach points out the inadequacy of an understanding of human rights that does not directly include the “economic rights to nutrition, health care, and the satisfaction of other fundamental needs to at least the level required to live in a minimally human way.”⁹

Hollenbach subscribes to the fact that human rights have a place in the enhancement of social development. To reinforce his point, he draws on the work of Robert Putnam who has argued among other things that democracy requires and thrives on a great commitment and active participation of her citizens. Hollenbach calls this civic

⁶ See African (Banjul) Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Document (AB/ LEG/6713 rev.5, 21 I.L.M. 58 (1982), came into force October 21, 1986. This distinctive African charter of rights stresses peoples' rights, questioning the liberal emphasis and focus on the rights of individuals. Of great importance to the discussion at stake is Article 22 that speaks of peoples right to their economic, social and cultural development and the duty of the States to individually or collectively ensure the exercise of the right to development. Downloaded from the website of the University of Minnesota Human Rights Library, <http://www.umn.edu/humanrts/instree/z/afchar.htm>

⁷ See David Hollenbach, “Solidarity, Development and Human Rights. The African Challenge,” in *Journal of Religious Ethics*, 306.

⁸ Abdullahi An-Na'im, Amy Madigan and Garry Minkley, “Cultural Transformations and Human Rights in Africa: A Preliminary Report,” *Emory International Review* II, NO. 1(Spring, 1997), 287-349, here 293

⁹ David Hollenbach, “Human Rights and Communal Solidarity: A Catholic Perspective in the African Context.” 7.

participation the “social capital” needed to sustain an effective democratic regime.¹⁰

Putnam in his writings describes what Hollenbach calls social capital as the “networks, norms and trust ... that enable participants [in social life] to act together more effectively to pursue shared objectives.”¹¹ From the foregoing discussion, social capital is to be seen as a presentation of the strength of civil society – the numerous human relationships and associations that enhance democracy.

Hollenbach affirms the fact that Putnam’s opinion that strong associational life in civil society is essential to democracy is in line with the civic- republican stance in political theory. Furthermore, he observes that it is in tune with the Roman Catholic traditions stance on the “principle of subsidiarity” as one of the basic tenets of politics.¹²

The principle of subsidiarity was introduced into Catholic social teaching by Pius XI in his landmark document *Quadragesimo Anno*. He formulates the principle in this way that:

It is an injustice and at the same time a grave evil and a disturbance of right order to transfer to the larger and higher collectivity functions which can be performed and provided for by lesser and subordinate bodies . Inasmuch as every social activity should, by its very nature, prove a help to members of the body social, it should never destroy or absorb them.¹³

¹⁰ Ibid., 8.

¹¹ Robert Putnam, “Turning In, Turning Out: The Strange Disappearance of Social Capital in America,” in *Political Science and Politics* 28, No.4 (December, 1995): 664-65. See also Putnam, Making Democracy Work : Civic Traditions in Modern Italy (Princeton, N.J.: Princeton University Press, 1993), “The Prosperous Community: Social Capital and Public Life,” *The American Prospect* No. 13 (Spring, 1993) : 35- 42 , “Bowling Alone: America’s Declining Social Capital,” *Journal of Democracy* 6, No. 1 (January, 1995): 65- 78.

¹² David Hollenbach, “Human Rights and Communal Solidarity: A Catholic Perspective in the African Context,” 8. Also “Solidarity, Development and Human Rights, 307.

¹³ The principle of subsidiarity can be found in the writings of Pius XI, *Quadragesimo Anno*, Nos. 79 & 80. See David J. O’Brien and Thomas Shannon, eds. Catholic Social Thought: The Documentary Heritage (Maryknoll, N.Y.: Orbis Books, 1992), 42- 79, here 60 .

This principle is central to Christian social doctrine in view of its distinctive character which is “different from every collectivistic and one–sidedly exaggerated universalistic social philosophy.”¹⁴ This principle advocates that civil society is the arena in which human solidarity is nurtured and fostered to grow. The communal solidarity fostered in small communities is enhanced and enriched as people come together. They are then empowered to contribute their quota to the growth of public life. In view of this, Hollenbach asserts that in a democratic society, it is not the government’s role to govern but instead serve “the social “body” animated by the activity of these intermediate communities. Where the communities that energize civil society are weak or absent, the institutions of democratic governance will lack the social base they need to function effectively. Strong bonds of solidarity in civil society are essential to the success of participatory government.”¹⁵ For Hollenbach, this human solidarity is a prerequisite for a very strong and viable democratic society.

Hollenbach in putting forth his conviction that there is a link between human rights and social solidarity and development praises the work of Putnam who argues that for democracy to work and thrive, it must be founded on a strong bond of social solidarity. Hollenbach acknowledges the fact that Putnam’s position is based on extensive empirical investigation and research. In his research findings,¹⁶ Putnam found that regional governments in Italy were very successful in places where they had strong and rich civil society than in communities where they had weak civil societies. Hence he

¹⁴ Oswald von Nell-Breuning, Reorganization of Social Economy: The Social Encyclical Developed and Explained, Bernard W. Dempsey (trans.) (New York: The Bruce Publishing Company, 1936), 206.

¹⁵ David Hollenbach, “Human Rights and Communal Solidarity: A Catholic Perspective in the African Context,” 9.

¹⁶ Robert Putnam, Making Democracies Work: Civic Traditions in Modern Italy.

argued that the stronger the bond of societal solidarity, the better the government and the more successful the economy.

It is the contention of Hollenbach that exclusionary solidarities that regard those who are different as adversaries are not healthy and are indeed a threat to human rights and democracy. This view of Hollenbach is quite true as is evident from the ethnic conflict that led to genocide in which over a million lives were lost in Rwanda in 1994. We can also cite the conflicts in Nigeria in 1970; Somalia, Sudan (Darfur region) Sierra Leone, Liberia, Kenya, Zaire (Democratic Republic of Congo) Ethiopia and Eritria as examples of countries on the African continent that have experienced conflict largely or partly due to exclusionary solidarities. Outside Africa, we can cite the conflict that took place in Cambodia in 1975, the attacks on the Kurds in Iraq in 1988, Kurdistan and Chechnya, the Taliban in Pakistan, Hindu –Muslim conflicts in India, the conflict in East Timor, Balkans, Bosnia, Kosova and Myanmar (Burma).

In arguing that there is a relation between human rights, social solidarity and development, Hollenbach proposes that the social and economic rights enshrined in the United Nations Universal Declaration would have to be given a serious thought and find its place on the human rights agenda and debate in Africa and around the world. The value of his proposal and approach is that it would be seen as a clarion call “for a vision of solidarity that individualistic understandings of rights cannot provide.”¹⁷ Even though Hollenbach affirms the importance of market economies, he acknowledges that in market-based societies, many persons are unable to participate and contribute in the

¹⁷ Daid Hollenbach, “Human Rights and Communal Solidarity: A Catholic Perspective in the African Context,” 18.

market place in view of the fact that they lack the adequate resources to do so. He quotes John Paul's statement to support his claim that:

The fact is that many people, perhaps the majority today, do not have the means which would enable them to take their place in an effective and humanly dignified way within a productive system in which work is truly central Thus, if not actually exploited, they are to a great extent marginalized, economic development takes place over their heads.¹⁸

This for Hollenbach is the key to the plight of so many people in Africa and many developing countries "development takes place over their heads." This provides the way to understanding the essential link between human rights and social solidarity. Many people do not have the resources to be part of the markets to contribute to the economic development of their nations. So the question is, what is the way forward? For Hollenbach, the way out of this situation is not just to stress political and civil rights as a prerequisite for social development in Africa and other developing countries of the world but in addition also to "secure the minimum economic conditions needed for people to be politically active."¹⁹ As an activist for the development of people across the globe, Hollenbach is convinced that human rights can truly help achieve a level of social development in Africa and around the globe today if "they are conceived as the Universal Declaration understood them fifty years ago ... as including both civil- political and social- economic rights."²⁰

¹⁸ Pope John Paul II, *Centesimus Annus*, in David J. O'Brien and Thomas A. Shannon, (eds.) Catholic Social Thought: The Documentary Heritage, 33.

¹⁹ David Hollenbach, "Human Rights and Communal Solidarity: A Catholic Perspective in the African Context," 19 – 20. These minimum conditions that people need to be politically active are called social and economic rights in the United Nations Universal Declaration of Rights.

²⁰ David Hollenbach, The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics (Washington D. C.: Georgetown University Press, 2003), 228.

4.2 A Reconstructed Understanding of the Common Good

A distinct contribution of Hollenbach to the debate on human rights is his reconstructed vision of the common good, which is expansive in scope.²¹ He rethinks the ancient tradition of the common good to address contemporary issues especially that of human rights. As he observes, his approach to the concept of the common good in his *Common Good and Christian Ethics* is in part inductive. He advocates that the current social and cultural situation warrant the need to bring the idea of the common good back into contemporary discourse and make it usable again. He endeavors to articulate how the notion of the common good that prevailed long ago might be reconstructed in ways that can address our contemporary situation.

For Plato and Aristotle, the concept of the common good involved the good of the Greek city-state where citizens were required to fulfill their obligations to contribute to the well being of the state. Aristotle considered the common good realized in community not only as higher and nobler but also as “more divine” than the good of individual persons taken into consideration at a given time.²² Aquinas, a disciple of Aristotle added his voice to the concept of the common good by stating that justice demands a

²¹ For an extensive treatment of Hollenbach’s concept of the common good, See *The Common Good and Christian Ethics*, (Cambridge: Cambridge University Press, 2002); “The Common Good Revisited,” *Theological Studies* 50 (1989), 70 – 94, “Virtue, the Common Good and Democracy,” in Amaitai Etzioni, (ed.) *New Communitarian Thinking: Persons, Virtues, Institutions, and Communities* (Charlottesville: University of Virginia Press, 1994), 143- 153, “Common Good,” in Judith A. Dwyer, (ed.) *The New Dictionary of Catholic Social Thought* (MN: Liturgical press, 1994), 192- 197, “The Common Good in the Postmodern Epoch: What Role for Theology?,” in James Donahue and M. Theresa Moser, (eds.) *Religion, Ethics and the Common Good*, Annual Publication of the College Theology Society, vol. 41. (Mystic, CT.: Twenty – Third Publications, 1996), 3 – 22, “The Common Good and Urban Poverty,” *America* (June 5-12, 1999), 8-11, “Civil Rights and the Common Good: Some Possible Contributions of Religious Communities,” in Garry Orfield and Holly J. Lebowitz, (eds.) *Religion, Race and Justice in a Changing America*, (New York: Century Press, 1999), 169 – 174, “Commentary on *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World) in Kenneth R. Himes (ed.) *Modern Catholic Social Teaching: Commentaries and Interpretations* (Washington D. C.: Georgetown University Press, 2005), 266-291.

²² David Hollenbach, *The Common Good and Christian Ethics*, 4.

commitment to the common good by all the citizens of a society. In view of the fact that human beings are both individuals and participants in the shared life of the community, they ought not only to seek their own individual good but also the good of the larger community. Hence justice demands that the workings of individuals and smaller groups in society should aim at enhancing the common good of the entire community.²³ What then is the good to be sought by all in Aquinas' view? It is "the Supreme good, since the good of all things depends on God."²⁴

St. Ignatius of Loyola in the Sixteenth century also emphasized the importance of the common good when he noted that the members of his religious community should seek the common good in their apostolate. His vision for his community was that in fulfilling their charism, their ministry should be geared "according to what will seem expedient to the glory of God and the common good."²⁵

Due to the ever growing process of socialization today, Hollenbach maintains that the commitment to the common good is very important today than in the days of Aquinas or even Aristotle. He is convinced that the increasingly international scope of human interdependence today "generates obligations of justice that reach across borders and that call for new manifestations of global solidarity."²⁶

²³ Thomas Aquinas, *Summa Theologiae* II – II, q. 58, art. 6 in *Summa Theologiae*, 5 vols. , trans. Fathers of the English Dominican Province (Allen, TX.: Christian Classics, 1948). Aquinas echoes the stance of Aristotle in his *Summa Contra Gentiles* that the good of the community is more "godlike" or "divine" than the good of an individual human being. Cf. Thomas Aquinas, *Summa Contra Gentiles*, III, 17 in *Basic Writings of Saint Thomas Aquinas*, (ed.) C. Pegis, 2 vols. (New York: Random House, 1945). Vol. II, 27.

²⁴ Thomas Aquinas, *Summa Contra Gentiles*, in *Basic Writings of Saint Thomas Aquinas*, 27.

²⁵ See *The Constitutions of the Society of Jesus and Their Contemporary Norms. A Complete English Translation of the Official Texts* (St. Louis: Institute of Jesuit Sources, 1996), 1 cited by David Hollenbach, *The Common Good and Christian Ethics*, 5.

²⁶ David Hollenbach, "Commentaries on *Gaudium et Spes* in *Modern Catholic Social Teaching: Commentaries and Interpretations*, 280.

However, the idea of the common good is in great danger due to the pluralism of the contemporary world that makes it difficult if not impossible to envision a social good on which many people can agree on.²⁷ The notion of pluralism also makes it difficult to attain a strong form of unity in practice without the possibility of repression or tyranny. Hollenbach calls this the practical challenge to the pursuit of the common good.²⁸ While Rawls maintains that the Aristotelian, Thomistic and Ignatian vision of the common good “is no longer a political possibility for those who accept the constraints of liberty and toleration of democratic institutions,”²⁹ Hollenbach would prefer a reconstructed understanding of the common good.

Hollenbach supports the assertion made by the political theorist Michael Sandel that “we can know a good in common that we cannot know alone.”³⁰ Hollenbach however observes that Sandel’s assertion will carry more weight when a large number of people are able to have positive experiences of social unity so as to appreciate and value existing bonds of social connection with each other. Thus, “this positive experience of social interdependence enables persons to learn from one another, thus giving rise to understandings of the good life that could not be envisioned apart from their connections.”³¹

²⁷ John Rawls, Political Liberalism (New York: Columbia University Press, 1993). Hollenbach calls this the intellectual and theoretical challenge to the common good today.

²⁸ David Hollenbach, The Common Good and Christian Ethics, 9.

²⁹ John Rawls, Political Liberalism, 201.

³⁰ Michael Sandel, Liberalism and the Limits of Justice (Cambridge University Press, 1982), 183. For Hollenbach, the assertion made by Sandel seeks to suggest that in living a shared social life makes the knowledge and pursuit of the common good possible and fulfilling. Hence, the common good becomes a social necessity.

³¹ David Hollenbach, The Common Good and Christian Ethics, 18. Hollenbach rightly notes that on the other hand if many people have bad experiences in their interaction with others, this can seem more like a “common bad” than a good to be shared in community.

Hollenbach offers a reconstructed understanding of the common good because “there are many indications in the United States today that tolerance of diversity occupies the place held by the common good in the thought of Aristotle, Thomas Aquinas and Ignatius of Loyola.”³² In fact he laments the fact that “tolerance of difference, not the common good, has become the highest social aspiration in American culture.”³³ What Hollenbach observes about the United States is equally true about many modern democratic societies around the world. The idea of the common good is relegated to the background. It is therefore not surprising that such societies tend to take the road of tolerance rather than working towards the shared notion of the common good.

However, Hollenbach argues that tolerance is inadequate to resolve all of the dilemmas of modern democratic societies especially in addressing the “urgent problems confronting American public life today.”³⁴ He argues that with the urgent problems affecting the United States people and the world today, “the notion of the common good adds dimension of mutual respect and interrelatedness that are not present in a notion of tolerance.”³⁵ He is convinced that tolerance alone will not overcome class divisions and the despair they engender among the poor.”³⁶ When class division, poverty and inequality are the result of “economic inequalities that are deeply engrained and institutionalized in the class structures of society,” then Hollenbach’s observation is right that “more than an attitude of tolerance is needed.”³⁷ He is hopeful that the only alternative that can help the

³² Ibid., 24.

³³ Ibid.

³⁴ Ibid., 34. Hollenbach identifies some of the urgent issues that tolerance cannot help to resolve as poverty, social isolation, class inequality, unemployment, homelessness, drug addiction and violence affecting minorities living in American cities. Other global issues that he identifies include the issue of environmental degradation and Aids.

³⁵ David Hollenbach, The Common Good and Christian Ethics, xii.

³⁶ Ibid., 40.

³⁷ Ibid.

United States overcome the divide that has been created as a result of poverty and inequality is “greater solidarity across existing class divisions, linking the middle-class suburbanites and the poor in the cities in politically and economically effective ways.”³⁸

It is the opinion of Hollenbach that the increasing international scope of human interdependence today evokes obligations of justice that cuts across borders and makes it imperative that we embrace a new model of global solidarity.³⁹ He therefore cautions that an ethos that does not take into consideration the fact that “many of the goods and bads in human lives arise within different forms of human interconnection, therefore has no way to address the new and unavoidable questions raised by globalization.”⁴⁰ He thus advocates that we “need to form a moral inquiry that explores how human interconnections are central to attaining or failing to attain the good life.”⁴¹

In his attempt to reconstruct a vision of the common good that would be appealing to people living in a pluralistic society, Hollenbach rightly observes that respect for diverse religious faiths and cultures does not suggest an abandonment of the pursuit of a good that is shared in common. Rather, he sees the diversity as a “challenge to develop an understanding of a pluralist society – an understanding of the goods that we can and must pursue together even though we do not agree about what is good in every aspect of life.”⁴² Thus Hollenbach’s vision of the common good is that the good must be for the

³⁸ Ibid., 41. Hollenbach’s argument tends to foster a good community where people see themselves as interdependent on each other through their participation in, discussion concerning, and decision making about their common purposes.

³⁹ David Hollenbach, “Commentaries on *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World)” in Kenneth R. Himes (ed.) Modern Catholic Social Teaching: Commentaries and Interpretations, 280.

⁴⁰ David Hollenbach, The Common Good and Christian Ethics, 44.

⁴¹ Ibid.

⁴² David Hollenbach, The Common Good and Christian Ethics, 68. The stance of Hollenbach is geared towards the creation of a community and ideas that are inclusive even though people may be living in a pluralistic society.

people understood inclusively. Hence he rejects authoritarian rule since that regime's understanding of who should share in the social good is too narrow. In fact he does not mince words when he points out that "a tyranny's vision of the good is not a vision of a commonweal or of a good that is genuinely common."⁴³

His vision of the common good is that the good is truly common only when all the members of society irrespective of their religion, race, ethnicity or gender create and manifest a common life together. Furthermore, it can be considered a good if all members of the society benefit from the good they have labored to create. The common good helps to shape the dreams and aspirations of the members of a society. Their social practices and political institutions are sustained by the common good and the society is sustained by the active participation of all in public life. Thus, Hollenbach points out that a "society is a good society when it sustains freedom from tyranny, oppression, and war through the mutual respect its members show one another in their interactions and relationships."⁴⁴

He cautions that the common good is not simply a means for attaining the private good of individuals. Rather, he envisions the common good as a value to be pursued for its own sake. This view of Hollenbach is insightful in that it helps us understand that a core aspect of the common good is the "*good of being a community at all* – the good realized in the mutual relationships in and through which human beings achieve their well – being."⁴⁵

For Hollenbach, human rights are moral claims of all persons to be treated, by virtue of their humanity, as participants in the shared life of the human community. These moral claims will in effect be guaranteed when respect for them is built into the basic

⁴³ Ibid., 69.

⁴⁴ Ibid., 72.

⁴⁵ Ibid., 82.

structure of society. Understood this way, “the protection of human rights is part of the common good, not an individualistic alternative to the common good.”⁴⁶

He is worried that many transnational movements and Non Government Organizations that are working for global justice and the realization of the common good are paradoxically focused on concerns for particular groups of people- women, the poor, specific ethnic and cultural minorities. This situation in his perspective calls into question how we can achieve effective and universal respect for the common humanity of all people even in the midst of their differences.⁴⁷ He proffers that a “reconstructed and developed understanding of the tradition of the common good can help address this challenge.”⁴⁸ For in his view, a normative vision of the common good “in its full global reach involves commitment to a community that is both universal in scope and that takes the differences among peoples and cultures with the full seriousness they deserve.”⁴⁹ His view of the common good of civil society is seen as that “measure of the communion of persons that is achievable in a society.”⁵⁰

4.3 Justice, Love, Poverty and Human Rights

Hollenbach contends that the principles of justice and political solidarity are very important components in assessing what ought to be done regarding conflicting claims in personal and social decisions. However, these principles do not offer the specific context that can help resolve societal problems. It is only by paying close attention to the real and

⁴⁶ Ibid., 159.

⁴⁷ See David Held, Anthony McGrew, David Goldblatt & Jonathan Perraton Global Transformations: Politics and Economics and Culture (Stanford, CA: Stanford University Press, 1999), 369.

⁴⁸ David Hollenbach, The Common Good and Christian Ethics, 239.

⁴⁹ Ibid.

⁵⁰ David Hollenbach, “The Common Good Revisited,” *Theological Studies* 50m (1989) 70 – 94, here 88.

concrete realities of the social situation that we can find ways to resolve them. Thus in his view, even though knowledge of general principles and critical understanding of social patterns do contribute in concrete moral decisions, actual conscientious response to the dignity of human persons is more conceived as an act of love rather than an act of knowledge. As the Second Vatican Council did point out, conscience enjoins moral agents “to love good.” It “reveals that law which is fulfilled by love of God and neighbor.”⁵¹ Hence, Hollenbach argues that, “it is in love and the deeds of love, rather than in critical reflection, that one acknowledges and affirms the existential worth of another human being or group of human beings.”⁵²

In his estimation, the theory of rights and justice “will necessarily remain general and incomplete unless its root in the experience of love can be shown.”⁵³ He proposes a love for concrete persons observing that the principles of justice remain as guidelines and norms. They remain principles of discernment guiding prudential decisions. But, concrete love for person – “both as individuals and as members of society – is the only path to the discovery of the concrete meaning of justice and rights in a given socio- political situation.”⁵⁴

For Hollenbach, human beings are dependent on one another not only for the higher achievements of cultural life but also for the necessities of material- economic well - being. In view of this, “recovery of an active social commitment to the common

⁵¹ *Gaudium et Spes*, No. 16 Catholic Social Thought: A Documentary Heritage, 174 – 175.

⁵² David Hollenbach, Claims in Conflict, 167. This stance of Hollenbach is in line with the views of theologians like Karl Rahner who offers an insightful discussion on the relationship of conscience and principle in his essay, “On the Question of a Formal Existential Ethics,” in Theological Investigation, vol. II, 235 – 264. trans. Cornelius Ernst, et.al. (New York: Seabury, 1963), Edward Schillebeeckx in his work “The Magisterium and the World of Politics,” in J. Metz, ed., Faith and the World of Politics, *Concilium*, No. 36 (New York: Paulist Press, 1968).

⁵³ *Ibid.*, 168.

⁵⁴ *Ibid.*, 173.

good is a critical element in serious efforts to reduce poverty and advance economic justice.”⁵⁵ He suggests that for us to overcome the problem of poverty and respect the rights of others, “social allegiance to the common good can be an effective way than the prevailing United States ethos of individualism and tolerance.”⁵⁶ He does caution that even though commitment to the common good may not settle all the policy debates concerning poverty in our world, it “can orient public discussions toward a form of social interdependence in which the poor can begin to participate in the commonweal in a way that enables them to escape their plight.”⁵⁷ From a common good perspective, he suggests that justice calls for the minimal level of solidarity required to assist all of society’s members to live with basic dignity.

In his reflections, he proffers that some measure of equality is central to justice in all its forms. Appropriating the view of the United States Catholic Bishops’ 1986 description of the bottom-line demands of justice notes that: “Basic justice demands the establishment of minimum levels of participation in the life of the human community for all persons.” Thus, “the ultimate injustice is for a person or group to be treated actively or abandoned passively as if they were nonmembers of the human race.”⁵⁸ Thus, any condition that results when the minimal level of social solidarity that is required for living in society is not met can be called “marginalization.” Thus, human rights have a social or relational meaning. It flows directly from the understanding of justice, which

⁵⁵ David Hollenbach, The Common Good and Christian Ethics, 173.

⁵⁶ Ibid.

⁵⁷ Ibid. Hollenbach points out rightly that the idea of the common good can generate and influence our understanding of justice that is particularly relevant to overcoming deprivation. Thus, he sees a link between justice and the eradication of deprivation

⁵⁸ National Conference of the Catholic Bishops’, “Economic Justice for All,” 1986, No. 77 in Catholic Social Thought: A Documentary Heritage, 596 – 597.

