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Human Rights and Pluralism in Catholic Social Thought

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Abstract

The essay argues that a Catholic tradition of natural law and its conception of human rights depend on the continuing life of institutions that stand apart from and sustain standards of justice independent from the modern state and its corresponding economy. Christians contribute to a defense of human rights precisely as members of their Churches, through their social and institutional presence across the globe. Catholic social thought deals with matters of human rights from within a tradition of natural law that assumes a common human end, a common good. This ecclesiological tradition of the human good is precisely what Catholics have to offer in a context of pluralism. The Church has a task of sustaining institutions where its practical rationality about human goods offers a practical alternative in a world where the self-interest of states and purely economic interests win the day.

Keywords

Human Rights, Catholic Social Thought, Pluralism, Subsidiarity, Social Ethics

Introduction

In a recent article on "bioethics and the common good," Lisa Sowle Cahill argues that "the real enemy of Catholic bioethics and social ethics is not internal Catholic dissent, religious pluralism among cultures or modern secularism as such. It is, rather, the stance of what might be called moral and political realism."[1] Before I continue on with Cahill's criticisms of moral and political realism, I would like to note that realism is not usually understood to be pejorative, and

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certainly not for those who wish to make a difference in the world. For example, environmental activists and economists alike make policy proposals in terms of realistic, national self-interest.[2] In positive terms, realism maintains a moral imperative not to allow disinterested moral standards to stand in the way of the good that can be done for a nation. Several decades ago, theorists such as Reinhold Niebuhr and Hans Morgenthau popularized political realism by disparaging a naive synthesis of the moral and political realms and by setting political judgments apart from the personal sphere where we are likely to find moral clarity. It is precisely this blend of the moral and political, along with the theological and ecclesiological, which will be the focus of this article.

I will propose that the Catholic tradition of natural law and its conception of human rights depend on the continuing life of institutions that stand apart from and sustain standards of justice independent from the nation-state and its corresponding economy. In Catholic social thought, these institutions are called intermediate or mediating social bodies—institutions that are not necessarily compulsory or legally governed but more richly "public" than bureaucratic government. They are "societies" such as family, neighborhood associations, civic organizations, nonprofit institutions, and trade unions, but primarily the Church, all of which function as "go-betweens" for the individual in relationship to the state and the dominant contractual (i.e., free market) economy.

In other words, Christians contribute to a defense of human rights precisely as members of their Churches, through their social and institutional presence across the globe. This proposal challenges the common understanding that people of faith enter political and public life as individuals. My counter-assertion can be understood as a simple factual point, which it is, for instance, among most Lutherans, Methodists, Baptists and Anglicans, along with most Jews and Muslims. It is also a distinctive emphasis of Roman Catholic ecclesiology. In traditional Catholic parlance, the Church is a society; it is a complete society in the sense that it has what it needs to fulfill its mission and ends, and one key feature of this society is that it is a complex (non-bureaucratic) institution. The Church is necessarily institutional — material and social — insofar as it is established by the Spirit incarnate in the world.

My reference to the Church as a society has two functions. The first is to avoid narrowing a consideration of human rights and the Church to a set of beliefs about human rights or a conception of the human being as the image of God. If a Kantian conception of rights is to be avoided (as I will argue below), a conception of human goods, as human, that is, as historical and situated, must be socially embodied. In the Church, embodiment takes the form of worship and the social practices which emerge when we join in our attempts to live

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in the world in a way that is faithful to the One we worship. Worship is a sacramental instantiation of humanity-as-gathered in recognition of our common end. From this sacramental gathering, other social institutions emerge. I realize that the idea of the Church as a "perfect society" conjures up images of intellectual and political barricades around the Church of the nineteenth century. But times change.