Hollenbach calls “justice –as – participation.”⁵⁹ Injustice then for Hollenbach is a kind of exclusion from human community.

Exclusion as Hollenbach asserts takes many forms just as justice can take many forms. We have political marginalization when people are denied their civic right to vote or are denied freedom of speech, or in situations where power is reserved for the ruling class (elite) or in situations of totalitarianism (dictatorship). We have economic marginalization when people cannot find jobs or are fired from their jobs by decisions they are powerless to influence. In cases of unjust exclusion, the message the community is communicating to the victims of these marginalization is that “we don’t need your talent, we don’t need your initiative, we don’t need you.”⁶⁰

For Hollenbach, in situations where people are denied any active participation in the economic life of the society, injustice is done. Furthermore, he asserts that, “persons who face hunger, homelessness and the extremes of poverty when society possesses the resources to meet their needs are treated as nonmembers”⁶¹ and this is also an injustice. In his reasoning, the hungry and homeless people in the United States today are “no part of anything worthy of being called a commonwealth. The extent of their suffering shows how far we are from being a community of persons.”⁶²

⁵⁹ David Hollenbach, Justice, Peace, and Human Rights, Chapter 5, “Justice as Participation: Public Moral Discourse and the United States Economy,” 71 – 83. For an excellent treatment of the foundations of justice in Catholic social teaching, See David Hollenbach, “Modern Catholic Teachings Concerning Justice,” in John C. Haughey, The Faith that Does Justice: Examining the Christian Sources for Social Change (New York: Paulist Press, 1977), 207 – 231.

⁶⁰ “Economic Justice for All,” No. 141.

⁶¹ David Hollenbach, Justice, Peace, and Human Rights, 82.

⁶² *Ibid.*, 83. This is a strong indictment on America as the leader of the free world. Hollenbach is interested in community relationships that are rooted in love and participation in community life. His reflections are a challenge to those who would prefer not to reflect on what it means to be marginalized and excluded from community life. He challenges all to realize that it is our collective and individual duty and obligation to attend to the needs of the less fortunate in society.

4.4 Religious Freedom and Economic Rights

An added dimension of the writings of Hollenbach to the debate on human rights is his insistence that human beings have economic rights to such goods as food, housing, and employment as well as civil and political rights such as free speech and religious freedom.

In assessing the contributions of John Courtney Murray to Christian life and thought, Hollenbach viewed him as “the most outstanding theologian in the history of American Catholicism.”⁶³ He credits Murray with the “critical reappropriation of the Catholic tradition on Church – State relations, a reappropriation that enabled him to make a creative United States contribution to the renewal of the world-wide Church.”⁶⁴ The role of the Church in public life has always been a hot topic for debate. But as the Second Vatican Council declared: “It comes within the meaning of religious freedom that religious bodies should not be prohibited from freely undertaking to show the special value of their doctrine in what concerns the organization of society and the inspiration of the whole human activity.”⁶⁵ Hollenbach envisions the pastoral letter by the United States Bishops about abortion, United States defense policy and the economy as excellent examples of the kind of exercise of religious freedom that the Council referred to in the passage cited above. Unfortunately in our current society as Hollenbach points out,

⁶³ David Hollenbach, *Justice, Peace and Human Rights*, Chapter 7, “Religious Freedom and Economic Rights: A Note on an Unfinished Argument,” 101.

⁶⁴ *Ibid.* It would be recalled that John Courtney Murray was one of the chief drafters of the Second Vatican Councils Declaration on Religious Freedom, *Dignitatis Humanae Personae*. This documents goal was to bring Catholic teaching abreast of modern Western thought on the right to religious liberty.

⁶⁵ *The Documents of Vatican II* Walter M. Abbot (ed.), “Declaration on Religious Freedom,” (On the Right of the Person and of Communities to Social and Civic Freedom in Matters Religious) (New York: American Press, 1966) No. 4.

people do not argue about whether the bishops should speak out but rather the debate is on *what* should be said.

Hollenbach questions Michael Novak's objection to the idea that human persons have economic rights such goods as food, housing, and employment as well as civil and political rights such as free speech and religious freedom. Hollenbach refutes the argument by Novak that the emphasis on the existence of economic rights is a betrayal of the legacy of Murray in that, it fails to appreciate the limits of government action and the concept of natural rights that establish those limits.⁶⁶ Hollenbach argues that Novak's objection to the notion of economic rights is influenced by his thinking in "an ideological framework that confers massive power on the state and denies the limits of Constitutional government."⁶⁷ The government will be "intruding" into the workings of the economy according to Novak as it guarantees adequate nutrition, housing, and employment for the people. Novak claims that "the extensive effort underway to commit the church to 'economic rights' has the potential to become an error of classic magnitude. "It might well position the Catholic Church in a 'preferential option for the state' that will more than rival that of the Constantinian period."⁶⁸

Novak's moral argument claims that we have an obligation in justice, not charity, to come to the assistance of those in need. Hollenbach agrees to this fact since it is in line with our biblical faith and natural law tradition. Hollenbach however asserts that the moral argument of Novak that we need to extend a hand to the needy faults this argument

⁶⁶ David Hollenbach, *Justice, Peace, and human Rights*, Chapter 7, "Religious Freedom and Economic Rights: A Note on an Unfinished Argument." 104. In this work, Hollenbach argues that indeed the writings of John Courtney Murray do espouse the notion of economic rights.

⁶⁷ Ibid.

⁶⁸ Michael Novak, "Economic Rights: The Servile State," *Catholicism and Crisis*, 3, No. 10 (October, 1985), 10.

by pointing out that Novak's call that food, shelter and a job are "goods indispensable to a full human life" not rights inheriting in a nature of human persons is unacceptable. He points out frankly:

I completely reject the often heard contention that bread is a more basic human value than freedom. This is not only wrong because goods of the spirit are more noble than material goods, but also because the denial of freedom almost always means the poor and powerless lose out. Nevertheless, I find it impossible to see how one could reasonably say, from a moral point of view, that the avoidance of hunger, homelessness and chronic unemployment is part of a "full human life" while democratic freedoms are somehow more basic. From my perspective they both look equally fundamental.⁶⁹

Hollenbach interprets the mind of Novak rightly by pointing out that the latter wants to maintain that food, shelter, and employment should be provided out of justice but not as human rights, since if they are rights then the State will become far more involved in the economy. But for Hollenbach, what is at stake is the proper role of limited government in securing economic necessities for its marginalized citizens. Appropriating the views of Leo XIII and Murray, Hollenbach asserts that securing economic necessities for all is primarily, the responsibility of government. Individuals have obligation to support the hungry, the homeless and the jobless. When the problem far exceeds the power of persons and groups then government can intervene. This for him is the relevance of the principle of subsidiarity in Catholic social thought. Hollenbach reasons that if government's proper sphere is public order and not the common good, as Novak seems to believe, the provision of basic economic resources is part of the full common good rather than the more basic conditions of public order, then it makes no sense to

⁶⁹ David Hollenbach, "Religious Freedom and Economic Rights: A Note on an Unfinished Argument," in Justice, Peace and Human Rights, 105.

sanction any intervention at all. From this way of reasoning, Hollenbach sees a flaw in Novak's argument and it is "his refusal to admit that economic rights exist."⁷⁰

Hollenbach reinforces his argument on the existence of religious freedom and economic rights by asserting that the fulfillment of basic needs, the protection of fundamental freedoms, and the enhancement of the relational bonds of human community "are equally and integrally normative in the Church's approach to economic and political gesture."⁷¹ Hence, the Church's social teachings propose a positive goal for political economy: the provision of both bread and freedom. The Church through her social teachings is thus seen as an active participant in the struggle for both economic and political justice in the world. The Church has taken this stance or approach in view of the fact that her members live and work under every economic and political circumstance across the globe.

4.5 Religious Freedom Considered as Immunity and Empowerment

Hollenbach appropriating the writings of John Courtney Murray offers a splendid insight into how the church can turn outward in a new and positive relation to secular society. He seeks to offer reflections that can help the church and her members engage in meaningful public discourse with society. His reflections have raised the level of awareness of his audience to the fact that religious freedom does empower Christians to offer positive contributions and active responsibility for the shape of wider societies in

⁷⁰ Ibid., 106.

⁷¹ David Hollenbach, "Both Bread and Freedom: The Interconnection of Economic and Political Rights in recent Catholic Thought," in Human Rights and the Global Mission of the Church, 31 – 34. Boston Theological Institute Annual Series, vol. 1 (Boston: Boston Theological Institute, 1995), here 31.

which they live. The Second Vatican Councils Declaration on Religious Freedom points out that:

The human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that in matters religious no one is to be forced to act in a manner contrary to his own beliefs.⁷²

Even though Murray in his reflections on the above declaration did emphasize that, the right to religious liberty affirmed there is “understood to be an immunity, a freedom from coercion, whether legal or extralegal.”⁷³ We have Hollenbach bringing in a new perspective to the discussion by observing that understanding “religious liberty simply as the freedom from external coercion in matters religious fails to do justice to the active engagement of the Christian Community in public life that the Council urged and in some measure successfully stimulated.”⁷⁴ Hollenbach affirms the position of Leon Hooper who argued that Murray at the very end of his life did regard the right to religious freedom as a positive social empowerment rather than just a negative civil immunity from coercion.⁷⁵ From this perspective then, religious freedom aids religious believers and non-believers to enter “into a community of discourse that seeks to discover the truth about how they should live together.”⁷⁶ Hence historical consciousness in Hollenbach’s assessment leads not only to “the insight that the grasp of truth by individual persons is a

⁷² The Documents of Vatican II Walter M. Abbot, (ed). “Declaration on Religious Freedom,” No. 2.

⁷³ John Courtney Murray, “Religious Freedom,” in Murray (ed), Freedom and Man (New York P. J. Kennedy & Sons, 1965), 135.

⁷⁴ David Hollenbach, “Freedom and Truth: Religious Liberty as Immunity and Empowerment,” in John Courtney Murray and the Growth of Tradition. J. Leon Hooper & Todd David Whitmore (eds.) (Kansas City: Sheed & Ward, 1996), 129 ; Also see David Hollenbach’s presentation “Freedom and Truth,” in The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics , 124 – 146, here 124.

⁷⁵ J. Leon Hooper, The Ethics of Discourse: The Social Philosophy of John Courtney Murray (Washington, D. C.: Georgetown University Press, 1986), 154 – 156.

⁷⁶ David Hollenbach, “Freedom and Truth: Religious Liberty as Immunity and Empowerment,” in John Courtney Murray and the Growth of Tradition, 146.

dynamic and developing reality, but also that persons come to understanding and knowledge only through a social process of active engagement with others.”⁷⁷

But how can such a process be initiated? Hollenbach suggests that this process takes place when persons are both willing to both listen and speak. If this happens in authenticity, “freedom becomes not only individual possession but a social reality.”⁷⁸ A community of freedom is formed and comes into being, a community “whose members are neither atomistic monads nor passive subjects, but active participants in a shared quest.”⁷⁹

Hollenbach however acknowledges that religious freedom and the empowerment it brings can be misused and become a source of concern. He is convinced that “religious communities can be sources of good or considerable harm for the commonweal when they “go public”. Thus the emergence of communities of faith as high profile actors on the social scene is a source both of hope and of apprehension for many today.⁸⁰

He envisions religious liberty as a positive empowerment *rather* than a civil immunity. It is his view that “the right to immunity from coercion remains as an essential precondition for the existence of the empowerment.”⁸¹ This leads him to argue that a community of discourse can be one that is worth its name only when it is immune from coercion and people can freely express their views on public issues that would go to build

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid. Also, a developed presentation of this idea is articulated in his refined writing in “Afterward: A Community of Freedom,” in R. Bruce and David Hollenbach, (eds.) Catholicism and Liberalism: Contributions to American Public Philosophy (Cambridge: Cambridge University Press, 1994), 323 – 343; and his more recent work, The Common Good and Christian Ethics, chapters 5 & 6.

⁸⁰ David Hollenbach, FOREWARD in The Ethics of Discourse : The Social Philosophy of John Courtney Murray, IX..

⁸¹ David Hollenbach, “Freedom and Truth” in The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics, 143.

up their community. Religious freedom does empower people for such participation in a discourse that is really engaging and beneficial to all members of the community.

Religious freedom for him means believers have as much right to make their case regarding public affairs as do those who make political claims based on non – religious grounds. He is quick to point out that “religious based claims about the truth on which public life should be constructed must be subject to the same criteria of the free exchange of ideas as are all other proposals about laws and policies in a democratic society.”⁸²

For him, the relationship between truth and freedom is a mutual and reciprocal one. In view of this, he submits that “religious truth claims should not be excluded from public discourse.”⁸³

4.6 A Critique and an Evaluation of Hollenbach’s Thoughts

Having presented some of the theological works of Hollenbach, we shall turn our attention to a critique and an evaluation of his writings.

With violence, injustice, poverty, discrimination and environmental degradation on the ascendancy putting the future of humanity at risk, people are seeking freedom, redemption, recognition and a better world. The reflections of Hollenbach seek to create community relationships that are rooted in love and participation in the affairs of the human society. He advocates for a social solidarity in human rights talks. This approach in his view is in contrast to the individualistic view of human rights so characteristic if the United States, which for him is inadequate. He contends that the many problems

⁸² David Hollenbach, “Freedom and Truth: Religious Liberty as Immunity and Empowerment,” in John Courtney Murray and the Growth of Tradition, 147.

⁸³ David Hollenbach, “Freedom and Truth” in The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics, 143.

faced throughout the world and Africa, in particular makes it “essential that we move from the brute fact of the world’s growing interdependence to a greater sense of moral dependence and solidarity”⁸⁴ Hollenbach is correct in his writing for a respect for human rights and communitarian solidarity form the basis for the creation of a community of nations devoid of violence, social division and conflict.

It is our conviction that Hollenbach’s reflections can enrich the global community in that he maintains that there is a link between human rights, social solidarity and development. The ethics of community and solidarity could be the platform upon which human rights can be legitimized in our world. He advocates for an “intellectual solidarity” as well as a “social solidarity” in a new global “network of crisscrossing communities” that enhances knowledge of just global issues and world government that that would pursue the common good globally.⁸⁵

Hollenbach draws a strong and valid connection among religious commitment, theology and advocacy. It is our conviction that no human problem transcends national boundaries to the degree that violations of human rights do, not only with regard to the causes, but also in search for human solutions. Hence the call of Hollenbach is a legitimate one and can expose the dangers of human rights violations and provide a great prospect for the future direction on human rights.

Lisa Sowle Cahill sees the call of Hollenbach as a type of “universalism” that does not “consist of incontrovertible philosophical claims, lists of good and rights

⁸⁴ David Hollenbach, *The Common Good and Christian Ethics*, xiv. Hollenbach devotes much of his writing to convince people about not what is good for the individual but what is good for the community. His reflections are indeed about what is good for the community and what the individual may need to sacrifice for the good of humanity. For him, contributing to the building of our communities and the promotion of human dignity, freedom, justice, equality and human rights give meaning to our faith.

⁸⁵ *Ibid.*;227. He makes a similar plea in his work “Globalization, Solidarity and Justice,” in *East Asian Pastoral Review*, 43. 1: 21 – 38.

deduced from first principles, or even stipulations and specifications arrived at by human rights committees or religious summits.”⁸⁶ She calls Hollenbach’s approach a “dialogic universalism” that is rooted in our common humanity and “assuming a common reality but historically articulated and implanted “in a pluralistic but independent world.”⁸⁷

Hollenbach’s theological works are indeed a splendid contribution to the theological discourse on public theology and especially human rights. He envisions the Catholic social teaching, contained in papal encyclicals and Episcopal Statements from the perspective of human rights. In his book, *Claims in Conflict. Retrieving and Renewing the Catholic Human Rights Tradition*, he does well in defending the Catholic rights theory by posing three questions: the grounding of human rights, the interrelation of various different rights and the issue of instrumentalization of rights around which he works to propose his Christian theory of rights. He endeavors to articulate a better position that is available in the usual discussion so as to bring a correlation between the United Nations Covenants on rights. He “strongly resists the attempts by Maurice Cranston and other liberal theorists to dismiss the United Nations Covenants on economic rights as mere programmatic ideals than rights.”⁸⁸ Hollenbach compares the two traditions of Liberalism and Marxism and finds them woefully inadequate. The United Nations tradition is also found to be weak. He perceives the Catholic tradition as a way out. For him, the Roman Catholic tradition has “developed an approach to human rights which is both activist and theoretically rigorous. It has ... sought to take seriously both

⁸⁶ Lisa Sowle Cahill, “Theological Ethics, the Churches, and Global Politics,” in *Journal of Religious Ethics*, 35 (2007), 377 – 399, here 393.

⁸⁷ Ibid. One can also refer to Hollenbach’s presentation on “Dialogic Universalism / Intellectual Solidarity” in *The Global Face of Public Faith*, 10 –11, 239 – 249; Is tolerance Enough? The Catholic University and the Common Good,” in *Conversations on Jesuit Higher Education* 13 (Spring 1998): 5 – 15.

⁸⁸ John A. Coleman, “Catholic Human Rights Theory: Four Challenges to an Intellectual Tradition,” in *Journal of Law and Religion* II, 2 (1984), 346.

liberal democratic and Socialist perspectives.”⁸⁹ He is convinced that “... the Roman Catholic tradition was led to respond to the threats to human dignity in a more integrated way than either liberal democracy or Marxism had done.”⁹⁰

Hollenbach like other contemporary U.S. theologians such as Lisa Cahill stress the need to place the discussion of human rights in the “transcendental framework of Christian theology” as Cahill puts it, “to overcome the alleged weakness of the liberal tradition.”⁹¹ Instead of the focus on the notion of covenant, Hollenbach and these scholars⁹² stress the concept of the common good, theologically conceived. In such a view, “rights are not spoken of primarily as individual claims against other individuals or society. They are woven into a concept of community, which envisions the person as a part, a sacred part, of the whole. Rights exist within and are relative to a historical and social context and are intelligible only in terms of the obligations of individuals to other persons.”⁹³ Hollenbach advances similar conclusions:

All the doctrine and symbols of the Christian faith – creation of all persons by the one God, the universal graciousness of God toward all, the redemption of all by Christ, and the call of all persons to share in the mystery of Christ’s death and resurrection – all these are the foundation of a Conception of mutual love and human solidarity that is richer than any philosophical or empirical discussion of the mutual obligation of human beings towards each other, whether liberal or Marxist. It is deeper precisely because it is based on a

⁸⁹ David Hollenbach, Claims in Conflict, 41.

⁹⁰ *Ibid.*, 68.

⁹¹ *Ibid.*, 55.

⁹² Lisa Sowle Cahill, “Toward a Christian Theory of Human Rights,” in *Journal of Religious Ethics*, vol. 8 (1980), 285. For a discussion along this line, See David Hollenbach, Claims in Conflict, 107 – 137. We would like to note that it is not only some Catholic theologians who hold this view but the protestant theologian Max Stackhouse also contends that collectivism, Marxist or other wise is no real corrective to the weakness or excesses of liberalism. He advocates for a need to place the discussion of human rights in the purview of “biblical and theological materials” perceived around the notion of a religious covenant between God and human beings. This way, he admits, the proper basis of human rights will become clear: “the bonding of persons to others under God’s Kingdom, empowered by God’s love.” See Max Stackhouse, “A Protestant Perspective on the Woodstock Human Rights Project,” in Alfred Hennesly & John Langan (eds.) Human Rights in the Americas: The Struggle for Consensus (Washington D. C.: Georgetown University Press, 1982), 144 – 146.

⁹³ Lisa Sowle Cahill, “Toward a Christian Theory of Human Rights,” 284.

claim about the ultimate meaning of human community. This religious perspective is leading the Catholic rights theory to an intensified emphasis on human solidarity as the precondition for any adequate theory of human rights. It is moving social rights to the center of recent Catholic discussions of human rights. Those rights which guarantee access of all to participation in the political, economic and cultural life of all society have a priority in the most recent phase to the Catholic tradition.⁹⁴

Hollenbach in his impressive writings beginning with Leo XIII's *Rerum Novarum* unearths a theory of human rights which brings forth the transcendental worth of persons. From Pius XI, he offers a theory of social rights that points to the fact that "human dignity is a social rather than a purely private affair. Human dignity makes a genuine moral demand upon the organizational patterns by which public life is structured."⁹⁵ He further traces a development in Catholic human rights theory in Pius XII's allocutions which emphasizes human dignity as a finite good.

He tends to offer a balance between the personal and the communitarian. "Human rights cannot be understood apart from the social interdependence nor can social well-being be understood apart from personal rights."⁹⁶ Furthermore, "the rights which protect human dignity are the rights of persons in community. They are neither exclusively the rights of the individuals against the community nor are they the rights of the community against the individual."⁹⁷ He does a brilliant job by balancing the claims of philosophy and theology, of faith and reason. He situates the ultimate foundation for the dignity of the person in an ontological relation to God.

⁹⁴ David Hollenbach, *Claims in Conflict*, 132.

⁹⁵ *Ibid.*, 55.

⁹⁶ *Ibid.*, 61.

⁹⁷ *Ibid.*, 65.

Other scholars ⁹⁸ have affirmed the position of Hollenbach in pointing out the need for participation in community. The writings of the Himes' provide us with a reflection on human rights in the context of the trinity. They appropriate the Christian belief in the trinity and observe rightly that "the most fundamental human right is the right to exercise the power of self-giving, the opportunity for entrance into relationship, for deeper participation in the life of the human community."⁹⁹ This ties in well with Hollenbach's call for solidarity as opposed to individualism that he considers a weakness of the Liberal tradition. Thus the Himes' advocate that "any accounting of human rights that stresses, as its foundation, freedom as non – interference rather than freedom for self – gift in relationship for participation in community is a skewed understanding of the ground of human rights."¹⁰⁰

The Himes' criticism of liberalism is not only that it dishonors people or violates human rights but the philosophy that underlines it is inadequate for a cohesive society for a length of time. Liberalism puts individual good and common good in competition, a situation that would destroy public life. Therefore, for them, what is needed is a stronger and a more adequate sense of the human person. Here, they give credit to the church for her contribution to the society, which is the richness of the vision of the human person it espouses. In their view, the most fundamental question is who are we as human beings?

⁹⁸ Michael J. Himes & Kenneth R. Himes, Fullness of Faith: The Public Significance of Theology (New York: Paulist Press, 1993). Chapter 3 of this book offers a lucid treatment on the Trinity and Human Rights that is very provocative. Other scholars in writing on their understanding of how the church shares her faith with society affirm this communitarian view of Hollenbach. See Oliver O'Donovan, The Desire of the Nations: Rediscovering the Roots of Political Theology (Cambridge: Cambridge University Press, 1996); David L. Schindler, The Heart of the World, Center of the Church *Communio* Ecclesiology, Liberalism and Liberation (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1996). Michael Novak however dissents from this view and rather advocates for a liberal (individualistic) kind of approach. See, Michael Novak, The Catholic Ethic and the Spirit of Capitalism (New York: The Free Press, 1993).

⁹⁹ *Ibid.*, 61.

¹⁰⁰ *Ibid.*

Like Hollenbach, they believe that the existence of specific social and economic rights as opposed to political rights, communitarian vision of the human person draws from the concept of original sin or the Trinity in whose image we are made. There is much truth in their position that the sense of solidarity does not require that we are bosom buddies.¹⁰¹ Forms of solidarity or love have impersonal dimension. Hence, the criteria applied in social life would not be the same in public life. Self-interest and altruism are not apart and rightly understood, they may be compatible. We realize individual good by participating in the common good. Public things do help people recognize that there is a public domain to be cared for. Unlike Schindler¹⁰² who thinks that public things have no application in the world, Hollenbach and the Himes' think they are relevant to the world.

Hollenbach's vision of the common good is a distinct contribution to the debate on human rights. He reformulates the ancient tradition of the common good to address contemporary issues especially that of human rights. He argues that "universal human rights and the global common good are mutually implicating; you cannot have one without the other."¹⁰³ This argument of Hollenbach is very important to the debate on human rights. We would not have a fruitful discourse on universal human rights should we neglect the concept of the global common good. We live in a world that is rife with people who do not care very much about the common good. People are so greedy and want to become rich at all cost without any regard for the means of acquiring it. What Michael Kpakala Francis, the Archbishop of Monrovia in Liberia, says of the African continent may be true of the global society today:

¹⁰¹ Michael J. Himes & Kenneth K. Himes, *Fullness of Faith*, 146.

¹⁰² David L. Schindler, *The Heart of the World, Center of the Church *Communio* Ecclesiology, Liberalism and Liberation* (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1996).

¹⁰³ David Hollenbach, *The Common Good and Christian Ethics*, 229.

There is no concern for the morality of the method of acquiring wealth, there is no respect for the rights of private ownership, and when one acquires wealth or property there is no acceptance of obligations and responsibilities attached thereto. Thieving, embezzlement and wholesale misappropriation of a national treasury, extortion, and exploitation have become part of our African way of life.¹⁰⁴

For Hollenbach, human beings are dependent on one another not only for the higher achievements of cultural life but also for the necessities of material – economic well - being. In view of this, “recovery of an active social commitment to the common good is a critical element in serious efforts to reduce poverty and advance economic justice.”¹⁰⁵ This point is very relevant for the global society. How can we build a just society where the rich gets richer and the poor gets poorer? How do we resolve some of the pertinent global issues like injustice, violence and conflict among nations, exploitation and discrimination, human suffering and trafficking caused by abuse and poverty? What of the issue of refugees and repressive governments? There can be no human rights in the face of poverty, inequality and economic servitude.

The reflections of Hollenbach are relevant to the global society where there is greed and exploitation. The rich and the powerful that are in the minority continue to get richer at the expense of the poor. What becomes of the marginalized who are unable to contribute to the socio-economic development of the society? How do we respond to situations where a few participate or have a say in how the majority are governed? Hollenbach’s three strategic principles in his *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition* can be very helpful in building a better global society than what we have today. His response is that “the needs of the poor take

¹⁰⁴ Michael Kpakala Francis, “The Church in Africa Today: Sacrament of Justice, Peace, and Unity,” in *The African Synod: Documents, Reflections, Perspectives* (New York: Orbis Books, 1996), 125.

¹⁰⁵ David Hollenbach, *The Common Good and Christian Ethics*, 173.

priority over the wants of the rich,” “the freedom of the dominated takes priority over the liberty of the powerful,” “the participation of the marginalized group’s takes priority over an order which excludes them.”¹⁰⁶

Our reading of Hollenbach’s reflections does reveal his vision for a better future to which the citizens of every society have a moral right. He articulates ideological visions that are a challenge to the global society. His writings continue to challenge the global community to build a world that manifests more respect for human life and concern for those in need. They can be read as a challenge to nations across the globe to build a judiciary system that is unbiased and corruption free, which stands independently on the administration of the laws and justice to the utmost preservation of human dignity and human rights. He also challenges the church to act as a leaven in our society to transform it and in the process, purge it of values that militate against the tenets of Christianity and the dignity of the human person.

Hollenbach in his reflections responds to what he articulates as our need today, a “public theology which attempts to illuminate the urgent moral questions of our time through explicit use of the great symbols and doctrines of the Christian faith.”¹⁰⁷ He is of the view that what public theology must do is “combine symbol and creative critical interpretation so that the power of religious symbols once again shapes public life.”¹⁰⁸ In doing public theology, he has been able to retrieve the Catholic human rights tradition and that is an impressive achievement. Even though he is greatly committed to the Christian tradition with emphasis on the Roman Catholic interpretation of that tradition,

¹⁰⁶ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 203 – 207.

¹⁰⁷ David Hollenbach, “Public Theology in America: Some Questions for Catholicism after John Courtney Murray,” *Theological Studies*, 37 (1976), 290 – 303, here 299.

¹⁰⁸ *Ibid.*

his reflections have ecumenical dimensions. The church has benefited from his reflections in which he makes “explicit the theological component of social ethics so that believers can understand and test the coherence of their religious beliefs with public policy decisions.”¹⁰⁹ His writings have indeed provided the public “with alternative visions of what is desirable and possible, stimulated deliberation about them, provoked a reexamination of premises and values, and thus broadened the range of potential responses and deepened society’s understanding of itself.”¹¹⁰

Hollenbach is to be given credit for creating awareness that theology and commitment and advocacy are connected. One needs to have an authentic Christian life in order to do theology. There is the urgency to reflect on one’s life and allow the texts to illuminate and challenge us. Thus, theory and praxis are related. We need to overcome the dichotomy between Christian life (spiritual life) and other life of existence. For Hollenbach, we need to bring our lives to bear on our Christian life and not escape from the real. This emphasis on the integration and theology is indeed a challenge to us to rethink the ways in which we understand and live our faith. We can compare this thrust in Hollenbach’s work with that of the liberation theologian Jon Sobrino, who in his work *Spirituality of Liberation: Toward Political Holiness* offers a useful balanced synthesis of spirit and practice which are to be integrated. He is certainly right in stating that “without spirit, practice can always degenerate, without practice, spirit will remain vague, sidelined, even alienating.”¹¹¹

The greatest insight that one gathers from the reflections of Hollenbach is the fruit of his experience of the church and the social issues in the United States, his biblical and

¹⁰⁹ Michael J. Himes & Kenneth R. Himes, *Fullness of Faith*, 23.

¹¹⁰ Robert Reich, *The Power of Public Ideas* (Cambridge: Ballinger Publishing, 1988), 4.

¹¹¹ Jon Sobrino, *Spirituality of Liberation: Political Holiness* (Maryknoll, N.Y.: Orbis Books, 1988), IX.

theological knowledge and creative writing, his awareness that there are many social evils in our midst today. In all of this, he knows that Jesus is among us today in the poor, the homeless, the unemployed, those whose rights are trampled upon and that Jesus is alive and present in human history. We can come to this awareness only when we learn to read the signs of the time¹¹² and interpret them in light of the Gospel. To do this adequately, we are to be real and honest to the truth, the wrong, the evil and injustice we see around us and interpret history correctly. Hollenbach calls for a direct involvement in transforming society. He is not a militant theologian or one who advocates that violence should be used in transforming the unjust structures around the world. Rather, like the bishops of the United States in their pastoral letter on political responsibility, Hollenbach's reflections are a call to all people both believers and non believers to use the resources of their faith and the opportunities of their democracy "to help shape a society more respectful of life, dignity, and the rights of the human person, especially the poor and vulnerable."¹¹³

In an attempt to critique the thoughts of Hollenbach, we would like to state that he is seen to be fully "orthodox" in terms of the content and substance of his views on the relation between the Church and State, human rights, the common good and our solidarity with each other in finding solutions to the socio- economic problems that confront our society. His theological vision of the common good is consistent with Catholic social thought. His reconstructed vision of the common good is in line with the full theological vision of the common good that consists in the communion of all persons

¹¹² *The Documents of Vatican II*, "Pastoral Constitution of the Church in the Modern World," No. 4.

¹¹³ USCC Administrative Board, "USCC Statement on Political Responsibility" (full title: Political Responsibility: Proclaiming the Gospel of Life, Protecting the Least Among Us, and Pursuing the Common Good," dated November 5, 1995), *Origins* 25, No. 22 (November 16, 1995): 369 – 383, here 374.

with God and with one another. Appropriating Catholic social thought, he does not give absolute sovereignty to the State. His notion of the common good as is espoused in Catholic social thought is not antistatist.

We find the arguments and conclusions of Hollenbach's writing appropriate to Christian tradition, especially the bible and the social teaching of the Roman Catholic Church. In fact, his writings are based on Catholic social principles that have biblical and theological underpinnings. His reflections honor the commitment to human life and dignity in the sacredness of human life as revealed in their Creator in the *imago Dei*. His strong commitment to the promotion of human rights and his abhorrence for the exclusion of any person from participating in the life of the community flows from this fundamental human dignity. His call for justice, love and eradication of poverty are founded on the Christian norm of love of God and neighbor since love must be seen in just structures that honor and respect human rights and enhance human development. One can therefore claim that Hollenbach does indeed work within the framework of the principles of Catholic social thought that has informed his public theology and his analysis of socio- economic issues.

Hollenbach in his reflections on human rights presents the idea of personal and social rights maintaining that there is the need to have instrumental rights, which has indirect but extremely important influence on the possibility of claiming one's personal and social rights. In his view, there are no hierarchy in these rights but he advocates for a primacy for social rights. Here, Novak seems to dissent from Hollenbach's emphasis and rather insists on the primacy of freedom. Novak maintains that we should let the market

function.¹¹⁴ But we would like to point out that the economic system is not everything. We need to join the economic system to the political and the moral/ cultural system. There is the need to pay attention to the moral / cultural system. In his book, *The Catholic Ethic and the Spirit of Capitalism*, Novak fails to address the impact of the moral and cultural systems on the economic. The three systems are obviously interrelated and ought to have a certain autonomy, the kind of freedom to do what they do. He fails to address the impact of work on family life. Those economically well off do spend many hours on their work so much so that some do miss much of family life. He ignores how powerful economic theories can be and how they can be checked. He however offers some points on how human rights can be protected. He submits “human rights are not protected by words of parchment. They are protected by habits, free associations and independent judicial institutions.”¹¹⁵

One writer we would like to bring into the conversation is Jurgen Moltman. He brings in a new perspective to the debate on human rights that is a bit different from that of Hollenbach. He observes that the existing formulations of human rights are in themselves inadequate. He advocates for its expansion so that human rights would not contribute to the destruction of the world.¹¹⁶ He argues that

1. No individual human rights without social rights
2. No human rights without the right of humanity to protection from mass annihilation and genetic change, to survival in the sequence of the generations
3. No economic human rights without ecological obligations toward the rights of nature
4. No human rights without the right of the earth.¹¹⁷

¹¹⁴ See Michael Novak, *The Catholic Ethic and the Spirit of Capitalism*.

¹¹⁵ *Ibid.*, 219.

¹¹⁶ Jurgen Moltman, *GOD for a Secular Society: The Public Relevance of Theology* (Minneapolis: Fortress Press, 1999), 118. A similar trend of argument can be found in his article, “Human Rights, the Rights of Humanity and the Rights of Nature,” in *The Ethics of World Religions and Human Rights Concilium* 1990 / 2, 120 – 135.

¹¹⁷ Jurgen Moltman, *GOD for a Secular Society: The Relevance of Theology*, 121.

Moltman does bring forth fresh perspective into the debate on human rights by calling our attention to other areas that in his view we have neglected to address. However, his talk on animal rights is difficult to accept. Rights are moral claims. I would rather think that we have moral obligations not to abuse them. His approach is more ecological in nature; he presents what might be termed as an ecological theology calling for attention on the rights of nature, humanity and especially for the future generation. His concern is very much on our relation to natural order. How are we going to change the situation? The Himes' in sharing the concern of Moltman call on humanity not to "dominate" but become stewards of creation. Moltman advocates for a kind of solidarity unlike Niebhur who calls for a measure of coercion.¹¹⁸ Niebhur actually does not talk about social change but rather he focuses on social harmony.

Hollenbach must be commended for situating religious freedom and the full realization of the goals of human rights in the context of ecumenical dialogue "interpreted in the broad sense of active conversation not only with other Christians but with the full array of intellectual currents present in culture."¹¹⁹ Thus religious freedom empowers Christians to be involved in a rapprochement with others in the debate on human rights. Moltman affirms this position of Hollenbach by further asking that religions "must learn to respect individual's religious liberty as a human right, and in this framework to act tolerantly towards one another, and to be prepared for dialogue."¹²⁰ An added dimension for the further development of human rights and the rights of humanity

¹¹⁸ See Reinhold Niebhold Niebhur, Moral Man and Immoral Society (New York: Charles Scribner's & Sons, 1960).

¹¹⁹ David Hollenbach, "Freedom and Truth: Religious Liberty as Immunity and Empowerment," in John Courtney Murray and the Growth of Tradition, 147.

¹²⁰ Jurgen Moltman, God for a Secular Society. The Public Relevance of Theology, 133.

Moltman submits, “depends on the creative contributions of the different religious ideas about the world.”¹²¹

Hollenbach’s effort in connecting the idea of religious freedom as immunity, a freedom from coercion and as a source empowerment is a distinct contribution to the human rights debate. People should use their religious freedom that is a right to make their case with regard to socio – economic issues as do those who make political claims based on non – religious grounds. This approach to resolving public problems that confront the society does not give advantage to any one section of the society over the other. His theological work brings church and society into dialogue with an inspiring and prophetic vision of a better world that can be created when people enter into dialogue about public issues and policy making. In this regard then, we can identify him as a public theologian since public theology is aimed at “addressing issues of society, politics, and culture theologically, and to articulate this theology in a manner accessible to the wider population.”¹²² This resolves the problem of “sectarism,” the withdrawal of Christians from public discourse into the discourse of separated (and probably small) communities.”¹²³ His work does not stifle religious differences. Rather, he seeks to bring people together in their differences to create a new reality, a community of freedom. Theologically, then, Hollenbach’s call for a communion of peoples should be seen as that envisioned by God to be an experience of community in which our differences enrich our common life.

¹²¹ Ibid.

¹²² See Mary Doak, “Table Fellowship in a Land of Gated Communities: Virgilio Elizonda as Public Theologian,” in *Faith in Public Life*. William J. Collinge (ed.) College Theology Society. Annual Vol. 53 (Maryknoll, New York: Orbis Books, 2007), 202.

¹²³ See John Smiegocki, “Implementing Catholic Social Teaching,” In *Faith in Public Life*, 47.

One concern that Hollenbach and scholars like the Himes' brothers, Schindler, Moltman, and O'Donovan have with regard to the debate on human rights is the issue with liberalism or this sense of the individual person that seems to sever the bonds of community convinces people that freedom means what you want to do, immunity from coercion the truth. With such tendencies, Moltman observes that religion becomes a commodity. In such a world, what happens to the Gospel? If dynamics of individualism continues, it might spell the demise of society.

All the theologians we have mentioned above agree on the need for human rights especially the right to be free from coercion. None of them speaks on the limits of rights but rather advocate for its expansion. But in our efforts to expound the contents of human rights, we need to be cautious so as not to end up as Hollenbach seems to draw our attention to, focus on concerns for particular groups of people – women, the poor, specific ethnic and cultural minorities.

They all share the opinion that some communitarian ethic needs to be established in our world. Moltman calls for a kind of solidarity especially for the poor, oppressed and the suffering in society. They all think alike with regard to the church's contribution to the building of society. This would indeed be a significant theological contribution of the church in building the community into members of the body of Christ. Moltman does not subscribe to the view that liberty of persons can be maintained through progressive individualism. Using a covenant language, he points out that "the free human being is the being who can promise and who must keep that promise."¹²⁴ This is the only way we can secure the future. The notion of promise is profoundly theological. We risk our life that

¹²⁴ Jurgen Moltman, GOD for a Secular Society, 87.

God would be faithful to his promises. We in turn are to be faithful. In a sense, we create a future for ourselves.

In the face of the great achievement of Hollenbach, we would like to mention that his call for social solidarity would be very much appreciated by those who live of the fringes of society, the poor, the homeless, the unemployed and those who are less privileged. What would be the response of those who are comfortable with their economic or social standing in society? Racism, classism, cultural elitism and capitalism's strong emphasis on individual success oppose the development of a society that easily embraces the notion of solidarity and inclusive community that respects the dignity of all. Many of the contemporary values of the United States society are in conflict with the ideal of solidarity and the inclusive society that Hollenbach calls for. Gated communities for example as Doak points out "are a growing trend in urban and suburban life, and are advertised as a positive feature of real estate."¹²⁵ Doak questions if the United States is becoming "a huge gated community, erecting barriers itself against the threat of outsiders."¹²⁶ She therefore laments how "both nationally and locally, we are constructing exclusive, homogeneous communities in which we are protected from those whose differences threaten us."¹²⁷

Hollenbach's reflections can enrich the global community in that he maintains that there is a link between human rights, social solidarity and development. The ethics of community and solidarity could be the platform upon which human rights can be legitimized in our world. Unfortunately, in some parts of our world, the sense of

¹²⁵ Mary Doak, "Table Fellowship in a Land of Gated Communities: Virgilio Elizondo as Public Theologian," in *Faith in Public Life*, 208.

¹²⁶ Ibid.

¹²⁷ Ibid.

community and solidarity is fast eroding. We had John Paul II praising the sense of community and solidarity in a part of our world when he wrote “African cultures have an acute sense of solidarity and community life. In Africa it is unthinkable to celebrate a feast without the participation of the whole village.”¹²⁸ We dare state that this acute sense of social solidarity that the pontiff spoke of about twelve years ago is eroding from some cultures on the African continent. There are flagrant human rights violations and the sense of social solidarity is eroding and this has adversely affected the pace of social development in many nations of Africa and other parts of the world. Hatred dominates the minds and hearts of individuals and of entire communities. The once African societies that cherished the values of human personhood, personal dignity, brotherhood, hospitality and kindness are now giving way to a culture of heinous atrocities, armed robbery, rape, child trafficking, tribal conflicts, senseless killings and other forms of human degradation. There is the need to promote a future that replaces ethnic and religious conflicts with dialogue, understanding and mutual respect.

Considering the fact that we live in a world where some are non believers and even agnostics, one might question how non -Christians can come to accept the reflections of Hollenbach since he leans very much on the framework of Catholic social teaching, the bible and his theological knowledge as sources for work. We would have to point out that Hollenbach also makes use of the natural law theory in his analysis of socio- economic and human rights issue. In this regard, his work would have relevance for all people irrespective of their religious beliefs and cultural values.

¹²⁸ John Paul II, “The Church in Africa,” “Ecclesia in Africa” –Post– Synodal Apostolic Exhortation,” (Washington D.C.: United States Catholic Conference, 1995), # 43.

In spite of the great contributions that Hollenbach and the church have made in the debate on human rights, there are some challenges to the rights theory that need to be addressed. There is an unresolved question about the preferred shape of society from the perspective of human rights theory as presented by Hollenbach and the Catholic Church. Should one embrace fully the comprehensive human rights theory espoused by Hollenbach and the church, which includes civil, political, social and economic rights? What form of economy and polity will enable society to meet and achieve the complex set of moral demands and constraints? The issue we are raising here is linked to Hollenbach's and Catholicism's search for a middle way between Marxist socialism and what John Paul II terms "rigid capitalism." (*Laborem Excerns*, 14).

One basic limitation of human rights is its ability in helping us to denounce violations of human dignity than in guiding us in the institutions, which will promote that dignity. Hollenbach makes an effort to move beyond this limited scope in the direction of normative principles for policy.¹²⁹ John Langan cautions that any efforts to enlarge human rights theory to deal with fundamental questions of political and economic order and to provide the basis for a political program

run the double risk of breaking the moral consensus about human-rights violations which is capable of transcending standard political and ideological divisions and of producing an overly moralistic and legalistic approach which may be inappropriate to the deeper problems of economic development and world order.¹³⁰

An area worthy of mention that Hollenbach does not address in his book *Claims in Conflict: Renewing and Retrieving the Catholic Human Rights Tradition* and in his theological reflections so far is the challenge and development of human rights with

¹²⁹ David Hollenbach, *Claims in Conflict*, 195 – 207.

¹³⁰ John Langan, "Human Rights in Roman Catholicism," in *Human Rights in Religious Tradition*, 36.

respect to the internal life of Roman Catholicism itself. The church uses human rights doctrine to proclaim a message of justice and peace to the world, but the applicability of the doctrine to the church itself remains unclear. The question is does the church as a social system provide mechanisms for honoring people's rights? In many church documents, theologians are said to have a right to research but are often times restricted in their rights to freedom of inquiry and expression. The question to grapple with is if you have a problem with the documents of the church, how do you get an institution to rectify it? Is there any procedure offered to establish the rights of others in the church? Can one have a fair hearing in the church? There is no significant evidence of human – rights doctrine in the new Code of Canon Law.

The desire of Hollenbach and especially the Catholic church for a unified, more cohesive and a more disciplined form of society as opposed to the idea of modern individualism and liberalism which offers individual freedom at the expense of the common good does indicate that institutional Catholicism and Catholic rights movements and actors may make significantly different choices about which human rights to struggle for in the political arena and which rights to accord priority to. One clear example of this is the Roman Catholic concern for the right to the life of the unborn. Some Catholics in public life personally oppose abortion but are willing to support restrictive abortion laws.

The reflections of Hollenbach and his endorsement of the church's grounding of rights in a norm of human dignity faces some challenge. John Coleman notes that there are both philosophic and rhetorical difficulties with the way of grounding rights. In his view, a theory based on human dignity lays emphasis on the relation between the subject and his respondent, whereby the former is in a position to choose to exact a certain duty

from the latter. While noting the importance of this relation for the understanding of human rights, he adds that:

It must be supplemented by attention to the nature of the right and the logical nexus between the justifying basis and the objects of human rights. Dignity theories of human rights generally either neglect or finesse these two formal elements. They fail to specify the precise nexus of human dignity as an evocative quality and a particular alleged object of a claim. Dignity theories do not make clear the logical and necessary connections (the transition and the ground for claiming a specific right) between a generic notion of worth or dignity and a specified right such as, for example, free speech. These connections remain “intuitively fitting or merely esoteric.”¹³¹

Furthermore, Hollenbach’s presentation of the Catholic rights theory does not generate a theory of the basic rights that in Coleman’s view is necessary to adjudicate conflicting claims to rights. An added importance of a basic rights theory is that “it provides us with a priority list of rights to press in human rights advocacy.”¹³² Coleman advocates the need to keep our list of basic human rights short in order not to run the risk of trivializing rights. Basic rights do evoke the notion of everyone’s minimum reasonable demands upon society and humanity. Unfortunately, the rights in *Pacem in Terris* that recapitulates the rights claim in Catholic tradition since Leo XIII includes both basic and non – basic rights without distinguishing the two. In Catholic tradition, especially different rights are often lumped together and this makes adjudication difficult in cases where various human rights are in conflict.

For those who do not believe in universal human rights like Stanley Hauerwas, Hollenbach’s reflections would not gain much acceptance. Hauerwas, a contemporary theologian, represents a tradition of long – standing skepticism, especially in Protestant

¹³¹ John a. Coleman, “Catholic Human Rights Theory: Four Challenges to an Intellectual Tradition,” *The Journal of Law and Religion*, II. 2 (1984), 351.

¹³² *Ibid.*, 355.

circles concerning the existence of a common “natural” morality that transcends cultural and religious diversity. For him, beliefs in universal human rights ignore the fact that “there is no actual universal morality,” but rather “a fragmented world of many moralities.”¹³³ For people in Stanley Hauerwas’ camp, it would be very difficult to see the relevance of Hollenbach’s claims and its significance to the discourse of public theology. But we dare say that even though we live in a “fragmented world with many moralities,” we can come to agreement of what human rights are when we come together to work for the promotion of human rights. The United Nations Declaration of Human Rights is an empirical fact that we can reach a consensus of what rights are. The Declaration is the product of different traditions and cultures coming together to work for the defense and promotion of human rights.

In conclusion, we would like to point out that the theology of Hollenbach is deeply and clearly rooted in the socio– economic and cultural experiences of the United States society. His work seeks to unearth and celebrate the theological insights that his United States society has to provide to the larger society of the world and the church. His theology helps us to realize that, in a world of oppression, alienation, poverty, social and economic injustice and exclusion, the mission of the church to be a “sign and instrument of human community”¹³⁴ is very crucial.

¹³³ Stanley Hauerwas, The Peaceable Kingdom: A Primer in Christian Ethics (Notre Dame: University of Notre Dame Press, 1983), 63.

¹³⁴ The Documents of Vatican II, “Dogmatic Constitution on the Church” (*Lumen Gentium*) No. 1.

CHAPTER 5:
THE FUTURE PROMISE OF HOLLENBACH’S THOUGHTS FOR THE
DEBATE ON HUMAN RIGHTS

In the previous chapter, we did present some of the themes and theological implications of the themes that David Hollenbach has offered in the debate on human rights. In this chapter, we shall examine his global picture on human rights and the issues he raises – the common good, global warming, refugees and humanitarian crises. The thesis of this chapter is that Hollenbach seeks to dialogue with the world and the issues of human rights in an attempt to locate, share, and learn the elements of a common ethic. From this perspective, a commitment to a particular religious faith does not inhibit the effort and goal of finding a common ground in the articulation of many moral principles.

The issues he raises are very pertinent to the human rights debate and his approach to them are very distinct in that he points to the symptoms that initiate these social disorder and how we can overcome them. We shall highlight the challenges and prospects for drawing on the reflections of Hollenbach. We shall also examine how the reflections of Hollenbach can help us chart a new course or direction in the debate on human rights. Hence, this chapter will be a speculative application of Hollenbach’s work to global issues with the aim of constructing a new society that appreciates the dignity and worth of the person and perceive human rights as universal, the fruit of our dissertation project.

5.1 Ordering Society toward the Common Good

In chapter 4, we did state that a distinct contribution of Hollenbach to the debate on human rights is his reconstructed vision of the common good. Catholic social teaching underscores the imperative of ordering society according to the common good of all people.¹ Catholic social teaching envisions the common good as the total of the social conditions that enable individual people and whole groups or communities to more fully and readily achieve human fulfillment through the just ordering of society. (GS 26, 74).²

Hollenbach's efforts in trying to bring the idea of the common good back into contemporary discourse and make it usable again would lead to the just ordering of society. We can recall that Leo XIII's *Rerum Novarum* was the first encyclical of modern Catholic social teaching that took up the theme of a just ordering of society. The context for his reflection was the exploitation of workers during the Industrial Revolution. He provided a vision of society that would thrive on a humane understanding of work, the right to own property, the dignity of the poor, the rights of the weak, the obligation of the rich, the concept of collaboration and the right to unionize.³

Forty years later, after the Great Depression and economic crisis of 1929, Pius XI in his *Quadragesimo Anno* underscored the need for capital to cooperate with labor and not exploit it (QA 23)⁴. To commemorate the one hundredth anniversary of *Rerum Novarum*, John Paul II wrote *Centesimus Annus* so as to emphasize the need to look at

¹ See Todd David Whitmore, 'Catholic Social Teaching: Starting with the Common Good,' in Living the Catholic Social Tradition. Cases and Commentary, Kathleen Mass Weigert and Alexia K. Kelly (eds.) (New York: Sheed & Ward, 2005), 59.

² Also see the Catechism of the Catholic Church, Nos. 1905- 1912; John XXIII, *Mater et Magistra*; Compendium of the Social Doctrine of the Church, No. 164.

³ See Leo XIII's encyclical, *Rerum Novarum*, "On Capital and Labor," in Human Dignity and the Common Good. The Great Papal Social Encyclicals from Leo XIII to John Paul II, Richard W. Rousseau (ed.) (Westport, Connecticut: Greenwood Press, 2002), 11 – 52.

⁴ *Ibid.*, 78.

the common good with respect to the needs of the whole human race (CA 58)⁵ since the global economy had not met the needs of the poor. Recently, Benedict XVI has renewed the Church's call for society to strive toward the common good, the protection of workers rights and the need to reform global institutions in the wake of the global recession.⁶

One of the fundamental ways in which society can be ordered toward the common good is striving for economic justice. In his reflections, Hollenbach is clear in his assertion that human beings are indeed dependent on each other in regard to achieving the necessities of material and economic well-being. For this reason, he argues that “recovery of an active social commitment to the common good is a critical element in serious efforts to reduce poverty and advance economic justice.”⁷ Hollenbach is an advocate for a renewal of an ethic of the common good in view of the fact that “deep economic and social divisions between suburb and inner city in the United States today are among the principal causes of urban poverty.”⁸ Some people are cut off from the goods available in the larger society. What Hollenbach says of the United States society is true for other societies and economies across the globe. This situation does not lead to economic justice. We dare say that economic justice measures the health of an economy in terms of how the economy affects the quality of life in the community as a whole (EJA Intro. 14).⁹

⁵ Ibid., 457.

⁶ Pope Benedict released his third encyclical *Caritas in Veritate* (Truth in Charity) in July 2009. In this encyclical, he observes that “Besides the good of the individual, there is a good that is linked to living in society, the common good. It is the good of ‘all of us,’ made up of individuals, families and intermediate groups who together constitute society. It is a good that is sought not for its own sake, but for the people who belong to the social community and who can only really and effectively pursue their good within it. To desire the common good and strive towards it is a requirement of justice and charity.” (No. 7) This new encyclical of Benedict XVI can be seen as a social encyclical that puts development of the person at the center of wide-ranging issues, such as globalization, the global financial crisis, education, technology and ecological health. The full text of *Caritas in Veritate* can be accessed online at the Holy See's website, www.vatican.va. (accessed on Aug. 3, 2009).

⁷ See David Hollenbach, *The Common Good and Christian Ethics*, 173.

⁸ Ibid., 174.

⁹ US Bishops “Economic Justice For All,” in *Catholic Social Thought: The Documentary Heritage*, 574.

The ordered economy is measured and shaped by three questions?: What does the economy do *for* people? What does it do *to* people? And how do *people* participate in it (EJA 1)?¹⁰

The global society would be well off if it were to embrace the reflections of Hollenbach in ordering society according to economic justice. The world's resources should be shared equitably, that the rights of workers ought to be respected and that economic decisions should take into consideration the common good. How can we build a just global society where the rich gets richer and the poor gets poorer? How can we resolve some of the pertinent global issues like injustices, unfair trade, violence and conflicts among nations and the extreme forms of human rights violations such as ethnic cleansing and genocide? What about the issues of exploitation and discrimination? What is our response to the issue of global hunger¹¹ and repressive governments? There can be no human rights in the face of poverty, inequality and economic servitude.

The reflections of Hollenbach are relevant to the global society where there is greed and exploitation. We will always remember the summer and fall of 2008, when almost the entire economy of the United States collapsed, with repercussions around the whole world. Mortgage and lending institutions like Fannie Mae and the Lehman

¹⁰ Ibid., 572. The Bishops pastoral letter underscores the need to assess what impact the economy has on the people especially the poor and the vulnerable.

¹¹ The seriousness of the global food crisis can be seen in a world Food Program Source released in 2008 that in the world, 845 million people do not have enough food to eat, 146 million children in developing countries are underweight, 10.9 million children under the age of 5 die in developing countries each year. Malnutrition and hunger-related diseases cause 60 percent of deaths and 60 percent of the world's chronically hungry are women. These staggering figures prompted the U.N. Food and Agriculture Organization to convey a Summit of world leaders to address the Global Food Crisis at Rome in May of 2008. 50 Heads of State and representatives from 180 governments attended the Summit. A recent United States Food and Agriculture report shows that more than a billion people worldwide are now hungry, a historic high due largely to the global economic crisis and stubbornly high prices. \$2 a day or less is the income that one out of six humans live on. \$ 6 billion is the amount that the World Food Program says it will need this year, 2009. \$1billion more is needed than in 2008 to feed the growing demand around the globe. 0.7% is the percentage of funds that the World Bank has asked developed countries to set aside as Stimulus funds for vulnerable countries. See *Our Sunday Visitor*, July 5, 2009, 3.

Brothers¹² had to declare bankruptcy. Many editorials in newspapers and articles in magazines had pointed out the chief cause of this collapse: greed. Unbridled greed led many people who were experts to make decisions that their training and expertise told them were unwise and dangerous.

The rich and the powerful that are in the minority continue to get richer at the expense of the poor. What becomes of the marginalized who are unable to contribute to the socio-economic development of society? How do we respond to situations where a few participate or have a say in how the majority are governed? Hollenbach's three strategic principles in his Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition can be very helpful in building a better and just global society than what we have today. He maintains that “the needs of the poor take priority over the wants of the rich,” “the freedom of the dominated takes priority over the liberty of the powerful,” “the participation of the marginalized groups takes priority over an order which excludes them.”¹³

In chapter 1 of our work, we did highlight how in many countries of the world, the ordering of society toward the common good is yet to be attained. We did mention that in Latin American countries like Uruguay, Argentina, Paraguay, Chile and Peru, many citizens have had their political, civil and economic rights violated. The unjust economic and political structures have to be transformed in these countries. In an attempt to meet the demands of the common good, people's lifestyles, government policies, and

¹² There were several other banking institutions that folded up because of the economic crisis. The government of the United States had to come to the aid of millions of people who had made unwise and imprudent investments in real estate.

¹³ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 203 – 207.

social institutions that tend to negatively affect the poor are challenged.¹⁴ In African countries like Zimbabwe, Kenya, Sudan and the Democratic Republic of Congo, where there have been cases of corruption, intimidation and human rights violation, the ordering of society toward the common good would be a necessary prescription that would transform these countries toward the path of sanity and economic advancement. In Asian countries like Thailand where cases of human trafficking abound, Cambodia and Indonesia where we have the infringements on freedom of expression and religious freedom and China's human rights abuses can be a thing of the past if their governments would seek to know that what society is supposed to be about is serving the common good. Benedict XVI so forcefully underscored this point in his latest encyclical, *Caritas in Veritate*.

In calling for the ordering of society toward the common good, Hollenbach seeks to propose the forming of a community built on an ethic of responsibility. Living in a world that has given in to a culture of irresponsibility and greed, a world that is plagued by endemic corruption, Hollenbach's call for the ordering of society toward the common good could be the way forward. The politics of exclusion and xenophobia are partly responsible for the conflicts in some parts of the world. It led to the conflict and genocide in Rwanda and the West African sub-region countries like Liberia, Sierra Leone, Liberia, Cote D'Ivoire and Togo. When people are excluded from the political or decision making systems of their country, they will become aggrieved and resort to violence as a last resort. Hollenbach's writings and Catholic social teaching seek the transformation of policies and systems created by individual and collective acts of selfishness and greed,

¹⁴ See "Economic Justice For All," A Pastoral Letter on Catholic Social Teaching and the U.S. Economy, No. 16 in Catholic Social Thought: The Documentary Heritage, 581 – 582.

that become institutionalized in society and contribute to corruption, underdevelopment and an affront to human dignity and the poor.¹⁵ In assessing social structures in light of the common good, the United States Bishops submitted, “Decisions must be judged in light of what they do *for* the poor, what they do *to* the poor, and what they enable the poor to do *for* themselves.”¹⁶ Hence, the common good should lead us to acknowledge that a basic moral test of a society is how we treat the most vulnerable.

5.1.2 *The Common Good and Global Warming*

When we come to admit that human rights are related to the common good, then in Hollenbach’s view an issue like the common good and global warming or climate change is deeply connected to human rights.¹⁷ He is convinced that the common good requires that we find ways to prevent forms of global warming that leads to whole cities being submerged under water like it happened in New Orleans with Hurricane Katrina in 2005, or in certain parts of the world. A commitment to the common good should motivate us to care for creation and the environment.¹⁸ Hollenbach asserts that “environmental degradation is a serious transnational threat as well as a local and regional one.”¹⁹

¹⁵ See John Paul II’s encyclical “*Sollicitudo Rei Socialis*,” on “Social Concern,” No. 36 in Catholic Social Thought: The Documentary Heritage, 419. In this paragraph, John Paul II speaks of the sum total of the negative factors that work against the realization of the common good. He mentions the “structures of sin” in the world that impede development.

¹⁶ See “Economic Justice For All,” No. 24 in Catholic Social Thought: The Documentary Heritage, 583. The Bishops did state that the fundamental moral criterion for all economic decisions, policies, and institutions is this: They must be at the service of *all people*, especially the poor.

¹⁷ David Hollenbach, Interview, March 26, 2009 at Pittsburgh.

¹⁸ John Paul II, The Ecological Crisis: A Common Responsibility (Washington, D.C.: United States Conference of Catholic Bishops, 1990), 16.

¹⁹ David Hollenbach, The Common Good and Christian Ethics, 215.

As Daniel Groody rightly points out, Catholic social teaching has taken on board not only the issues of human environment with regard to the family and the ordering of society, but to a large extent also, issues of the natural environment that pertain to the care of the earth.²⁰ There is the need for us to be conscious of the way we treat the environment. Catholic social teaching speaks of ecological stewardship as “the ability to exercise moral responsibility to care for the environment,”²¹ and it involves protecting the environment and using resources wisely so that we can make use of what we need today while safeguarding the rest for future generations. The notion of ecological stewardship involves protecting what we have today in solidarity preserving enough for succeeding generations.²²

According to many environmentalists and scientists, the earth is in the midst of a rapid warming trend, its average temperature having climbed twice as rapidly in the past fifty years as it had in the previous century. An increase in carbon dioxide in the atmosphere, they say, contributes to this development, which has already caused a rise in sea level, a decrease in snowfall, melting of glaciers, and an Arctic region less frigid than before.²³ The observations provided from a United Nations fact sheet that was produced

²⁰ See Daniel G. Groody, Globalization, Spirituality, and Justice (Maryknoll, New York: Orbis Books, 2007), 117. This book is a great resource on the relationship between globalization and justice. The author explores the issues of poverty, justice, and spirituality and how papal teaching can enlighten the reader in our contemporary world to take action in the struggle for justice and peace.

²¹ John Paul II, The Ecological Crisis: A Common Responsibility, 16.

²² United States Conference of Catholic Bishops, Global Climate Change: A Plea for Dialogue, Prudence and the Common Good (Washington D.C.: United States Conference of Catholic Bishops, 2001), 3.

²³ Notable among the reports that have come out on global warming are that of the World Meteorological Organization and the United Nations Environment Program Group of Scientists known as the Intergovernmental Panel on Climate Change (IPCC). Their focus was to seek an explanation of the causes and possible impacts of global climate change. Among their reports are: Climate Change 1995: The Science of Climate Change. Contribution of Working Group I to the Second Assessment Report of the Intergovernmental Panel on Climate Change, J. T. Houghton, L. G. Meira Filho, B. A. Callander, N. Harris, A. Kattenberg and K. Maskell (eds.) (Cambridge and New York: Cambridge University Press, 1996); Climate Change 1995: Impacts, Adaptations and Mitigation of Climate Change: Scientific- Technical Analysis. Contribution of Working Group II to the Second Assessment Report of the Intergovernmental

in the fall of 2007 form the basis of what generally is called “climate change” or “global warming.” This trend it is feared will have dire consequences for life on earth should it continue unmitigated.²⁴

A commitment to the common good must inspire renewed efforts in addressing the issue of global warming. As Hollenbach submits, “the environmental well – being of every country is linked with that of most or even all other countries to a significant degree.”²⁵ He is right in making this assertion since carbon emissions from the burning of fossil fuels in developed countries like the United States or China as well as the cutting of trees in the rain forests of tropical regions of developing countries like Ghana or Papua New Guinea both seriously threaten to change the climate of the world. Furthermore, the U.S. bishops statement on global climate change affirms the position of Hollenbach when they noted that the “melting of ice sheets and glaciers, the destruction of rain forests, and the pollution of water in one place can have environmental impacts elsewhere.”²⁶ John Paul II also cautioned all nations of the world when he said, “we cannot interfere in one

Panel on Climate Change, R.T. Watson, M.C. Zinyowera and R. H. Moss (eds.) (Cambridge and New York: Cambridge University Press, 1996); Climate Change 1995: Economic and Social Dimensions of Climate Change. Contribution of Working Group III to the Second Assessment Report of the Intergovernmental Panel on Climate Change, J.P. Bruce, Hoesend Kee and E.F. Haites (eds.) (Cambridge and New York: Cambridge University Press, 1996); The IPCC Second Assessment Synthesis of Scientific-Technical Information Relevant to Interpreting Article 2 of the U. N. Framework Convention on Climate Change (Geneva: World Meteorological Organization / United Nations Environment Programme, 1996); Climate Change 2001: The Scientific Basis, J.T. Houghton, Y. Ding, D. J. Griggs, M. Noguer, P. Van Linden, X. Dai, K. Maskell and C. Johnson (eds.) (Cambridge and New York: Cambridge University Press, 2001); Climate Change 2001: Impacts, Adaptations and Vulnerability, J. McCarthy, O. Canziani, N. Leary, D. Dokken and K. White (eds.) (Cambridge and New York: Cambridge University Press, 2001); Climate Change 2001: Mitigation, O. Davidson, B. Metz, R. Swart and J. Pan (eds.) (Cambridge and New York: Cambridge University Press, 2001).

²⁴ The long –term effects of global warming are that, temperature and weather patterns are expected to tend towards extremes, more devastating droughts, deadlier heat waves, more powerful storms and shrinking supplies of fresh water due to adverse changes in rainfall and evaporation. Entire species could be wiped out unless they migrate successfully in search of a more favorable climate. The human cost could be unimaginable, with widespread famine, natural disasters and armed conflict over diminishing natural resources potentially exacting a heavy toll.

²⁵ See David Hollenbach, The Common Good and Christian Ethics, 215 – 216.

²⁶ See, United States Conference of Catholic Bishops, Global Climate Change: A Plea for Dialogue, Prudence and the Common Good, 8.

area of the ecosystem without paying due attention both to the consequences of such interference in other areas and to the well being of future generations.”²⁷ There is no doubt that there is a strong connection between human activity and climate change.

In drawing on the writings of Hollenbach, we come to understand the call for environmental protection as an issue with serious international implications. We can look beyond how the environment impacts our own countries and to understand the needs of those who are affected by climate change and other environmental concerns in poorer countries, who are often the most affected. John Paul once alerted that we have reached a “critical point” with the environment.²⁸ The decisions we take regarding our care of the environment has led to the contamination of the earth through air, water, and ozone layer (in the Industrialized Countries of the world), the destruction of rain forests, deforestation and the depletion or near exhaustion of nonrenewable resources (in the developing nations) are a threat to the human family. Hence, as Groody notes, “it is sobering to consider that if the environment goes, nothing else will matter, for we will no longer be a global home in which human life can survive.”²⁹

5.1.3 Approaches to the Common Good and Global Warming

The concept to the common good is very essential to any social theory that seeks to provide knowledge on society and human flourishing. Traditionally, the common good has been explained in Catholic teaching through the method of natural law philosophy. It must be stated that the communitarian character of human existence means that the good

²⁷ John Paul II, *The Ecological Crisis: A Common Responsibility*, No.6.

²⁸ John Paul II, “Address of John Paul II to Conference on Environment and Health,” March 24, 1997 (L’Osservatore Romano, English Edition, April 9, 1997), 2.

²⁹ Daniel G. Groody, *Globalization, Spirituality, and Justice*, 117.

of each person is bounded up with the good of the good of the community. As Hollenbach argues, “the common good is a social reality in which all persons should share through their participation in it.”³⁰ This understanding of the common good as given by Hollenbach, does influence one particular approach to the common good – the personalist approach. This personalism approach contends that “the human person possesses a dignity which cannot be reduced or denied in the name of some collective good.”³¹ Personalism also argues that “the goal of society is to develop and enrich the individual person.”³²

The other approach to the common good is the liberal individualism that sees society as merely the interplay (contractual or coerced) of individual interests. This liberal approach to the common good tends to subordinate the human being to the collectivity. An understanding of the common good as “the arithmetic aggregate of individual goods suggested by the utilitarian formula “the greatest good for the greatest number,”³³ does lead to the liberal approach to the common good. This liberal approach to the common good could lead to the exclusion of some persons from participation in the life of society. Hence one can say that this approach to the common good fails to “acknowledge that social life is constitutive of the human person resulting in the neglect of important social institutions.”³⁴

When the common good is destined as “the sum total of conditions of social living, whereby persons are enabled more fully and readily to achieve their own

³⁰ See David Hollenbach, “Common Good,” in The New Dictionary of Catholic Social Thought Judith A. Dwyer (ed.) (Collegeville, Minn.: Liturgical Press, 1994), 192- 193.

³¹ See Michael Himes and Kenneth Himes, Fullness of Faith: The Public Significance of Theology (New York: Paulist Press, 1993), 38.

³² Ibid.

³³ See David Hollenbach, “Common Good,” in The New Dictionary of Catholic Social Thought, 193.

³⁴ Michael Himes and Kenneth Himes, Fullness of Faith: The Public Significance of Theology, 36.

perfection”³⁵ and further that “it is agreed that in our time the common good is chiefly guaranteed when personal rights and duties are maintained”³⁶ we discover that the emphasis is on how individual persons become better off with the promotion of the common good. The idea of rights is considered the most fundamental demands of the common good. Hence the duty to promote the common good, involves a dedication to promote and protect the rights of all. The communitarian outlook and optimism regarding the person’s ability to act on motives other than self- interest means that “in creating a social order, institutions can count on human dispositions toward co-operation and self-giving, not just competition”³⁷ in achieving the common good. In fact as Hollenbach submits, “commitment to the common good rejects the individualistic presuppositions of that form of liberal thought rooted in the Enlightenment notion of human autonomy.”³⁸

The two approaches to the common good can be considered as moving in the extremes of both individualism and collectivism (the liberal approach and the communitarian approach) without due recognition of the concept of solidarity. Recent Catholic discussions of the common good stand opposed to the extremes of the two approaches discussed above. The notion of solidarity described by Hollenbach as “commitment to community” is very essential in any approach to the common good. In Hollenbach’s opinion, solidarity is “directly opposed to some classical liberal understandings of freedom as absence of the constrains entailed by communal responsibility.”³⁹ He sees community and solidarity, freedom and dignity of each person as very important components in any discussion of the common good and so he

³⁵ See MM 65; GS 26, in *Catholic Social Thought: The Documentary Heritage*, 94; 181.

³⁶ See PT 60; in *Catholic Social Thought: The Documentary Heritage*, 141.

³⁷ See Michael Himes and Kenneth Himes, *Fullness of Faith: The Public Significance of Theology*, 36.

³⁸ See David Hollenbach, “Common Good,” in *The New Dictionary of Catholic Social Thought*, 193.

³⁹ *Ibid.*

incorporates these concepts in his reflections on the common good. This way, he overcomes the extremes of both individualism and collectivism and this makes his work very distinct from others. The social nature of the person for him is a biblical and philosophical image that demonstrates the fact that individual persons can only achieve their destiny together in community. Envisioning the full common good as existing only in the communion of all persons with God and with each other in God, Hollenbach calls for a “rejection of any theory that makes the good of the *polis* the highest good or that grants absolute sovereignty to the states.”⁴⁰

With regard to global warming, there are those who approach the phenomenon from the scientific perspective asserting that human behavior and activity are contributing to a warming of the earth’s climate.⁴¹ This scientific research and the conclusions of the Intergovernmental Panel on Climate Change (IPCC) have led some governments across the globe to take up the challenge to invest money and implement policies to try to reduce global warming. Al Gore, a former vice president of the United States and the members of the Intergovernmental Panel on Climate Change were jointly awarded the Nobel Peace Prize in 2007 in recognition of their efforts in raising awareness about the impact of global warming on the environment.

There are others who envision the phenomenon of global warming in the context of our respect for God’s creation. Those from this camp⁴² consider global warming as an

⁴⁰ Ibid., 195.

⁴¹ See the Report of the International Panel on Climate Change (IPCC) Climate Change 1995: The Science of Climate Change. Contribution of Working Group I to the Second Assessment Report of the Intergovernmental Panel on Climate Change, J. T. Houghton, L. G. Meira Filho, B. A. Callander, N. Harris, A. Kattenberg, and K. Maskell (eds.) (Cambridge, New York: Cambridge University Press, 1996).

⁴² See Daniel G. Groody, Globalization, Spirituality, and Justice (Maryknoll, New York: Orbis Books, 2007); Catholic Bishops of the United States, A Statement of the U. S. Catholic Bishops’ Global Climate Change: A Plea for Dialogue, Prudence and the Common Good; John Paul II, *Centesimus Annus* No. 40;

issue that borders on the future of God's creation and the one human family than about economic theory or political platforms. This approach to global warming points to the ability to exercise moral responsibility to the care of the environment. This approach further espouses our stewardship of the environment by way of protecting and safeguarding the resources of the world for future generation. This approach to global warming alerts us to the consequences of our irresponsible use of the earth's resources and how our current course of action and inaction have resulted in the contamination of the environment, the erosion of the ozone layer and the destruction of rain forests. This approach alerts us to the communion we are to have with the earth and the environment. This vision of communion seeks to challenge "an approach to nature that exploits it and dominates it for human use alone."⁴³

In Hollenbach's opinion since human beings are simultaneously individuals and participants in the common good of the civil community, they ought to seek not only their own individual good but also the larger good of the community. He sees a close link between communitarian and ecological principles as does Philip Selznick who asserts that "the latter encourage appreciation for diverse populations and shared habitats; for the mutual adaptation of all elements, organic and inorganic; the fragility of ecosystems. Both resist the exploitation of resources by heedless humans pursuing short-term satisfactions."⁴⁴ Communitarians espouse a theory that looks out for bonds of interdependence and opportunities for cooperation between different people in society as opposed to the individualistic approach to life as proposed by liberalism.

David Hollenbach, Common Good and Christian Ethics, 215- 220; Compendium of the Social Doctrine of the Catholic Church, No. 466.

⁴³ See Judith A. Merkle, From the Heart of the Church. The Catholic Social Tradition, 48.

⁴⁴ See Philip Selznick, The Communitarian Persuasion, 66.

Ecological awareness for Hollenbach calls for prudent use of social capital in human communities that would enhance the well-being of the individuals we care about. He calls attention to life-enhancing ways of overcoming destructive divisions, living within and protecting a distinctive habitat or environment. Linking the concept of the common good to global warming, he calls attention to a stance that can be called cosmopolitan in which “the focus of concern is not limited to the well-being of fellow citizens of a nation-state”⁴⁵ but to the global community. This vision of interdependence transcends the concept of cosmopolitanism as conceived by the Stoics and Kant.⁴⁶

From the foregoing discussion, we dare say that even though many writers like John Paul II, Daniel Groody, the United States Catholic Bishops Conference, Philip Selznick have made a call for the care and protection of the environment, Hollenbach has pushed the agenda further by linking the issue of global warming with the common good and human rights. He has called for a cosmopolitan approach that goes beyond seeking the well being of nation state to the well being of the international community. His approach is distinct in that by alerting us to the issue of global warming, he seeks to be a voice of resistance to policies that are careless of the quality of life, indifferent to supportive environments, unmoved by the need for a wider understanding of our interdependent lives.

⁴⁵ See David Hollenbach, Common Good and Christian Ethics, 217.

⁴⁶ For an excellent discussion of this idea of cosmopolitanism as found among the Stoics and Kant, one can read Martha Nussbaum’s *Cultivating Humanity*, chapter 2, “Citizens of the World,” Nussbaum, “Patriotism and Cosmopolitanism,” in Joshua Cohen, (ed.) For Love of Country: Debating the Limits of Patriotism (Boston: Beacon Press, 1996), 2 – 17; R. J. Vincent, Human Rights and International Relations (Cambridge: Cambridge University Press, 1986), 118- 123.

5.1.4 *Challenges to the Ordering of Society towards the Common Good*

Even though the concept of the common good provides a moral vision for the just ordering of society and action, it has its own challenges as communities try to fashion societies inspired by the common good. The concept has “grounded a universalizing and ameliorative view of human relations and social structures.”⁴⁷ The concept also has the benefit of providing an “optimistic view of the possibility of benign and accountable government- distributing goods, ensuring participation, and mediating conflicts among members of communities from the local to the global.”⁴⁸ The notion of the common good has always taken into consideration the needs and goods of human persons and benefited from the social relationships that promote human welfare. This concept has also given rise to the notion of accountability, subsidiarity and participation.

However in our era of globalization, one of the challenges that confront societies with regard to the common good is “the public and practical perception of who takes care of the common good, by what authority and with what means.”⁴⁹ In time past, the care of the common good was entrusted to the emperor, monarch, or local leaders who single handedly fashioned out a way of working for the common good. In our current age of globalization, this centralized view of authority has given way to a decentralized authority where many people come together to work for the common good. Hence as Cahill asserts, our age of globalization “has displaced the idealized view of authority as consisting precisely in an office of care for the common good and replaced it with a

⁴⁷ See, Lisa Sowle Cahill, “Globalization and the Common Good,” in Globalization and Catholic Social Thought. Present Crisis. Future Hope John A. Coleman and William F. Ryan (eds.) (Maryknoll, New York: Orbis Books, 2005), 42.

⁴⁸ Ibid.

⁴⁹ Ibid., 44.

realistic reading of authority as power propelled by self-interest.”⁵⁰ This has resulted in a “lack of trust in national officials, elected or not, to work for the common good and a lack of confidence in international institutions and to be able to accomplish the common good even if they intend to do so.”⁵¹

In ordering society toward the common good, one challenge that many societies or countries around the globe face is the substance or what constitutes the common good? What is the content of the common good? As Lisa Cahill rightly points out, “is there a global basis from which to define human needs, goods, and obligations, and to arrive at a substantive view of the common good or good society”?⁵² In our modern day, considering the cultural pluralism in many nations, it becomes difficult in holding out one notion of the nature and goods that can be developed for a particular country left alone be applied to the whole world. Hollenbach acknowledges this challenge when he asserts that, “the issue we face is whether it is reasonable to hope that adherents of different religions and cultural traditions can identify aspects of the good life that are common to the lives of all human beings. If that hope can be sustained, pursuit of the common good will remain a possibility.”⁵³ We cannot overlook the religious and cultural differences of our modern day societies for “denial of differences can lead to the colonization of a culture and its imagination. Denial of similarities promotes an anomic situation where no

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid., 45. Hollenbach sees this as one of the questions we need to address as we seek to move toward moral consensus on the human rights ethics. He questions what are the goods to which people have a legitimate claim to and that others are responsible to provide for them. This question can be framed negatively: What are the harms that people have a legitimate claim not to have inflicted upon them and that others are responsible to avoid inflicting? See his work, *The Global Face of Public Faith*, 243.

⁵³ See David Hollenbach, *The Common Good and Christian Ethics*, 13. Hollenbach cautions on the other hand that if we should give up the pursuit of working out aspects of the good life that can be acceptable to people of different religious and cultural traditions then all we can achieve is irreconcilable differences. This will not augur well for the establishment of a just and humane society that all people can be proud of.

dialogue appears possible and only power will prevail.”⁵⁴ When we fail in our pursuit of discovering what aspects of the good life are common to all people, we cannot order society toward that good which would lead to the construction of a just and humane society. To abandon the idea of identifying the aspects of the good life that are common to all people would lead to a profound conflict and the violations of the rights of people.

What then must be the approach in defining the content of the common good? It must be inductive and dialogical. As Lisa Cahill proposes, “it must seek a better comprehension of human goods, the priorities among them, the routes of fair access to them, and resolution of conflict situations by means of an interaction among different cultural perspectives.”⁵⁵ This approach must not just be theoretical or intellectual, but also practical in that it evolves from the sense of commitment to address and resolve issues that plague local communities, ethnic groups, nations, or humanity as a whole. This approach is employed in the workings of the National Truth Commissions that have been established in some countries where human rights abuses have taken place like Chile, El Salvador, South Africa and in Ghana (The National Reconciliation Commission). Hollenbach defines this approach or process as “dialogic universalism.”⁵⁶

The second challenge is the issue of having socio political structures or governments that will implement the common good. This challenge concerns the practical means to achieve the common good. From our presentation on the state of human rights in the world in chapter 1, one can see that not all forms of global civil

⁵⁴ Robert J. Schreiter, The New Catholicity: Theology between the Global and the Local (Maryknoll, New York: Orbis Books, 1997), 43.

⁵⁵ Lisa Sowle Cahill, “Globalization and the Common Good,” in Globalization and Catholic Social Thought. Present Crisis, Future Hope, 48.

⁵⁶ See David Hollenbach, The Common Good and Christian Ethics, 152- 159. Also see his work The Global Face of Public Faith, 10- 11, 239- 249. Hollenbach also calls for the forging of “intellectual solidarity.”

societies work for the common good. Some governments across the globe are seen as repressive and corrupt. The rights to freedom of religion, speech, assembly, to secure property and to the due process of law are not existent in every country across the globe. These rights are the foundation in the freedom of the individual person and “to attack or restrict these fundamental rights is to attack individual liberty.”⁵⁷ As we did reveal in chapter 1, some governments and their agencies are the greatest abusers of human rights and this makes it very difficult to count on them (governments) to act when it comes to working for the common good.

The emergence of a new global order does provide the opportunity for the implementation of the common good across the globe especially in countries and societies where governments tend to exploit their citizens instead of attending to their basic needs. Lisa Cahill is optimistic that consensus “can emerge around “widely shared human values,” values that can be implemented through new forms of agency and “globalization from below.”⁵⁸ The global community and transnational and international action groups⁵⁹ have worked and continue to work for the common good in many countries across the globe. They have been able to bring about social change and

⁵⁷ See David Hollenbach, Claims in Conflict, 13.

⁵⁸ Lisa Cahill, “Globalization and the Common Good,” in Globalization and Catholic Social Thought. Present Crisis, Future Hope, 49.

⁵⁹ The International community and other advocacy groups are doing a wonderful work in trying to establish a just and humane world society by calling on individual governments to attend to the basic needs of their people. Some of the International institutions are the International Monetary Fund, World Bank, World Health Organization and the United Nations. Some of the advocacy groups are the Catholic Charities U.S.A; The Jesuit Social Missions, Campaign for Human Development, Human Rights Watch , Pax Christi, NETWORK, Caritas International, Trocaire and Manos Unidas. One can consult the work of Kristin E. Heyer, Prophetic and Public. The Social Witness of U.S. Catholicism, especially chapter 4 for an excellent presentation on “Catholic political Advocacy in the Contemporary U.S. Context,” 119- 175; Edward L. Cleary, The Struggle for Human Rights in Latin America (Westport: Connecticut, 1997), chapter 6, on “Transnational Networking for Human Rights Protection,” 115- 130; Margaret Keck and Kathryn Sikkink, “Transnational Issue Networks in International Politics,” paper for Latin American Studies Association (LASA) International Congress, Sept. 1995; Human Rights NGOS in East Africa: Political and Normative Tensions, Makau Mutua (ed.) (Philadelphia: University of Pennsylvania Press, 2009).

transformation in many countries. Hollenbach acknowledges that there has been a great increase in the number of transnational organizations over the past several decades who are involved in the public sphere of civil society.⁶⁰ But we dare say that their work have not been without opposition from governments and their agents that were supposed in the first place to work for the good of their people. These groups have improved the situation for women's rights, indigenous rights, labor rights and human rights as well as for the environment.⁶¹ These transnational advocacy networks empower the local citizens who work from the grassroots in effecting change and transformation in their societies. These transformations do have a positive effect on international institutions and have helped in policy formation that changes the conditions of the local people. This dynamic is reflected well in Catholic social thought in the principle of subsidiarity. Hollenbach envisions this principle as reflecting the limits of government and as implying that "civil society" is the soil in which the seeds of human sociality grow. The subsidiarity of local communities and associations is necessary to "the common good of participatory government."⁶²

The third challenge to the implementation of the common good in various societies of the world is the lack of genuine commitment to the common good, in contrast to self-interest. One would question if there is indeed a moral will to implement the common good in our societies. The picture we see starring at us with the present state of human rights in the world makes it very difficult to answer in the affirmative that there is

⁶⁰ David Hollenbach, The Common Good and Christian Ethics, 238. Hollenbach asserts that there was a profound increase in the number of international NGO's from 1,000 to 5,000 over the second half of the twentieth century.

⁶¹ Lisa Cahill, "Globalization and the Common Good," in Globalization and Catholic Social Thought. Present Crisis, Future Hope, 50.

⁶² David Hollenbach, The Common Good and Christian Ethics, 102.

a genuine commitment to the common good. For Lisa Cahill, the way forward to enhance the moral will to change for the better, to implement the common good is “to advance a worldview rooted in Christian symbols and narratives – such as image of God, brotherhood of Christians and hospitality to the stranger.”⁶³ She further advocates that in a religiously pluralistic society, we will need to connect these images to expressions that would be acceptable to nonbelievers like solidarity, preferential option for the poor and social mortgage on property.”⁶⁴

These proposals of Cahill in instilling the moral will to implement the common good can be well received by people of different faiths in that the expressions she offers – solidarity, preferential option for the poor and social mortgage on property are expressions that could be accommodated by many societies or countries of the world. As she rightly acknowledges, even though religious discoveries are not “uniform because they are rooted in specific cultural and social contexts, yet religions share a drive toward coherence, contain prophetic elements that resist exploitation of the powerless, and set human projects against the horizon of transcendent meaning.”⁶⁵

5.1.5 Challenges to the Common Good and Global Warming

The issue (debate) on the common good and global warming is mired in rifts, tensions, confusion and often, inaction. As the U.S Bishops stated in their Statement on Global Climate Change, much of the debate on global climate change seems polarized

⁶³ Lisa Cahill, “Globalization and the Common Good,” in Globalization and Catholic Social Thought. Present Crisis, Future Hope, 50.

⁶⁴ Ibid.

⁶⁵ Ibid., 51.

and partisan.⁶⁶ The scientific community has been divided over the climate-change debate with some scientists claiming that periodic climate change is part of a natural cycle influenced by factors such as solar radiation, sunspots, volcanic activity and variations in the earth's orbit and rotation.

We need to understand that the issue of the common good and global warming, the protection of the environment and development cannot be helped by economics, science or politics alone. There are moral, and ethical considerations to be taken into account. As the U.S. Bishops pointed out in their Statement, the global warming issue is not just about economic theory or political platforms but it also involves “the future of God’s creation and the one human family. It is about protecting both “the human environment” and the natural environment.”⁶⁷ Policymakers would have to avoid the two extremes of either seeing the human person almost as evil and destroying a beautiful planet or considering development and technology as the saviors of the world. Christian values seen in “the virtue of prudence, the pursuit of the common good and protection of the poor” are important contributions to the global warming debate and should be at the heart of policies aimed at addressing global warming.

The ecological problem is related to the problem of consumerism that is the attitude of misusing the resources of the earth in an excessive way. John Paul II noted that “equally worrying is the ecological question which accompanies the problem of consumerism and which is closely connected to it. In his desire to have and to enjoy rather than to be grown, man consumes the resources of the earth and his own life in an

⁶⁶ United States Conference of Catholic Bishops, Global Climate Change: A Plea for Dialogue, Prudence and the Common Good, 1.

⁶⁷ Ibid.

excessive and disordered way.”⁶⁸ When 5 percent of the world’s population gobbles up 20 percent of the world’s resources, lifestyle changes are important. Benedict XVI in his encyclical, *Caritas in Veritate* underscores this point when he states that, “the way humanity treats the environment influences the way it treats itself, and vice versa. This invites contemporary society to a serious review of lifestyle, which, in many parts of the world, is prone to hedonism and consumerism, regardless of their harmful consequences.”⁶⁹

Industrialization has also led to consumption patterns that are not ecologically friendly and sustainable. There is the need to find models of production and consumption that respect the environment and creation. This task calls for a spirit of sacrifice, restraint, moderation, promotion of the common good and an option for the poor. But the question is, are the various societies of the world committed to the common good, global warming and environmental protection? How many governments across the globe have taken seriously the issue of global warming and committed resources to research and monitored this phenomenon?

Hollenbach’s reflections and the Catholic Church’s involvement in the issue of global warming could have a significant impact on how the debate is shaped. The Church’s approach to the problem of global warming is “from the bottom up” – having people’s basic needs shape the nature of policy. The Church has the potential to bring her vast tradition (that of God asking people to be stewards of creation) to shed light on the debate. It was the experience of social injustice during the nineteenth century that created

⁶⁸ See John Paul II, *Centesimus Annus*, No. 37 in Catholic Social Thought. The Documentary Heritage, 467.

⁶⁹ Benedict XVI, *Caritas in Veritate*, No. 51. Online at the Holy See’s Website, www.vatican.va. (accessed on August 3, 2009).

the social dimension of human rights (solidarity). So if in the twenty first century, we face environmental injustice with its far-reaching threats then it is about time we accept the ecological dimension of human rights and find ways of correcting these ecological injustices.

5.2 Humanitarian Crises, Refugees and Human Rights

Hollenbach in his writings has devoted much attention to the plight of refugees, humanitarian crises around the globe and the challenge they pose in our globalizing world.⁷⁰ The seriousness of the issue is that there are over thirty-three million refugees and internally displaced people in the world today.⁷¹ Hollenbach asserts that the Universal Declaration of human rights in 1948 was a response “to the genocidal extermination of the Jewish people attempted by the Nazi’s and the destruction and displacement caused by World War II itself.”⁷² However, in Hollenbach’s view, and we tend to agree with him, “refugees and internally displaced people, however, are

⁷⁰ See his edited work, Refugee Rights, Ethics, Advocacy, and Africa (Washington D.C.: Georgetown University Press, 2008). This work describes the plight of refugees in Africa and the challenge they pose to the international community. It seeks to raise awareness about the rights of the victims and how policy toward refugees and displaced persons can be addressed in greater depth. See Hollenbach’s article in this book, “Internally Displaced People, Sovereignty, and the Responsibility to Protect,” 177- 194. Also see his work, The Rights of Refugees in a Globalizing World. Marianist Award Lecture 2008 (Dayton: The University of Dayton, 2009); “Humanitarian Crises, Refugees, and the Transnational Good: Global Challenges and Catholic Social Teaching.” A paper prepared for the Expert Seminar, “Scrutinizing the Signs of the Times and Interpreting Them in Light of the Gospel,” Katholieke Universiteit Leuven Centre for Catholic Social Thought, Leuven, Belgium, September 9- 11, 2004.

⁷¹ See David Hollenbach (ed.) Refugee Rights: Ethics, Advocacy, and Africa, 1. Also United States Committee for Refugees and Immigrants, World Refugee Survey 2006, Key Statistics, Table 1, also available from [http/ www.refugees.org/data/wrs/06/docs/Keystatistics](http://www.refugees.org/data/wrs/06/docs/Keystatistics). Pdf (accessed on September 13, 2009).

⁷² See David Hollenbach, “Human Rights as An Ethical Framework for Advocacy,” in Refugee Rights, Ethics, Advocacy, and Africa, 1.

regrettably often the forgotten victims of human right violation.”⁷³ We shall now consider the current situation of refugees in the world.

5.2.1 The Situation of Refugees in the World

Following World War II, the United Nations recognized the urgency to address the problems of refugees across Europe. In view of this, the U. N. convened a conference in Geneva, Switzerland, on January 1, 1951, at which, “the 1951 United Nations Convention Relating to the Status of Refugees was adopted.”⁷⁴ Refugees are considered by the 1951 *Refugee Convention* as people who have had to abandon their homes due to “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.”⁷⁵ and who may have crossed an international border. These refugees are fleeing persecution by the government of their own country as we see happening in Darfur (Sudan) and not by natural disasters like storms or tsunamis. We do have forced migrants who are considered as people internally displaced within their own countries due to war and conflict (Burundi, Colombia, East Timor, Georgia) or human rights violations, natural (environmental degradation) and man made disasters.

By the end of 2007, the United Nations High Commission for Refugees did estimate that there were a total of 67 million people across the globe who had been

⁷³ Ibid.

⁷⁴ See Jill Schaeffer, *Sanctuary and Asylum: A Handbook of Commitment* (Geneva: World Alliance of Reformed Churches, 1990), 96.

⁷⁵ The 1951 Convention Relating to the Status of Refugees, art. 1. This article states that, For the purpose of the present Convention, the term “refugee” shall apply to any person who: ... owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling ... to return to it.”

displaced from their homes. Among these, there were 16 million refugees, 26 million internally displaced within their own country by war and 25 million displaced by natural disasters.⁷⁶ Hollenbach is of the opinion that “the estimate of 67 million is minimal, for it does not include people displaced by the effects of climate change or development projects, who number in the many millions.”⁷⁷

Hollenbach describes the reality of forced migration and refugee camps in Africa. He writes of his visit to Kakuma Refugee Camp in the Turkana region of northwestern Kenya. There are over 100,000 displaced people at Kakuma camp, the camp the Kenyan government has specified as a refugee camp for those fleeing the Sudan civil war. This camp has been in existence for over twenty years. Hollenbach maintains that the number of people “living there has fluctuated around 100,000, depending on the rise and fall of armed strife in Sudan, Somalia, Ethiopia, Rwanda, and Burundi, countries the refugees have come from.”⁷⁸ These people have been driven to Kakuma Camp due to genocide, ethnic conflict, and the ongoing civil and interstate war with the resultant exploitation of natural resources in the African Great Lakes region.⁷⁹

⁷⁶ See “Guiding Principles on Internal Displacement,” Introduction, Paragraph 1. This is a document that was put together by the Secretary-General’s Special Representative on Internally Displaced Persons (IDP’S) for the United Nations. This document can be viewed on <http://www.reliefweb.int/ocha/ol/pub/idp.html> (downloaded on October 6, 2009).

⁷⁷ See David Hollenbach, *The Rights of Refugees in a Globalizing World*, 7. Also one can read the United Nations High Commissioner for Refugees, 2007 Global Trends: Refugees, Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons, June 2008, 2, available on line at: <http://www.unhcr.org/statistics/STATISTICS/4852366f2.pdf>. (accessed on October 6, 2009).

⁷⁸ David Hollenbach, *The Rights of Refugees in a Globalizing World*, 7.

⁷⁹ See Gabriel Andrew Msoka, *Basic Human Rights and the Humanitarian Crises in Sub-Saharan Africa* (Eugene, OR: Pickwick Publication, 2007). This is an excellent work on the problems of refugees and (humanitarian crises) their basic human rights in the Great Lakes Region of Sub-Saharan Africa. The countries that generate refugees and or Internally Displaced Persons are according to this author Rwanda, Burundi, Democratic Republic of Congo, Uganda, Somalia and Sudan.

The living conditions at Kakuma are nothing to write home about. One of the refugees at the Camp, Abebe Feyissa,⁸⁰ has lived there for seventeen years. He describes the struggles and plight of the refugees in the camp. The sanitary conditions out there are not the best. Disease can easily affect those living there. The children living there and those born in the camp have little access to formal education. They do not have access to jobs so as to make a living. They tend to depend on financial and logistic support from donor agencies. Unfortunately, Abebe cannot return to his home country Ethiopia since his life would be in danger. Hollenbach is quick to point out that long- term displacement like Abebe's is increasingly the norm.⁸¹ He asserts that the average length of displacement for the world's refugees is over 17 years. He supports this point by pointing to the U. N. latest statistics that states that some 5.2 million of the world's refugees have been living in exile for more than five years.⁸²

There are some refugees who are not living in camps but in urban refugee places like Kibera also in Kenya. According to Hollenbach, Kibera is the largest single slum in Africa with over a million people living within its area of about 1.5 square miles.⁸³ The refugees in this area have little access to basic necessities, such as clean water, sewage disposal, or electricity. Hollenbach states that those refugees living in Kibera enjoy more freedom of mobility than those in Kakuma camp. These urban refugees like their

⁸⁰ Abebe Feyissa was born in Ethiopia and attended Addis Ababa University but when war broke out in his home country due to political change, his life was in danger and so he fled to Kenya in 1991. He has lived in the refugee camp for the past seventeen years. He has contributed an article to the book, Refugee Rights: Ethics, Advocacy, and Africa. He provides a picture of the plight and sufferings of refugees in the camp at Kakuma.

⁸¹ David Hollenbach, The Rights of Refugees in a Globalizing World, 9.

⁸² Ibid. Also the United Nations High Commissioner for Refugees, Executive Committee of the High Commissioner's Programme, "Protracted Refugee Situations: Revisiting the Problem," EC/ 59/ sc/ CPR. 13, 2 June 2008. Available online at: <http://www.unhcr.org/excom/EXCOM/484514c12.pdf> (accessed on October 6, 2009).

⁸³ Ibid., 10.

counterparts who live in Kakuma camp are often poor. The sad part is as Hollenbach asserts, they rarely receive international support for the simple reason that they do not fall under the mandate of the U. N. High Commission for Refugees. The question is how do they survive? Do they have to move to the Kakuma camp so as to receive some help from the U. N High Commissioner for Refugees? The United Nations report on refugees did indicate that for the first time in 2008, the majority of the world's refugees lived in urban areas.⁸⁴ Hollenbach adduces that this is due "in part to the displacement of millions of Iraqis from their country to cities like Damascus and Amman."⁸⁵

We need to mention the ongoing and deepening crisis in Darfur with its attendant refugee and humanitarian problems. We did describe the problems going on in Darfur in chapter 1 of our work. For over five years, the black Bantu of Sudan are experiencing deliberate genocide by the government backed *janjaweed* Arab militia through systemic killing, forced removal from homes, rape, internment in government camps and starvation.⁸⁶ In Darfur, more than one million people have been displaced, tens of thousands have died, and the racial conflict which pits Muslim against Muslim in a struggle between "Arab" and "African" has turned into a genocide. Larry Rossin, senior international coordinator for Save Darfur Coalition, a former U.S. ambassador to the Republic of Croatia from 2001- 2003 has described the conflict in Darfur as the "first

⁸⁴ United Nations High Commissioner for Refugees, 2007 Global Trends, Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons, June 2008, 2.

⁸⁵ David Hollenbach, The Rights of Refugees in a Globalizing World, 10.

⁸⁶ One can read the moving account of the situation in Darfur in Eric Reeves' excellent work, A Long Day's Dying: Critical Moments in the Darfur Genocide (Toronto: The Key Publishing House Inc., 2007). Other works by Eric Reeves on Darfur are, "Quantifying Genocide in Darfur: April 28, 2006: Current data for Total Mortality from Violence, Malnutrition, and Disease." In two parts, April 28, 2006 and May 13, 2006, available online at [http:// www.sudanreeves.org/ Article 102. html](http://www.sudanreeves.org/Article%20102.html); [http:// www.sudanreeves.org/sections - article 488 - pl. html](http://www.sudanreeves.org/sections/article488-pl.html) (accessed October 7, 2009). Another important work on the Darfur crisis is Steven Fake and Kevin Funk's The Scramble for Africa. Darfur – Intervention and the USA (Montreal: Black Rose Books, 2009).

genocide in the 21st century.”⁸⁷ Back in 2004, the U. N. called the Darfur crisis the worst humanitarian crisis in the world and expressed fear that it could offset the progress made on bringing peace to Southern Sudan.⁸⁸

In 1993, there was a conflict in Burundi and genocide in Rwanda. Many Burundians lost their lives and many fled the country and a lot more were displaced. In October 2000, there were about 340, 000 Burundians in Tanzania refugee camps, an estimated 170,000 – 200,000 living in Tanzania settlements and about 300,000 who settled in Tanzania villages along the border with Burundi.⁸⁹ Rebel forces and extremists within the Burundian military are alleged to have attacked civilians living in the camps and even humanitarian aid organizations.

Colombia has experienced conflict and many people suffered displacement. Others have fled the country. Estimates of those displaced or those who have fled the country range from 750,000 to a little over two million people since 1995.⁹⁰ Colombians have sought refuge in Venezuela, Ecuador, Panama, and Costa Rica. In addition, Colombians have fled to the United States, where several thousands have filed for and been granted asylum.

In 1999, there was violence in East Timor following a referendum that supported independence. It is estimated that 500,000 (out of the total population of 700,000) were

⁸⁷ Larry Rossin, “Stopping Genocide in Darfur,” a paper presented at the Pittsburgh Darfur Emergency Coalition Lecture, July 19, 2007.

⁸⁸ See U.N Office for the Coordination of Humanitarian Affairs, Mid-Year Review of the Consolidated Appeals (CAP) : Humanitarian Appeal 2004 for Sudan, June 15, 2004, available online at: <http://www.relief.int/w/rwb.nsf/3a8/e21568ec187c1256633003c/c6f/b2383b49cdaa9362c1256eac0057cc7c?OpenDocument> (accessed on October 8, 2009).

⁸⁹ See Susan F. Martin, Patricia Weiss Fagen, Kari Jorgensen, Lydia Mann-Bondat, Andrew Schoenholtz (eds.) *The Uprooted: Improving Humanitarian Responses to Forced Migration* (Lanham, MD.: Lexington Books, 2005), 11.

⁹⁰ See Presidencia de la Republica, Red de Solidaridad Social, PrensaRED, February 13, 2002, 6 cited in *The Uprooted: Improving Humanitarian Responses to Forced Migration*, 13.

displaced in East Timor.⁹¹ About a half of this number were evacuated to refugee camps in West Timor that was under the control of the militias behind the communal violence. Refugees in the camps were vulnerable to protection problems.

Georgia also have a problem on hand as the UNHCR report indicate that a population of about 270,000 are internally displaced due to the conflicts in Abkhazia and South Ossetia. The centers where the displaced people lived were said to be “often overcrowded with very poor sanitation and heating facilities.”⁹² Georgia is also said to have refugees who number about 6,000. This refugee group is said to consist “almost entirely of Chechen nationals who have fled the fighting in Chechnya and who live in the Pankisi Gorge, a region located northeast of Tbilisi.”⁹³ Despite having her own problem with refugees, Georgia, is also the source of refugees for some neighboring regions. Research has revealed that ethnic Ossetians “from the Georgian region of South Ossetia have in many cases sought refuge in the bordering republic of North Ossetia, which is a constituent part of the Russian Federation.”⁹⁴ In August of 2008, Russia invaded Georgia and left in its wake a situation of refugees and displaced persons, especially women and children who lacked basic necessities.

Sri Lanka has experienced tensions that have led to armed conflict, migration and refugee situation. Some scholars have maintained that ‘varying with the intensity of the conflict, between 500,000 and one million people have been displaced within Sri Lanka at any one time.’⁹⁵ It is estimated that in addition to the above figure, more than 100,000

⁹¹ See The Uprooted: Improving Humanitarian Responses to Forced Migration, 14.

⁹² *Ibid.*, 16.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*, 18.

Sri Lankans, mostly Tamil, are refugees in India.⁹⁶ Sri Lankans who have been displaced by the conflict in their country tend to seek asylum in countries like Canada, Switzerland, the United Kingdom and other European countries.

As victims of war and persecution, refugees and IDP's are orphans of the State system and are vulnerable to the deprivation of basic rights such as security, subsistence and liberty of social participation. The most vulnerable persons are children, women, the disabled and the elderly.

5.2.2 Several Different Approaches to the Issue of Refugees

The phenomenon of people trying to escape their home countries in order to seek safety is not new to the twentieth or twenty first century. The idea of giving asylum is very ancient. But the word “refugee” has a more recent coinage. According to Richard Ryscavage, it is only in the “twentieth century that the term began to be applied more generally to a class of people forced to migrate across an international border.”⁹⁷ In Ryscavage’s opinion, the twentieth century did need a word to describe this phenomenon since it was producing the largest numbers of forced migrants in history. In fact he claims that it would not be an exaggeration to describe the last century as the “Century of the Refugee.”⁹⁸

⁹⁶ Ibid.

⁹⁷ See Richard Ryscavage, “Refugees Today: Rescue or Containment?” in Who Are My Sisters and Brothers? Reflections on Understanding And Welcoming Immigrants and Refugees (Washington D.C.: United States Catholic Conference, 1996), 1.

⁹⁸ Ibid. For a good historical presentation on the phenomenon of refugees that lends support to the claim that Ryscavage’s assertion that the twentieth century can be described as the “Century of the Refugee,” one can read Michael Marrus, The Unwanted European Refugees in the Twentieth Century (New York: Oxford Press, 1958).

The 1951 Refugee Conventions definition of who a refugee is points to the fact that the sovereign states as the main subjects of the law while the individuals are seen as mere objects of state policy. Hence international law envisions rights as belonging to states not to individuals. Thus in the most basic document on human rights law, the 1948 Universal Declaration of Human Rights, affirms that everyone has the right “to seek and enjoy asylum.” It must be stated that the Declaration unlike the Refugee Convention is not legally binding. This situation in some way does affect the approach of states to the issue of refugees.

There are those whose work and writings have developed some conceptual paradigms for analyzing the world today.⁹⁹ What these writers have in common is that they provide an “analytic framework based on the decreasing significance and control of the classic nation-state system.”¹⁰⁰ With the absence of this state system what they envision is chaos. This chaos would influence people to try and escape into the calmer protection of the advanced industrial world. The above scenario has given rise to decision and policy makers in the West to respond to the issue of refugees and migrants by advocating for “containment.” This approach sees refugees “not primarily as people in need of rescue, but as potential threats to national peace and security.”¹⁰¹ In employing this approach to the issue of refugees, as Ryscavage rightly points out, humanitarian

⁹⁹ See the work of Robert Kaplan, “The Coming Anarchy,” *The Atlantic Monthly*, February 1994; Samuel Huntington, “The Clash of Civilizations,” *Foreign Affairs*, Summer 1993; Hans Magnus Enzenberger, *Civil War* (London, Granta Books, 1994); Max Singer and Aaron Wildavsky, *The Real World Order: Zones of Peace/ Zones of Turmoil* (Chatham, New Jersey: Chatham House Publishers, 1993).

¹⁰⁰ See Richard Ryscavage, “Refugees Today: Rescue or Containment?” 5.

¹⁰¹ *Ibid.*

concern for the refugees has not disappeared, but “it is being carefully subsumed under security goals of the sovereign states.”¹⁰²

Another approach to the issue of refugees is that of encouraging repatriation. This approach reinforces the containment strategy of Western governments: keep refugees as close as possible to their countries of origin. This means that refugees return to places lacking in physical and economic security. They may not have all the basic necessities of life in the places where they settle but they sometimes do so voluntarily, wishing to start life anew or recognizing there are no alternatives. Sometimes, repatriation appears coerced, “with host governments reducing the level of assistance and protection available in camps.”¹⁰³ Advocates of refugee rights do not take kindly to this approach in resolving refugee crises and they criticize governments who expel and force refugees and migrants to difficult and dangerous conditions and or mount repatriation programs before countries of origin are ready to take the returnees.

A common approach to the issue of refugees is that of preemptive controls over population movements using the military. This approach was employed as a “ground breaking step of refugee containment as an actual military strategy in Northern Iraq after the Gulf War in 1991 when a coalition of military forces and the United Nations created protected safe zones for Kurdish refugees.”¹⁰⁴

¹⁰² Ibid. This approach as Ryscavage asserts does not go far in resolving the issue of refugees. With this approach, refugees are viewed as part of a general migration threat. The logic of containment demonstrates that as few refugees as possible be allowed to enter the developed zone of peace. This approach is in contrast to that being offered by David Hollenbach as we shall see in the next section of our work. His approach to refugees and humanitarian crises is to secure their rights which for him calls us to see them not simply as citizens of their home countries but as human beings who are members of the global human family

¹⁰³ See *The Uprooted: Improving Humanitarian Responses*, 230.

¹⁰⁴ See Richard Ryscavage, “Refugees Today: Rescue or Containment?” 6. This approach seeks to protect refugees in the face of hardships or persecution. When this approach was adopted during the Gulf War, it

Arm resettlement is an internationally recognized approach to the issue of refugees. This approach allows refugees who are temporarily in one country to be relocated for permanent residence to another, upon selection by the government of the latter.¹⁰⁵ This approach benefits a minority, identified by the resettlement country as persons who have ties to that country, are at special risk where they are, or, most often, who besides being refugees, are seen as desirable immigrants. It is on record that the UNHCR refers some refugees for resettlement when they are at risk and in need of protection.¹⁰⁶ In some cases, resettlement country officials select refugees for resettlement from among persons that UNHCR or the destination country has designated as Convention refugees. The flaw in this approach is that it “discriminates against refugees lacking ties to any destination country, and impedes onward movement by refugees accepted by a resettlement country, even when there are family or professional ties in a different country.”¹⁰⁷

Political asylum (in Europe, Australia and the United States) can also be considered as one of the options for individuals who seek refugee status after having arrived in or at the borders of the countries where they intend to settle. Even though those individuals who seek this status constitute a small portion of the total at risk population, “they have generated considerable anxiety and controversy in the more developed

disregarded the sovereignty of Iraq and the military endeavored to protect the Kurds inside the country of persecution.

¹⁰⁵ See Joanne Van Selm, Study of Feasibility of Setting up Resettlement Schemes in EU Member States or at EU Level (Washington D.C.: Migration Policy Institute, 2003).

¹⁰⁶ The UNCHR is reported to have asked for resettlement for 78, 642 cases in 2004. This figure is not the actual number of cases that needed settlement but only a representation of the cases that UNHCR can process in view of its limited resources, according to Van Selm, Study of Feasibility of Setting up Resettlement Schemes in EU Member States or at EU Level, 17.

¹⁰⁷ See The Uprooted: Improving Humanitarian Responses to Forced Migration, 228.

countries.”¹⁰⁸ It is on record that asylum review procedures have improved in some countries, especially in the United States but obtaining political asylum has become increasingly difficult everywhere. The reason for this difficulty is due in large part to the many bottlenecks in the way of access to asylum procedures and assessment of individual claims.¹⁰⁹

To better resolve the issue of refugees and IDP's, they are not to be seen as objects of security concern to the much threatened sovereign nations- states. As Kenneth Himes cautions, faced with the growing numbers of migrants and refugees, the “nations of the world must address the root causes of why so many people leave their homes.”¹¹⁰ Approaches to refugees and migrants crises that seem punitive demean “not only those to whom the policy is directed but undercut our own dignity, for such an approach contracts rather than expands the human spirit.”¹¹¹

5.2.3 *Hollenbach's Thoughts on the Issue of Refugees and Humanitarian Crises*

Hollenbach is concerned that “the involuntary movement of people across borders threatens the most basic requirements of human dignity, such as having a home, sustaining one's family, moving freely, having some say in the political life that shapes one's fate, and even surviving.”¹¹² The human rights of the millions of refugees and displaced persons across the globe are not being protected by their home countries.

¹⁰⁸ Ibid.

¹⁰⁹ See Stephen Castles, “The International Politics of Forced Migration,” in *Development* 46, No. 3 (September 2003): 11- 20.

¹¹⁰ See Kenneth Himes, “The Plight of People Regarding Migration: A Perspective from Catholic Social Teaching,” in Who Are My Sisters and Brothers. Reflections on Understanding and Welcoming Immigrants and Refugees, 30.

¹¹¹ Ibid.

¹¹² David Hollenbach, The Rights of Refugees in a Globalizing World, 10.

Securing their rights according to Hollenbach, calls us “to regard them not as simply citizens of their home countries but as human beings who are members of the global human family.”¹¹³ From this perspective then, the issue of refugees and migration could be seen as a challenge of ethical globalization. We are challenged to discover new ways in dealing with the problem of refugees and migrations so as to address the causes that drive so many people from their homeland. Agbonkhianmeghe Orobator shares this position of Hollenbach. Having acknowledged the plight of refugees and the ethical responsibilities toward them, he calls for the formulation of an effective framework for advocacy.¹¹⁴

Isn't it a great irony that in spite of the current technological and economic advances in the world and the idea of globalization been hailed as making the world a global village we still see that some rich nations have continued to keep out refugees and undesirable immigrants. As Vinoth Ramachandra submits, “it has often been noted that the right to leave one's country does not carry a corresponding right of entry to another.”¹¹⁵ It is sad to observe that intergovernmental agreements on asylum have emphasized the status and rights of refugees in the receiving state and not conferred rights of admission on those seeking refuge. Article 13 of the Universal Declaration of Human Rights affirms the point we are making when it refers to “a right to seek and to enjoy in other countries asylum from persecution” but stops short of imposing an obligation on states to grant asylum. Freedom of movement is seen as occurring within

¹¹³ Ibid.

¹¹⁴ See Agbonkhianmeghe E. Orobator, “Ethical Issues in the practices and policies of Refugee-Serving NGO's and Churches,” in *Refugee Rights: Ethics, Advocacy and Africa*, 225- 244, here 236. Among the framework for advocacy, Agbonkhiameghe Orobator calls for a holistic, or integrated approach to the issue of refugees and IDP's. Focusing on refugees as subjects rather than objects for him constitutes an aspect of effective advocacy for a just treatment of refugees and forced migrants.

¹¹⁵ See Vinoth Ramachandra, *Subverting Global Myths. Theology and the Public Issues shaping our World* (Downers Grove, Illinois: InterVarsity Press, 2008), 113.

the borders of a State and as the right to leave and return to one's "own country."¹¹⁶ This shortcoming in the debate on the rights of refugees makes Hollenbach's call to see their issue as a challenge of ethical globalization very relevant.

In an effort to address the ethical challenges posed by the global crisis of forced migration, Hollenbach appropriates key principles from Catholic social thought as well as contemporary secular thought. In Catholic social thought, the dignity of the person is considered the basis of the Church's assessment of how well institutions and policies affect and respond to displaced persons. Pope John XXIII did teach that "individual human beings are the foundation, the cause and the end of every social institution."¹¹⁷ The Church does affirm that human beings are essentially social, so the realization of their dignity as persons can take place only in the context of society.¹¹⁸ For this reason, those who are refugees and migrants who have fled their home as exiles are harmed and affected.

For Hollenbach, the grave situation faced by refugees and displaced persons are a serious injustice. He reiterates the point made by the U.S. Bishops that "Basic justice demands the establishment of minimum levels of participation in the life of the human community for all persons." Put negatively, "The ultimate injustice is for a person or group to be treated actively or abandoned passively as if they were nonmembers of the

¹¹⁶ It must be stated that neither the 1951 Refugee Convention nor the 1967 Protocol imposes a correlative obligation upon states to grant asylum to refugees. Other rights enumerated by international convention yet overlooked or infringed upon include entitlements to freedom of religion, education, social security, work, and limited travel documents. See Guy S. Godwin- Gill, *The Refugee in International Law* 2nd edition (Oxford: Clarendon Press, 1996).

¹¹⁷ John XXIII, *Mater et Magistra*, Nos. 219- 220, in *Catholic Social Thought: The Documentary Heritage*, 120.

¹¹⁸ Vatican Council II, *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World), No. 25 in *Catholic Social Thought: The Documentary Heritage*, 180.

human race.”¹¹⁹ These people are marginalized and excluded from the social life and from active participation in the common good of the human and global community. They have no country to call home and they lack the needed support to attain the minimal requirements of human dignity. In Hollenbach’s view, they “are being told that they simply do not count as human beings in the eyes of those whose actions have driven them from home. Their exclusion has serious national and economic consequences and it inflicts profound psychological and spiritual harms as well.”¹²⁰ For him, forced migration by its very nature is “a denial of rights.”¹²¹

Sharing the view of Hollenbach on the treatment of refugees, Vinoth Ramachandra asserts that “whether in the affluent West or in the poorer nations, refugees are treated as if they were quasi-criminal elements”¹²² The plight of refugees according to Ramachandra has revealed the shortcomings in the system of rights. William O’Neill like Hollenbach is very concerned about the plight of refugees and the fact that their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. Lamenting the fact that living in camps without any hope of a durable solution to their plight O’Neill submits that refugees are perceived “not as victims, but as perpetrators of insecurity.”¹²³

Hollenbach considers the injustices that refugees and migrants face as a crisis that must be “challenged in the name both of the dignity of the persons displaced and of the

¹¹⁹ National Conference of Catholic Bishops, “Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy (1986), No. 77, in Catholic Social Thought: The Documentary Heritage, 596- 597.

¹²⁰ David Hollenbach, The Rights of Refugees in a Globalizing World, 12.

¹²¹ Ibid.

¹²² See Vinoth Ramachandra, Subverting Global Myths. Theology and the Public Issues shaping our World, 113.

¹²³ See William O’Neill, “What we Owe to Refugees and IDP’s: An Inquiry into the Rights of the Forcibly Displaced,” in Refugee Rights. Ethics, Advocacy and Africa, 27.

common good of the communities that exclude them or fail to come to their aid.”¹²⁴

Appropriating the words of the U.S. Bishops in a different context, Hollenbach asserts that when we take a look at the conditions faced by refugees, we can conclude that, “the extent of their suffering is a measure of how far we are from being a true community of persons.”¹²⁵ From his perspective, displaced people are being “denied two of the most basic forms of solidarity required for life in dignity: the solidarity with others in a community that can be called home, and the protection that is an indispensable condition of personal security.”¹²⁶ Theologically, recognition of moral and legal priority of responsibility to assist refugees and IDP’s in international refugee law and policy becomes the preferential option for the poor, and thus is an expression of love and solidarity.

Immanuel Kant (1724- 1804) did argue for a “cosmopolitan right of sojourn.” In his “Perpetual Peace” an essay he wrote in 1795 he did state:

The law of world citizenship shall be limited to conditions of universal hospitality Hospitality means the right of a stranger not to be treated as an enemy when he arrives in the land of another. . . . It is not the right to be a permanent visitor It is only a right of temporary sojourn, a right to associate. They have it by of their common possession of the surface of the earth, where, as a globe, they cannot infinitely disperse.¹²⁷

Kant’s position is very insightful. Since we live in the world together, we are to tolerate one another and so permit people to move anywhere they please. He sees this not as an issue of philanthropy but a right. However, for him, there is no moral claim to permanent

¹²⁴ David Hollenbach, “Humanitarian Crises, Refugees, and the Transnational Good: Global Challenges and Catholic Social Thought,” 8.

¹²⁵ Ibid. Also United States Conference of Catholic Bishops, “Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy (1986), No. 88, in Catholic Social Thought: The Documentary Heritage, 600.

¹²⁶ Ibid.

¹²⁷ Immanuel Kant, “Perpetual Peace,” in On History. Louis White Beck (Editor and translator) (New York: Macmillian, 1963), 102- 103.

residency. This remains the sole prerogative of the sovereign nation. He stops short of recommending that the stranger (refugee) be accorded full incorporation in his/ her new home or society and this is where we think Hollenbach's makes a distinct contribution to the cause of refugees by advocating for asylum and citizenship for refugees.

Hannah Arendt writing after the First World War did observe that "the right to have rights" is the most basic right of all. This obviously entails the right to membership in a republic.¹²⁸ Refugees displaced and stateless persons are categories of persons created by the actions of nations state. The right to have rights, or the right for every individual to belong to humanity, should be guaranteed by humanity itself. This view point of Arendt is very correct since the very condition of being "claimed" by a particular people or state must lead to our "right to have [claim] rights."¹²⁹ Even though Arendt holds this view, she points out that it is by no means certain whether this is possible – that the "right to have rights" will always be honored by the republic. This "right to have right" can only be guaranteed by the collective will of republican politics which in turn perpetrate their own regimes of exclusion and not by the world State. There is surely a tension between the moral cosmopolitanism and civic particularism. Republican equality (the equality of fellow citizens) always triumphs over human equality and this is what Hollenbach has been working on in his advocacy for refugee rights. Hence we dare submit that for our rights talk to become an avenue of redeeming claims, and not limited by citizenship or narrative identity, we need to accept the assertion of Benezet Bujo, an African theologian who drawing from the African tradition states that the uniqueness of

¹²⁸ See Hannah Arendt, "The Perplexities of the Rights of Man," in The Origins of Totalitarianism (1951, Reprint, New York: Harcourt, Bace and Jovanovich, 1963), 297.

¹²⁹ Michael Sandel, Liberalism and the Limits of Justice (Cambridge: Cambridge University Press, 1982), 54, 94. Also Michael Walzer, Thick and Thin: Moral Argument at Home and Abroad (Notre Dame, Ind.: University of Notre Dame Press, 1994), 21- 25.

moral persons rests not in abstracting the individual from the chain of social relations but precisely in “the communitarian dimension of life.”¹³⁰

Hollenbach’s appeal for the recognition of the rights of refugees and IDP’s can find acceptance in all traditions that are truly humanistic regardless of cultural differences. He advocates for a respect for the rights of refugees and their protection based on their humanity. He proposes an approach that seeks the well -being and dignity of refugees and IDP’s. This approach would cover rights that are “essential and inalienable.” The approach that Hollenbach proposes would in the words of William O’Neill recognize claims, “not only basic to civil- political liberties, but also to subsistence and basic security as well.”¹³¹ Hollenbach’s proposal would fall in line with the Universal Declaration that recognizes the interdependence of civil liberties, security and welfare rights. His approach would take care of the fear expressed by Henry Shue who has maintained that any threats to any basic human right imperil the enjoyment of all other rights, so that “trade- offs” at the basic level – sustenance for security or freedom of movement as described by Hollenbach is morally impermissible.¹³²

Hollenbach’s response to the issue of refugees and IDP’s has the prospect of creating a community that is “built from within as a new type of community, free from the limitations of the past, yet able to form the humanity of the future.”¹³³ Our lives are woven with each others; in families, neighborhood, ethnic and religious communities.

¹³⁰ See Benezet Bujo, The Ethical Dimension of Community: The African Model and the Dialogue between North and South Cecilia Namulondo Nganda (trans.) (Nairobi, Kenya: St. Paul, 1997), 147- 148. Bujo insists that the discourse of human rights must reflect the natural “interdependence between the individual and society.” See his other work, Benezet Bujo, African Theology in its Social Context John O’Donohue (trans.) (Nairobi, Kenya: St. Paul, 1986).

¹³¹ See William O’Neill, “What we Owe to Refugees and IDP’s: An Inquiry into the Rights of the Forcibly Displaced,” 34.

¹³² See Henry Shue, Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy (Princeton, New Jersey: Princeton University Press, 1980), 35 – 64.

¹³³ Judith A. Merkle, From the Heart of the Church. The Catholic Social Tradition, 242.

However, the individual cannot be conceptualized in an abstract, atomistic, timeless manner as has been done in most liberal political thinking until recently. As Ramachandra asserts, “we can hardly be said to respect a person if we treat with contempt or abstract way all that gives meaning to that person’s life and makes him or her the kind of person he or she is.”¹³⁴ Hollenbach has cause to speak to the issue of refugees and migrants since in practice, “the displacement of refugees often seems to be accepted as a sad but inevitable consequence of war. The fate of the displaced fails to raise the concern, analysis, protest, and action for which their suffering calls.”¹³⁵.

5.2.4 The Challenges to the Issue of Refugees and Internally Displaced Persons and Humanitarian Crisis

In Hollenbach’s view, the injustice suffered by refugees and internally displaced people, is an indication that there is something wrong with a system of global politics that is unable to protect many millions of people in the world today. He is right in his assessment in that John XXIII in his encyclical letter *Pacem in Terris*, argued that the realities such as the plight and suffering of refugees ¹³⁶ indicates that “the shape and structure of political life in the modern world ... are unequal to the task of promoting the common good of all peoples.”¹³⁷

The first challenge to the issue of refugees and displaced persons is that states that are having internal conflicts and political tensions that create the refugee situations are

¹³⁴ Vinoth Ramachandra, Subverting Global Myths. Theology and the Public Issues shaping our World, 116.

¹³⁵ David Hollenbach, Refugee Rights, Ethics, Advocacy and Africa, 2.

¹³⁶ John XXIII, *Pacem in Terris*, No. 103 in Catholic Social Thought: The Documentary Heritage, 147-148.

¹³⁷ John XXIII, *Pacem in Terris*, No. 135 in Catholic Social Thought: The Documentary Heritage, 152.

not up to the task of supporting them. They fail them in offering them the needed protection and security. The unfortunate aspect of the issue is that, “many would never have become migrants were it not for the violent or threatening actions of their own governments.”¹³⁸ In view of the fact that the home states of refugees are not up and doing, other states that can assist refugees by offering asylum or logistical support do not want to take up the challenge of offering assistance.

We do acknowledge the work of many international organizations in offering assistance to refugees and forced migrants.¹³⁹ Today, humanitarian intervention has taken place in countries as diverse as the Sudan, Iraq, Bosnia, Somalia, Haiti, Kosovo, East Timor and Afghanistan. However, many of these humanitarian organizations face financial constraints¹⁴⁰ due to the staggering number of refugees worldwide, they are not always able to meet their needs. As of December 31, 2003, 94 countries and private organizations did contribute US\$ 975,093,313 to UNHCR programs. However, as of June 25, 2004, only 66 countries and private organizations contributed US\$ 769,535, 757 to 2004 UNHCR programs.¹⁴¹ The number of donors and contributions did decrease by 28 compared to 2003 leading to a shortfall of US\$ 187,557,556 for the year 2004. Taking into consideration UNHCR budget of US\$ 1,177,488,731, the global financial deficit for 2004 UNHCR programs stood at US\$ 407,952.974. With these statistics, Hollenbach is

¹³⁸ David Hollenbach, The Rights of Refugees in a Globalizing World, 12.

¹³⁹ There are a host of international organizations that have worked over the years to bring comfort and relief to refugees like the U.N High Commission for Refugees (UNHCR) which was created in 1950 by Resolution 428 (V) of the United Nations General Assembly, the U. N. Office for the Coordination of Humanitarian Affairs (UNOCHA); CHARITAS, OXFAM, The United Nations International Children’s Fund (UNICEF), Food and Agriculture Organization (FAO) and the World Health Organization (WHO), to mention but a few.

¹⁴⁰ It is said that the UN combined operational budget of UN agencies for attending to IDP’s in Colombia is a mere \$17 million, inadequate in the face of the large numbers of refugees requiring assistance and protection. See United Nations Senior Inter-Agency Network on Internal Displacement, “Mission to Colombia, August 16- 24, 2001: Findings and Recommendations.” (New York: United Nations, 2001), 9; also The Uprooted: Improving Humanitarian Response to Forced Migration, 14.

¹⁴¹ See “Donors? Partners, Situation as of June 25, 2004,” (accessed October 10, 2009).

right in observing that some intergovernmental and nongovernmental agencies “neither have the political nor financial resources to respond to the most basic needs of many of the displaced.”¹⁴²

The militarization of refugee and displaced persons camps is a major challenge as all sides in civil conflicts increasingly use the displacement of civilians for strategic purposes. There have been a great concern and disagreements have been expressed regarding the efforts “of humanitarian assistance for refugees and other forced migrants – as to whether they facilitate or impede prospects for peace and economic development.”¹⁴³ There are a growing number “of conflicts in which civilians are targets of military activity (Darfur, Rwanda, Cambodia, Chile) as well as war crimes and crimes against humanity.”¹⁴⁴ This is an injustice and a failure of the governments of the countries where they are taking place. We might claim that the governments of these refugees and IDP’s have failed them and they should be held accountable. Hollenbach sees this as just one of the approaches to the issue of refugees and IDP’s. He is of the opinion that an approach that “places all the responsibility for preventing and dealing with displacement on the home state of the displaced is not adequate. Confining our understanding of the scope of responsibility to the home states of the displaced will far too often leave them with nowhere to turn for the protection and help they urgently need.”¹⁴⁵

Hollenbach does not endorse the approach that sees the scope of responsibility to the states of the displaced since in his view it “effectively denies the existence of the

¹⁴² David Hollenbach, *The Rights of Refugees in a Globalizing World*, 13.

¹⁴³ See, *The Uprooted: Improving Humanitarian Response to Forced Migration*, 2.

¹⁴⁴ *Ibid.*, 6.

¹⁴⁵ See David Hollenbach, “Humanitarian Crises, Refugees, and Transnational Good: Global Challenges and Catholic Social Thought,” 9.

common humanity of all people on the globe.”¹⁴⁶ He is an advocate of an alternative approach, a thoroughly cosmopolitan position that “argues that the common humanity of all people is the basis of the existence of a worldwide human community.”¹⁴⁷ His position is in line with the report by the International Commission on Intervention and State Sovereignty,¹⁴⁸ urging the international community to step up to the plate and help protect the citizens of a country if a state is unable to do so.¹⁴⁹ It would be recalled that at the 2005 World Summit Session of the UN General Assembly, heads of State of many nations across the globe endorsed this idea of “responsibility to protect.”¹⁵⁰ In his address to the United Nations in April of 2008, Pope Benedict XVI also affirmed this stance when he said:

Every State has the primary duty to protect its own population from grave and sustained violations of human rights, as well as from the consequences of humanitarian crises, whether natural or man made. If States are unable to guarantee such protection, the international community must intervene with the juridical means provided in the United Nations Charter and in other international instruments.¹⁵¹

¹⁴⁶ Ibid.

¹⁴⁷ Ibid., 10.

¹⁴⁸ The International Commission on Intervention and State Sovereignty was established in the wake of the genocide in Rwanda in 1994 and the ethnic cleansing in Bosnia in the mid 1990’s.

¹⁴⁹ The International Commission on Intervention and State Sovereignty in 2001 came up with a report and it had the phrase “responsibility to protect.” The Commission stated that “State Sovereignty implies responsibility, and the primary responsibility for the protection of its own people lies with the State itself. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non- intervention yields to the international responsibility to protect.” See International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Center, 2001). One can also download this document from the web, <http://www.idrc.ca/openebooks/960-7> (accessed on October 9, 2009).

¹⁵⁰ See United Nations General Assembly, 2005 World Summit Outcome Document, September 16, 2005, Nos. 138- 139. Available online at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/NO548760.pdf?OpenElement> (accessed on October 7, 2009).

¹⁵¹ Benedict XVI Address to the General Assembly of the United Nations, New York, 18 April 2008, in *Christ Our Hope: Major Address of Pope Benedict XVI. A Study Guide*, 30. Available online at http://www.vatican.va/holyfather/benedictxvi/Speeches/2008/april/documents/hfben-xvi_Spe20080418_unvisit_en.html.

Hollenbach realizing the enormity of the issue of refugees and IDP's suggests the need to rethink "global politics and law from the standpoint of human dignity and human rights."¹⁵² To accomplish this, he recommends that:

1. First, the responsibility to protect calls for sustained efforts to build peace where conflict has killed many people and driven even more from their homes.
2. Rich Nations of the developed world would have a responsibility to share the burdens of aiding the displaced.
3. Protection of the human rights of internally displaced persons (IDP's) calls for an organized response by neighboring Countries, regional organizations, and the United Nations
4. Respect the right to freedom of movement by refugees is key to alleviating the dehumanizing experience of confinement to Camps.¹⁵³

Hollenbach in providing the above recommendations seeks to suggest that when we want to take action, we can make a difference. We need to watch out for failure not to act, not to exercise our responsibility, our capability to help with our resources in resolving the issue of refugees and humanitarian crises. He calls on developed countries and their citizens to share the burdens of refugees and IDP's by offering them asylum and citizenship.¹⁵⁴

5.3 Human Dignity as the Foundation for Human Rights

In chapter 3, we did state that the truth claims that Hollenbach makes in his writings on human rights is his argument that the fundamental dignity of the human person is central to the whole debate and process. As a Catholic theologian (social ethicist), we find him appropriating a key concept or idea found in the official teachings

¹⁵² David Hollenbach, The Rights of Refugees in a Globalizing World, 14.

¹⁵³ *Ibid.*, 14- 17. In addition to these four recommendations, Hollenbach is hopeful that public opinion in the form of well informed advocacy can make a big difference when it comes to addressing the issue of refugees and humanitarian crises in the world.

¹⁵⁴ See his work, "Internally Displaced People, Sovereignty, and the Responsibility to Protect," in Refugees Rights, Ethics, Advocacy, and Africa, 188- 191.

of the Church to emphasize the importance of grounding the claim for universal human rights on the dignity of the person. In his view, “respect for the dignity and worth of the person is the foundation of all the specific human rights and more general social ethical frameworks adopted by the encyclicals and other Church teachings.”¹⁵⁵ He acknowledges the fact that even though these “rights and ethical frameworks have undergone a notable evolution and will continue to do so. But through this process all alterations have been governed by an attempt to remain responsive to human dignity and its concrete demands.”¹⁵⁶

Most liberal theories of the modern Western State, from John Locke to John Rawls, are based on the idea of a social contract: the persons involved in the social contract are all independent, equal and self-determining individuals who choose to come together in forming an ordered society and political arrangements that will ensure security, liberty and fairness. Those involved in this partnership are considered to derive mutual advantage from it. Rawls’ account of what he calls “primary goods,” those things that are considered to be distributed fairly to its citizens are based on his vision of citizens who possess the “two moral powers” (a capacity for a sense of justice and for a notion of the good) as well as the capacity for reasoning. Having possession of these powers makes them “free,” “equal” and “fully cooperating.”¹⁵⁷ Thus people who lack the capacities of independent citizens like children, the elderly, the mentally and physically challenged, refugees and IDP’s do not fit into this concept of the society to claim a right. This can be seen as a flaw in the liberal theory of rights hence as Ramachandra asserts, “vulnerable

¹⁵⁵ David Hollenbach, Claims in Conflict. Retrieving and Renewing the Catholic Human Rights Tradition, 42.

¹⁵⁶ Ibid.

¹⁵⁷ See John Rawls, Political Liberalism (New York: Columbia University Press, 1993), 19, 103- 104.

groups of human beings have only entered contemporary political thinking as an afterthought.’¹⁵⁸ Having human dignity as the foundation for human rights can help us overcome this flaw the liberal theory of rights.

In the human rights debate, a lot can be achieved if we understand that human dignity is a characteristic of all persons, the ground from which emerge all moral claims, all rights, all duties. In fact, “the preservation and promotion of human dignity are the sum and substance of all such claims, rights and duties.”¹⁵⁹ Human persons do have dignity haven been created in God’s image and likeness (Gn. 1: 26 –27). They have by their very existence an inherent value, worth, and distinction. In view of this, “dignity is not granted to persons by the ethical activity of others. Dignity is not bestowed on persons by other persons, by the family or society or state.”¹⁶⁰ It must be understood that the reality of human dignity makes claims on others that it be recognized and respected. A society worth its name, is ordered when it is structured and functions not according to the maximization of profit, the needs of a nation, or the greed of her citizens but above all according to the inherent worth, freedom, and dignity of every human person. (GS 26)

Modern political theory takes equality for granted. Human equality is often seen as a fundamental moral claim. If we accept human dignity as the foundation for human rights, it would lead us to treat people fairly because we are all endowed with this dignity and it makes us equal to all other people. Ronald Dworkin has argued that equality is a fundamental principle inasmuch as it needs no justification. He writes of the principle of equality that “it is too fundamental, I think, to admit of any defence in the usual form. It

¹⁵⁸ Vinoth Ramachandra, *Subverting Global Myths. Theology and the Public Issues shaping our World*, 96.

¹⁵⁹ David Hollenbach, *Claims in Conflict. Retrieving and Renewing the Catholic Human Rights Tradition*, 90.

¹⁶⁰ Ibid.

seems unlikely it can be derived for many more general and basic principle of political morality that is none widely accepted. Nor can it be established through one or another of the methods of argument popular in political theory for those already presuppose some particular conception of equality.”¹⁶¹ Hence, the fact that governments should consider people as equal and treat them with equal concern and respect is clear.

However in the real world, we realize that human equality has not always been upheld. Human dignity should point to the fact that “we have not simply been born equal; we have been created equal by the Creator God who has also endowed us with rights.”¹⁶² This is a biblical and theological presupposition. The Christian tradition upholds this understanding of human personhood. But as Ramachandra observes, the dominant schools of Hindu practice does not recognize the fundamental equality of human beings. “Those who lie outside the caste system, the dalits (or “untouchables”), have no moral claim at all on the higher castes and are frequently considered less than human.”¹⁶³

In addition to placing the concept of human dignity at the center of the human rights debate, Hollenbach goes further to acknowledge that as a “transcendent characteristic of persons it is not identical in meaning with the fulfillment of any need, with the freedom for any particular kind of action or with the attainment of any specific kind of relationship.”¹⁶⁴ He critiques both the liberal-democratic and Marxist thought that did identify a limited domain of human existence with the radical foundation of human rights. The flaw with the liberal democracy regarding the foundation is that, “this

¹⁶¹ See Ronald Dworkin, “In Defence of Equality,” in Liberalism Richard J. Arneson (ed.) (Hants, U.K.: Edward Elgar, 1992), 3:537.

¹⁶² Vinoth Ramachandra, Subverting Global Myths. Theology and the Public Issues shaping our World, 101.

¹⁶³ Ibid.

¹⁶⁴ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 91.

foundation is limited to human freedom negatively understood.”¹⁶⁵ The shortcoming Hollenbach finds in the Marxist tradition is its “particular interpretation of class conflict and the means of achieving social change.”¹⁶⁶ Hollenbach tends to move in the direction of the Catholic tradition that also perceives the shortcomings in the two traditions since as he rightly asserts “unless the relations between the transcendental worth of the person and the particular material, interpersonal, social and political structures of human existence can be specified, human dignity will become an empty notion.”¹⁶⁷ The task of identifying the claims of human dignity is ongoing. We need to pay particular attention to those in society whose dignity is diminished, denied, or damaged or those who are dehumanized on their jobs.

The participants in Vatican II urged that the “signs of the times” be scrutinized in light of the gospel. In putting forth this challenge, the Council Fathers proposed a particular direction for doing theology in our fractured world. Hollenbach’s assertion that we need to identify the claims of human dignity can lead to a search for what can stimulate a society to act morally and humanely. This search can lead us to reflect on sociopolitical issues to realize that the sum total of individual sins can empower the social systems and structures that can oppress and marginalize people. Such sinful structures can lead to the denial of basic rights and inhibit freedom.¹⁶⁸

Not all theologians and philosophers however accept this position of Hollenbach in grounding human rights in a norm of human dignity. One theologian who challenges

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid. Hollenbach sees the process of identifying the concrete claims of human dignity as a continuing one. This is very important in the debate on human rights. Since the material conditions, economic patterns and forms of political association in which people live keep on changing, there is the need to keep on identifying the concrete claims that human dignity makes on our society.

¹⁶⁸ See Peter Henriot, “Social Sin and Conversion: A Theology of the Church’s Social Involvement,” in *Chicago Studies* 11 (1972): 3- 18; *Gaudium et Spes*, No. 25.

this position of Hollenbach is John Coleman.¹⁶⁹ He contends that there are both philosophical and rhetorical difficulties with this way of grounding rights in human dignity. Coleman seems to have the support of Alan Gewirth who also challenges the appeal to dignity as a way of grounding rights.¹⁷⁰ Gewirth's problem with a theory based on human dignity is that it "puts chief emphasis on the relation between the subject and his respondent, whereby the former is in a position to choose to exact a certain duty from the latter."¹⁷¹ While Coleman acknowledges the importance of this relation in understanding human rights, he is of the conviction that "it must be supplemented by attending to the nature of the right and to the logical nexus between the justifying basis and the objects of human rights."¹⁷² In his view, "dignity theories of human rights generally either neglect or finesse these two formal elements. They fail to specify the precise nexus between human dignity as an evocative quality and a particular alleged object of a right claim."¹⁷³

Even though Jurgen Moltman sees the root of the different human rights and the bond uniting them as human dignity he is of the opinion that human rights exist in the plural, but human dignity is simply and solely singular. Since dignity of human beings is one and indivisible he argues that "human rights are also a single whole, and cannot be expanded or restricted at will."¹⁷⁴ From this perspective then, Moltman argues that "to base human rights on human dignity also shows the limits and the dangers of their

¹⁶⁹ See John Coleman, "Catholic Human Rights Theory: Four Challenges to an Intellectual Tradition," In *The Journal of Law and Religion* II, 2 (1984), 343 – 366.

¹⁷⁰ See Alan Gewirth, Human Rights: Essays on Justification and Application (Chicago: University of Chicago Press, 1982).

¹⁷¹ *Ibid.*, 13.

¹⁷² See John Coleman, "Catholic Human Rights Theory: Four Challenges to an Intellectual Tradition," 351.

¹⁷³ *Ibid.*

¹⁷⁴ See Jurgen Moltman, GOD FOR A SECULAR SOCIETY. The Public Relevance for Theology, 119.

inherent anthropocentrism”¹⁷⁵ He therefore advocates that “human rights must be brought into conformity with the rights of nature – the earth from which, with which and in which human beings live.”¹⁷⁶

Hollenbach’s emphasis on human dignity as the foundation for human rights can help enhance the human rights debate and if taken seriously can spur us on to condemn all acts of discrimination, exclusion and extermination “since they are based only on such partial aspects of human life as nationality, gender, or race.”¹⁷⁷ In pushing for an acceptance of the idea of human dignity as the foundation of human rights, Hollenbach is convinced that it can lead us to respect and protect the rights of others. It could also bring an end to ethnic cleansing, conflict, war, genocide and its attendant problems of refugees and IDP’s and humanitarian crises.

5.3.1 Human Person Endowed with Rights and Duties

Since human beings as individuals, in community, and in humanity are endowed with dignity to reflect God’s image, all human rights are bound up with and related to one another. All persons have universal and inviolable rights and duties. Each person has rights to life and a decent standard of living. Each person also has the right to proper development of life and to basic security. At the same time, each person is invited to contribute to the common good through service to others and the society.

¹⁷⁵ Ibid., 119 – 120.

¹⁷⁶ Ibid., 120.

¹⁷⁷ Donald J. Dietrich, *Human Rights and the Catholic Tradition*, 209. Dietrich makes a strong argument in support of human dignity as the basis of rights and is convinced that this concept has been forced to the very center of modern Catholic social thought by the Holocaust and the Church’s behavior during the Third Reich.

The human person is endowed with rights that are inviolable, inalienable and universal (PT 9)¹⁷⁸. These rights involve the fulfillment of basic material needs and the protection of certain relationships. There are economic rights that include the right to work and to a just and sufficient wage; religious rights, the right to freedom of religion and conscience and the right to hold private property. Due to the uniqueness of each and every person, he or she is endowed with the right to choose his or her state of life as well as the right to establishing a family or following a religious vocation. (PP 15-16).

Alongside these fundamental rights, each person has responsibilities and duties to the common good. Rights and duties or responsibilities go hand in hand. As John XXIII once said, “To claim one’s rights and ignore one’s duties, or only half fulfill them, is like building a house with one hand and tearing it down with the other.” (PT 30)

In the debate on human rights, it is very important not to overlook this issue of rights and duties. We must not stress one to the detriment of the other. As Jurgen Moltman rightly notes, “all human rights are bound up with specific human duties. Rights and duties cannot be separated from each other; privileges should grow out of rights nor empty demands out of duties.”¹⁷⁹ Moltman recalls that in human history, people and nations in an attempt to respond to the needs of the day always set priorities. Some put emphasis on economic needs so as to realize basic economic rights to the neglect of the other rights. Where political oppression is the problem of the day, people tend to seek political rights. But as he acknowledges, “Every progress in one area of life, however,

¹⁷⁸ For more insights on the rights and duties of the person one can read David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 14- 15, 28, 48, 65- 66; on civil and political rights, 13, 21- 24, 191- 195; on socio-economic rights, 9, 20, 21, 23, 191- 195; to just wage 48, 150.

¹⁷⁹ See Jurgen Moltman, On Human Dignity. Political Theology and Ethics (Philadelphia: Fortress Press, 1984), 33.

causes the structure of life to get out of balance, the one-sided, uncontrolled, and uncoordinated economic growth in some nations has pushed the political, social, and personal balance of human beings in those societies to the edge of destruction.”¹⁸⁰

For this reason, Hollenbach has argued that all the different rights (social, economic, personal and instrumental) are intertwined, interconnected and there never can be a legitimate trade off ¹⁸¹ between a particular right and other rights. He is right in noting that the conditions which prevail in many nations today makes it clear that a failure to meet basic needs leads to increased political repression and decreased self-determination. Hence his view that, “the real conflicts which must be addressed by human rights policy are not simple trade offs between different dimensions of the dignity of individual persons. A strategically relevant moral perspective on human rights policy must be concerned principally with the interconnectedness between different dimensions of respect for human dignity.”¹⁸²

The cause of the debate on human rights would be greatly served and our world would flourish well if we heed the call of Hollenbach and Moltman submitted in the paragraph above. The progress that is been made in the industrial nations have kept other nations around the globe in conditions of underemployment and even made them dependent. One fact of securing personal freedoms and right can tend to weaken social rights and duties, just as the one sided focus on social rights can lead to the weakening of personal rights. Thus in the debate on human rights, there is the need to always come out

¹⁸⁰ Ibid.

¹⁸¹ See David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 196. Also see his work, “Both Bread and Freedom: The Interconnection of Economic and Political Rights in Recent Roman Catholic Thought,” in Human Rights and the Global Mission of the Church, 31- 34. Moltman makes a similar argument as Hollenbach in his work, “Christian Faith and Human Rights,” in On Human Dignity. Political Theology and Ethics, 34.

¹⁸² David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 196- 197.

with checks and balances so that the partial progress in one area of the world and life can be “accompanied by the redressing of the balance of human rights in other areas.”¹⁸³

The notion that the human person is endowed with rights and duties is very important in the human rights debate. When we come to realize that people have rights and their rights are being abused or violated, it calls for social transformation. Through power politics and unjust authority, through war and violence, marginalization and greed, people’s rights are abused. This calls for a transition from less humane conditions to those that are more humane. It is in an attempt to correct the violations of rights that the Church speaks out and some theologians like David Hollenbach have also taken up the challenge to write on the role of faith in the public sphere. In an effort to build a world that protects and upholds the rights of people, we see the United Nations and other human rights groups working across the globe to correct the abuses that are found in our world.

The right to religion and conscience is a very sensitive right and no one has the right to interfere in this sphere. It is wrong for some governments (China, Cambodia, Indonesia, Sudan) to choose or impose any religion on the people.¹⁸⁴ The right to property does not constitute an absolute and unconditional right. No person is justified in storing for his or her exclusive use what he or she does not need, when others lack necessities. The right to own property must never be exercised to the detriment of the common good.¹⁸⁵ The human person has the right of meeting and of association and the right to emigrate as well as immigrate. Politically, the person has the right of participating in public affairs.

¹⁸³ Jurgen Moltman, *On Human Dignity. Political Theology and Ethics*, 33.

¹⁸⁴ SRS 12- 14; John Paul II “To the Sudanese Bishops during their Ad Limina Visit,” AAS 80 (1988), 1212.

¹⁸⁵ PP 18- 22; SRS 31.

Among the inviolable duties of the person is the respect of the rights of others. Since we are created in the same image and likeness of God, any lack of respect to the other is a great violation of this basic dignity. The acknowledgement and respect of the rights of others paves the way for a mutual collaboration among people in building up the world and in sharing the resources entrusted to us communally.¹⁸⁶ We have a duty to contribute to the creation of a well-ordered society and the duty to collaborate with others freely and responsibly.¹⁸⁷ In this regard, one has to carry out one's duties and responsibilities in a spirit of faithfulness to the society. All forms of negative attitude to duty must be eschewed. It is also one's duty to preserve life and not to destroy it.

In emphasizing the fact that the human person is endowed with rights and duties, Hollenbach like many communitarians points to the value of participation in the communal life of society. As the Himes' affirm the value of this approach to the debate on human rights they observe that "unless people are able to enter into the life of the group in a meaningful way there are reduced opportunities for self-donation."¹⁸⁸ Hollenbach makes a great contribution to the human rights debate when he strives to keep a balance between the rights of the person and his or her duties. In doing so, he draws our attention to what might be called the "principle of reciprocal obligation." Society, acting through its institutions, has a responsibility toward the individual but the person also has obligations toward society. In offering a vision of a society that respects the rights of her citizens and expect her citizens to perform certain acts in return of the good order of society, Hollenbach seeks to encourage "appropriate moral restraint so that the confusion

¹⁸⁶ PP 30- 31; SRS 33.

¹⁸⁷ P.T 28- 34.

¹⁸⁸ Michael Himes and Kenneth Himes, Fullness of Faith. The Public Significance of Theology, 46.

between one's right to do something and what it is right for one to do is lessened."¹⁸⁹ This approach of raising up community rights and the need for responsibility on the part of each person toward society according to the Himes' is "an educative task important to the communitarian project."¹⁹⁰ For us to keep the balance that Hollenbach proffers we need to express our social nature through the institutions that we create to order our lives so that they can respect our rights and assist us to discharge our responsibility to society. We dare say that any political and economic institution premised on the primacy of self-interest can never reflect the vision of the good society that Hollenbach seeks to promote.

5.3.2 *The Problem of the Meaning of Human Rights and Religious Diversity*

As important as the issue of the foundation of human right is the problem of the meaning that is given to human rights in the different countries or nations of the world. Hollenbach addresses this aspect of the continuing argument about the foundation and meaning of human rights in terms of the conflict "between the universality of human rights standards and the particularity of moral perspectives rooted in religious traditions."¹⁹¹ Even though the United Nations Charter of human rights is referred to as the Universal Declaration of Human Rights and many nations have ratified the two UN covenants, it is still left to debate whether all nations that are in formal agreement with the list of rights proposed "understand those rights in the same way, or that they would rank these rights in the same order of priority."¹⁹² With the violations of human rights and

¹⁸⁹ Ibid., 47.

¹⁹⁰ Ibid.

¹⁹¹ For an excellent treatment of religious diversity in Human Rights discussion, see David Hollenbach, "Human Rights in the Middle East: The Impact of Religious Diversity," in Justice, Peace and Human Rights, 108- 123, here 108.

¹⁹² Ibid., 108.

injustices that we see occurring around the world, one tends to think that many nations of the world who are in formal agreement with the Universal Declaration are not adhering to what is enshrined therein. The question is, what accounts for this “double standard?”

This problem has been the subject of discussion among philosophers and social scientists who have grappled with the problem of the foundation and meaning of human – rights standards when perceived from an international and transcultural perspectives.¹⁹³ This same issue has been studied by social scientists to ascertain the influence of diverse cultural contexts on the interpretation of human rights and how it is implemented in the form of rights policies.¹⁹⁴ Hence, in the human rights debate, we need to be conscious of the role and influence of culture in the way rights are understood and interpreted. The same can be true for the influence of religion in the understanding and interpretation of human rights. To overlook these points may not help the cause of the human rights debate. Hollenbach laments that the “bloody conflicts between religious communities rooted in particular traditions of belief and the universal civil community assumed in human rights discussions are in part a result of a betrayal and misuse of religiously rooted moral norms.”¹⁹⁵

In Hollenbach’s opinion, people of different faiths like Christians, Muslims and Jews may all espouse the importance of human rights “but how these rights are interpreted, whose rights are of primary concern, and which kinds of rights are given priority are all significantly influenced by particularist loyalties of the religious

¹⁹³ One can read of the problem of the foundation and meaning of human-rights standards from the international and cultural perspectives in Alan S. Rosenbaum (ed.) The Philosophy of Human Rights: International Perspectives (Westport, CT: Greenwood Press, 1980).

¹⁹⁴ For an insight into how diverse cultural contexts influence the interpretation of human rights, see Adamantia Pollis and Peter Schwab (eds.) Human Rights: Cultural and Ideological Perspectives (New York: Praeger, 1979), and Jorge I. Dominguez, Nigel Rodley, Bryce Wood, and Richard Falk, (eds.) Enhancing Global Human Rights (New York: McGraw-Hill, 1979).

¹⁹⁵ See David Hollenbach, “Human Rights in the Middle East: The Impact of Religious Diversity,” 109.

communities involved.”¹⁹⁶ This leads him to argue that “if respect for human rights in a religiously pluralistic world is to be enhanced, then the relation between distinctive moral communities and their traditions and the universal civil community that transcends these distinctions needs much deeper exploration than we have seen up to now.”¹⁹⁷ This challenge from Hollenbach can help the universal civil community chart a new course or direction in the debate on human rights by getting to know more about the different moral communities and their traditions and why they interpret human rights the way they do.

Respect for different cultures and faith traditions and recognition of how they can influence the meaning and interpretations of human rights is very important in the rights debate. We need to examine how other religions like Hinduism, Buddhism, African Indigenous religion understand and interpret human rights. There is the need for a construction of a cross- culturally legitimate and genuinely universal creed of human dignity and rights. Makau Mutua, a scholar with African roots has observed that the West was able to impose its philosophy of human rights on the rest of the world in 1948 because it dominated the United Nations. Hence, he argues that the Declaration of human rights represent just one tradition, that of Europe. Thus he asserts that “the universalization of human rights cannot succeed unless the corpus is moored in all the cultures of the world.”¹⁹⁸ He contends that “ideas do not become universal merely because powerful interests declared them to be so. Inclusion and not exclusion is the key to legitimacy.”¹⁹⁹ Our problem with Mutua’s assertion that the United Nations human rights declaration represents just one tradition is that the historical context in which it was

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ See Makau Muta, Human Rights: A Political and Cultural Critique (Philadelphia: University of Pennsylvania Press, 2002), 156.

¹⁹⁹ Ibid.

formulated was the aftermath of World War II that took place in Europe. But that does mean it cannot find legitimacy in other traditions and cultures. We are of the view that scholars can unearth some of the historical and cultural identities and values of their nations that would be a basis upon which human rights may be legitimized.

Even though the major religions of the world, Judaism, Christianity, Islam have normative principles that underscore the religious and ethical relationship that binds all people together in a universal moral community, the language in which the code of Universal Declaration was adopted makes it abstract and ahistorical. The three religions mentioned above do have historical figures and concrete dealings of people with God in their moral code. The language of rights in the Universal Declaration presents a different picture. It captures the particularities of persons and nations under the norms of universal human dignity and universal community. This presents a problem for the interpretation of human rights for the different religions. Western political thought and Christianity may not have much of a problem in accepting the fundamental rights of the person but that may not be the case with Judaism and Islam. The Jews and Muslims do not share in the history of Western Europe as their own history. Hence, “even though Judaism, Christianity, and Islam of the Middle East espouse religious norms that support commitment to the universal moral community essential for the protection of human rights, their understandings of the appropriate way of expressing this commitment are significantly different from those of both western Christians and Western secular thinkers.”²⁰⁰

²⁰⁰ David Hollenbach, “Human Rights in the Middle East: The Impact of Religious Diversity,” in Justice, Peace and Human Rights, 115.

The debate over individual rights having to be accompanied by other rights that attach to certain communities is an example of how different religious and multicultural societies can offer their understanding on human rights. It is not a matter of which has priority but rather of treating them together as equally important components of justice in pluralistic societies. This has profound consequences for the way we understand the role of the modern state. The latter cannot limit its role to protecting individual civil and political rights. The enforcement of individual rights can sometimes lead to grave injustices against historic communities. Hence Ramachandra submits that “every multicultural society needs to devise its own appropriate political structure to suit its history, traditions and range and depth of its diversity.”²⁰¹

In an effort to move the human rights debate forward, Hollenbach questions if the traditions of belief and particularist loyalties of different religious communities are compatible with the commitment to the universal community and civil discourse presupposed by the Universal Declaration. He submits that the above question can be approached from the historical, sociological, philosophical and theological perspectives. In his view, the task of the Christian theologian is not to prescribe the way this question should be answered by other faith communities. Rather, he observes that “the primary concern of a Christian theologian is to develop the components of a Christian response to the relation between the particularity of Christian norms and the normative standards of global civil community presupposed in human – rights standards.”²⁰²

²⁰¹ See Vinoth Ramachandra, Subverting Global Myths: Theology and the Public Issues shaping our World, 117.

²⁰² See David Hollenbach, “Human Rights in the Middle East: The Impact of Religious Diversity,” in Justice, Peace and Human Rights, 111.

5.3.3 *A Link between Human Rights, Social Solidarity and Development*

In chapter 4, we devoted attention to Hollebach's reflection on the link between human rights, social solidarity and development. He is convinced that when we come to recognize the place of solidarity and development in human rights talk, it would advance the cause of a just and humane society. In using the example of Africa, he has demonstrated that there can be no human rights in the face of poverty, inequality and unfair terms of trade. Human rights cannot be achieved until poverty, economic dependence and inequality are eradicated. The basic human rights violations plaguing Africa and other third world countries are poverty, lack of basic and necessary facilities – proper shelter, health care, education, sanitation and good drinking water. In a world plagued with injustice, conflict, war and marginalization, the way forward in any serious human rights agenda would be by way of linking human rights, social solidarity and development.

In stressing the point that there is a relation between human rights, social solidarity and development, Hollenbach argues that the social and economic rights enshrined in the United Nations Universal Declaration should find its place on the human rights agenda and debate for Africa and the world. In this view, this approach calls “for a vision of solidarity that individualistic understandings of rights cannot provide.”²⁰³ Solidarity means more than living interdependently. For Judith Merkle, it is “the movement toward the “other” that respects the other and his or her good as carrying the face of one's own moral obligation.”²⁰⁴ It is “a firm and persevering determination” to

²⁰³ David Hollenbach, “Human Rights and Communal Solidarity: A Catholic Perspective,” 18.

²⁰⁴ See Judith A. Merkle, From the Heart of the Church. The Catholic Social Tradition, 218.

commit oneself “to the common good; that is to say the good of all and of each individual because we are all really responsible for all.” (SRS 38)²⁰⁵

Hollenbach writes of social and intellectual solidarity across a now global “network of crisscrossing communities” that has the benefit of drawing together countries, economies, cultures and the human family in a changing world order. With this understanding of solidarity then, the issues connected with human rights – injustices, marginalization, genocide, racism, the tragedy of refugees and humanitarian crises that have a worldwide dimension can be overcome with a growing recognition of the interdependence of the human family and the international community’s commitment to redressing these evils that are an affront to humanity. We need to take seriously Hollenbach’s caution against exclusionary solidarities that regard those who are different as adversaries since that is a threat to human rights and our desire to rebuild a global society that affirms human life and human flourishing. Many of the conflicts, ethnic cleansing and genocide that have occurred across the globe have been caused by exclusionary solidarities. Examples abound of exclusionary solidarities in the Rwandan genocide of 1994 in which over a million people lost their lives, the crisis in Darfur (Sudan) the civil war in Liberia, Zimbabwe, Kenya, the conflicts in the Balkans, Bosnia and Kosovo.

The desire for profit and thirst for power contradict the posture of solidarity. Amnesty International, Human Rights Watch and other human rights groups have reported the sad situation of corruption, human rights abuses, arbitrary executions, and repressive governments around the world who suppress the rights of their citizens. Those who violate the rights of others overlook and ignore the fundamental equality of all.

²⁰⁵ See John Paul II, *Sollicitudo Rei Socialis*” in Catholic Social Thought: The Documentary Heritage, 421.

Others whose desire is to make profit at the expense of the vulnerable do not help in their development but rather ignore the purpose of creation and the goods of the human community. Solidarity serves to teach us that the goods of the earth are destined for all since “that which human industry produces through the processing of raw materials, which the contribution of work, must serve equally for the good of all.” (SRS 39)²⁰⁶ Hence Hollenbach argues that human rights should be “understood as guarantees of the most basic requirements of solidarity.”²⁰⁷

Hollenbach links human rights with social solidarity and development and this is very important to the debate. He is of the opinion that human rights have a place in the enhancement of social development. He proffers that the social and economic rights contained in the U.N Universal Declaration will have to be put back on the human rights agenda for Africa (and other parts of the world) today.²⁰⁸ He is convinced that from what is going on in Africa and other parts of the world, many people are unable to participate in the marketplace since they lack the resources needed to do so. They are marginalized and are not able to contribute to economic development. He is of the view that the prevailing situation in Africa is a challenge “to the idea that free markets and free trade alone are the solution to the suffering of the developing world.”²⁰⁹ Hence he makes a plea: “that part of the globe needs both bread and freedom, not just freedom at the polls and in the market place.”²¹⁰

²⁰⁶ See John Paul II, *Sollicitudo Rei Socialis*” in Catholic Social Thought: The Documentary Heritage, 422.

²⁰⁷ David Hollenbach, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, 159.

²⁰⁸ David Hollenbach, “Human Rights and Communal Solidarity: A Catholic Perspective in the African Context,” 18.

²⁰⁹ *Ibid.*, 22.

²¹⁰ *Ibid.*

Hollenbach's plea is very urgent and seeks to galvanize support for economies that do not have much to offer in terms of resources for the marketplace. His call is that society should be built to serve humanity; it should be at the service of the person. What he calls for is "integral human development."²¹¹ Even though Hollenbach recognizes the importance of market economies, like John Paul II and Benedict XVI, he calls for a partnership with the poor in Africa (and the world over) and policies that take economic solidarity seriously²¹² so as to rebuild a global society that affirms human life and flourishing.

Hollenbach makes a great contribution to the debate on human rights by submitting that there is a link between human rights, social solidarity and development. In so doing, he pushes the communitarian agenda forward by making their commitment to moral realism and global ethical standards unequivocal.²¹³ Simeon Ilesanmi makes a submission that socio-economic and development rights be seen as very imperative for religious ethics in view of the conditions of material deprivation that economic globalization is imposing on many societies, especially in Africa.²¹⁴ This submission does support the position of Hollenbach who sees a link between human rights, social

²¹¹ This idea of integral development – the development of the person in respect to the full panoply of human goods is found in other Church documents especially in *Populorum Progressio* of Paul VI and recently in Benedict XVI's encyclical *Caritas in Veritate*. Benedict writes that "precisely because God gives a resounding 'yes' to man, man cannot fail to open himself to the divine vocation to pursue his own development. The truth of development consists in its completeness: if it does not involve the whole man and every man, it is not true development." See his encyclical letter, *Caritas in Veritate*, available at www.vatican.va.

²¹² See David Hollenbach, "Human Rights and Communal Solidarity: A Catholic Perspective in the African Context," 23.

²¹³ Other religious ethicists who have focused on issues of global justice and pushed communitarian agenda forward by expressing their commitment to moral realism and global ethical standards as unequivocal are David Little, "On Behalf of Rights: A Critique of Democracy and Tradition," in *Journal of Religious Ethics* 34. 2 (June): 287- 310 and William Schweiker, "A Preface to Ethics: Global Dynamics and the Integrity of Life," in *Journal of Religious Ethics* 32.1 (Spring): 13- 37.

²¹⁴ See Simeon O. Ilesanmi, "Leave No Poor Behind: Globalization and the Imperative of Socio-Economic and Development Rights from an African Perspective," in *Journal of Religious Ethics* 32.1 (Spring): 71-92.

solidarity and development. Hollenbach's vision would attend to the fragmentation in community and the destruction of cultures caused by development initiatives based on the economic model alone. The formation of a new form of community through solidarity has an important role to correct a vision of life for the future. The World Council of Churches seems to endorse Hollenbach's vision since in their view, under reigning approaches to sustainable development, formation of community is often ignored.²¹⁵

5.4 Recommendations

Here, we submit some recommendations in response to the challenge of human rights as discussed under the writings of David Hollenbach. His reflections reveal some elements that can guide the formulation of policy.

5.4.1 The Mission of the Church in the Face of Human Rights Violation

As we acknowledge the current challenge to human rights in our world we would like to inspire and encourage the church in her role and mission of protecting and defending life through her liturgy and other celebrations through prayer, lectures and symposia in an effort to demonstrate solidarity and hope for victims of human rights abuses. Christ her divine leader did proclaim in John 10: 10 that "I came that they may have life and have it more abundantly." It is the duty of the Church, in imitation of her master to enhance the living conditions of those whose dignity are infringed upon or harmed. The Synod of Bishops did state that working for justice is an integral part of

²¹⁵ See Earth Habitat: Eco-Injustice and the Church's Response Dieter Hessel and Larry Rasmussen, (eds.) (Minneapolis: Fortress Press, 2001), 87.

evangelization, the mission of the Church.²¹⁶ The violation of human rights is a serious denial of the justice due others. And this denial of justice owed to others hinders personal growth and integral development. For human dignity cannot be fully realized without growth and the development of the whole person.

The Catholic Church has contributed a lot to the political life and civil life of society across the globe and especially in addressing the issues of poverty and human rights. In view of this, we would like to submit that:

1. The Church should continue to intensify her theological reflections on human rights and the ever increasing challenges that confront the global community with regard to terrorism, violence and religious intolerance.
2. The Catholic Church and other churches need to reassess their commitment in relation to the dignity and human rights within their institutions so as to give credence to their defense and promotion of human rights around the world.
3. The Church faithful to her prophetic vocation must collaborate with other ecumenical organizations and NGO's in an effort to end all forms of discrimination and exploitation in the larger society. In conjunction with other civil society leaders, she is to contribute to the building of democracy since democracy is inseparable from human rights. The Church must strive to do this while maintaining her distinctiveness and fidelity to the Gospel of Christ.

²¹⁶ See, *Justice in the World (Synod of Bishops)* No. 2, in Catholic Social Thought: The Documentary Heritage, 294.

5.4.2 The Role of the Secular Governments

We cannot underestimate the role of secular governments in helping to address the issue of human rights. Secular governments are elected to see to the total well-being of the citizens. In doing this, there is the need for laws to protect and promote the rights of the citizenry. Since every person is the subject of human rights we dare submit that:

1. Governments cannot deny people (migrants, refugees) their rights on the basis of lack of citizenship because it is membership in the human family not membership of a particular civil society that is the foundation of human rights.
2. Even though territorial borders and state sovereignty are useful structures for ordering international life, they may not be cited as reasons for refusing to meet the duties that flow from human rights. The idea of shared obligation and solidarity must inform governments response to the issue of refugees.
3. There is the need for modern society to formulate coherent proposals for sustainable development that lead to overcoming poverty and hunger, leading to well- being without polluting or destroying our ecosystem.
4. Governments are to come out with economic and social systems that do not produce exclusion and discrimination, depriving large and growing sectors of the well- being to which they are entitled.
5. Governments in an attempt to address the issue of global warming could come up with a market based scheme to reduce pollution. Countries would be given credits which they can trade off to other countries at the end of a period of time. Every country would be responsible for X number of people and if they reduce pollution through carbon emission, they can pay other countries to take their refugees if

they do not want them. This may raise the issue of how we view refugees but it would also help in reducing the impact of global warming.

All said and done, there is the need to work towards an ethic in the service of life. This ethic would have to embrace views that are expressed by different religious creeds and other humanists provided they are responsible. To achieve this, we need to respect and recognize the diverse world views that seek to promote and enhance human dignity, justice and development. This approach would not endorse “ethical” positions that are based on a neo-liberal model that support and encourage individualism, consumerism and the neglect of the other persons needs.

Conclusion

Our task in this chapter was to examine Hollenbach’s global picture on human rights and the issues he raises. We did explore the challenges and prospects for drawing on his reflections. Our aim was to draw on his reflections to chart a new course or direction in the debate on human rights. From our presentation, it is clear that what Hollenbach seeks to propose in his writings is a community that is built on an ethics of responsibility, the creation of a society where the structures of sin that dehumanizes the person are transformed into those that would enhance the dignity of each person. His passion for the ordering of society toward the common good would inspire renewed efforts in addressing the issues of global warming, environmental degradation, poverty, greed, inequality, marginalization and promote human welfare. The notion of the common good if taken seriously would underscore the importance of social relationship,

accountability, subsidiarity and participation in the human rights debate and help the global society to overcome many of the human rights violations of our day.

In having human dignity as the foundation for the human rights debate according to Hollenbach is very central to the whole debate and process. It is indeed true that the respect for the dignity and worth of the person is the foundation of all the specific human rights. Hollenbach by drawing our attention to the dignity of the person as the foundation for the human rights debate is calling on the world community to look beyond what we see, our cultural, social, political or religious differences to our common humanity as the basis for protecting and defending the rights of people everywhere. We can make great advancement in the human rights debate and be able to resolve issues of refugees, IDP's, migrants, exploitation, conflicts and war, by appreciating the dignity and worth of each person and thus come to perceive human rights as universal.

GENERAL CONCLUSION

We embarked on this project with the aim of assessing David Hollenbach's contribution to the debate on human rights and its future promise. We were of the view that his reflection could lead us chart a new course or direction in the debate on human rights. In view of the apparent violations of human rights around the world, we are of the view that Hollenbach's reflection can help enrich humanity to chart a new course or direction in the debate on human rights. His contribution to the debate has been very impressive and can help the Church and society in its task of defending human rights, human worth and dignity. He advocates for a social solidarity in human rights talks. Without a degree of solidarity the whole notion of greater recognition of individual dignity is dead. The group falls apart without a sense of social solidarity. Without community, real individuality is lost.

The debate on human rights is a worthwhile project. There is, worldwide, a longing for peace, a longing for stability, a longing for a course other than conflict. It seems clear that conflicts between individuals and groups can be traced to a failure to recognize God-given human dignity residing in every individual, the same dignity that resides in us. An essential unity binds each human being to each other, irrespective of superficial differences. Hollenbach sees human dignity as the foundation for human rights.

Hollenbach provides a vision for a community built on an ethic of responsibility. He proffers three strategic principles that can be helpful in building a better global society than what we have today. Our world needs principles. It needs to be guided by these

principles: defending the weak, protecting civil and human rights, caring for the poor and the displaced, respecting freedom and demanding accountability. Hollenbach shows us the way forward.

His reflections reveal that human rights are so deeply rooted in Christian tradition that the modern human rights project is not only compatible with Catholicism but it is profoundly indebted to it. He has attempted to retrieve and renew the Catholic thought on human rights. His insights and his commitment to the concrete, action-oriented mediation of church to civil society and civil society to church is an indispensable component in the effort to develop a public theology for the different United States and the very different Catholic Church today.

The various issues raised with regard to the reflections of Hollenbach and the church's contribution to the debate on human rights calls for a need to adopt other strategies and forms, and this task may take some bit of a time to be realized. It manifests the vitality and vibrant nature of the church, the relevance of the insights of Hollenbach's reflections and the church's human rights doctrine that it spearheads the human community to find solutions to the fundamental and most perplexing social concerns of our era.

We dare say that Hollenbach's contribution to the debate on human rights would have relevance for many countries across the world and my native country, Ghana. His writings can enrich the Church in Ghana in her task of defending human rights, human worth and dignity. To see the "infant democracy" grow in Ghana, the Church and her leaders would have to intensify their efforts in the promotion of human dignity, freedom, justice, equality and human rights so as to give meaning to their faith. The reflections of

Hollenbach are relevant to the Ghanaian situation where there is greed and exploitation. The rich and the powerful who are in the minority continue to get richer at the expense of the poor. Many are marginalized and so are unable to contribute to the socio-economic development of the society. Even though the coat of arms of the country says “Freedom and Justice,” there are instances of “oppression” and domination and justice is sometimes “thrown to the dogs” in the Ghanaian society. It is our hope that this dissertation will give impetus for a future work like “An Assessment of David Hollenbach’s Contribution to the Debate on Human Rights and its Relevance to the Ghanaian Situation.”

It is to be noted that the collaborative efforts of Hollenbach, the church and the consequent involvement of many church leaders in the promotion of human dignity, freedom, justice, equality, human rights including the heroic examples of such Church personages as Helder Camara of Brazil, Oscar Romero of El Salvador, the late Mother Teresa of Calcutta and the late John Paul II has begun to win for the Church a new reputation, the reputation of being “the voice of the voiceless.” If this trend is intensified in the future, then the leaders of tomorrow’s world would more easily accept the claim Paul VI made before the United Nations general assembly, that the Church is an “expert in humanity

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