The second purpose of emphasizing the Church as a society, specifically as a worshipping body, is to highlight some principal features of Catholic social thought in line with John Courtney Murray. According to the modern Catholic tradition, the nation-state is not a society; yet, a society and its ongoing traditions are needed to sustain conceptions of a unified human end, basic human goods, and attendant claims about human rights. Indeed, it is difficult to imagine a unified conception of human life being carried by a society other than a theological one — other than one that worships. The modern political rejection of a unified conception of human life in favor of privatized individual pursuits corresponds to its rejection of the social nature of religion. This distinction between a unified conception of society and the liberal state is the ground work for Murray's landmark proposals in *We Hold These Truths*. Murray sums up the modern Catholic tradition when he holds that substantive agreement about the human good (in terms of natural law) requires a unified conception of our human end which emerges from and gives clarity to a social tradition. A unified conception of human life cannot be provided by the modern state unless it takes a fascist or some other tyrannical form.

With this reference to a unified conception of human life, I have re-stated the title issue of the article. Catholic social thought deals with matters of human rights from within a tradition of natural law that assumes a common human end—a common good. Given this presumption of a common good, what can Catholics say about human rights amid pluralism? In the first part of the essay, I will sketch a Catholic approach to the problem of human rights. In the second part, I will highlight the theological character of natural law, particularly in relationship to the positive law of the state, and finally I will propose that an institutional history is precisely what Catholics have to offer in a context of pluralism. The Church has a task of sustaining institutions where its practical rationality about human goods counters the dominance of political realism— that is, offers a practical alternative in a world where the self-interest of nations and "purely" economic interests win the day.

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Human Rights

We now return to Cahill's provocative statement that moral and political realism is the enemy of Catholic social ethics. According to Cahill, "political realism is the view that world affairs are governed primarily by self-interest, that the interests of the powerful always result in the domination of the weak, and that nothing can be done to change this on any significant scale." Cahill's concerns, in the particular, are economic and government policies that systematically overlook basic health care needs of the poor, especially poverty stricken nations, and give little attention to the worldwide spread of curable diseases, not to mention AIDS. She notes that little attention is given to the fact that "in Africa, malaria is the number one killer of children under five. The leading causes of death for adults, besides AIDS, are respiratory infections, diarrhea, and malaria."

David Hollenbach, S.J., in his *The Common Good and Christian Ethics* notes that this kind of political realism is not reserved for policy makers and CEO's of pharmaceutical companies. He indicates that Americans, by and large, tend to resist international involvement when it is guided by "strictly humanitarian purposes." In terms of Cahill's examples, there is little impetus to be actively concerned with a right to basic health care in sub-Saharan Africa. Hollenbach cites a 1999 survey of public opinion by the Chicago Council on Foreign Relations, which concludes that "Americans . . . are unlikely to favor international engagement to promote the well-being of people in other countries when this is not immediately linked with domestic well-being." Hollenbach shows that a common morality of non-interference and tolerance quickly slides into a narrow utilitarianism which is measured by individual self-interest. In other words, arguments for assistance to African countries would have to appeal primarily to self-interests (will the diseases spread to us?) and only as an auxiliary argument to basic rights or human need.

To be fair, it can be argued that Americans are not so much selfish as realistic about the ways of the world. As I am American, I will maintain the first person plural; my arguments focus on nation-state realism, so that they follow smoothly by means of attention to membership in a specific nation, especially when that nation is in the process of defining the nature of imperialism in the twenty-first century. From an American point of view, I should say that we in the U.S. do not intend for the interests of the powerful to dominate the weak, but we see that all nations, whether England, Russia, China, or North Korea, act according to national standards of self-interest. States in the U.S., whether Maryland or Alabama, do the same on a national scale, as do counties and cities and people in government and in business. The realist rationality of power and self-interest has become formalized through decision making models like Game

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Theory, which are taught in colleges and universities throughout the country. Modern pluralism is a world of competing goods, which are asserted in terms of rational, that is, individual, self-interests.

We should admit, as well, that modern political theory gives us grounds to assert our rights as citizens by encouraging us to be suspicious of others, especially when they assert their rights over against us. Modern theories of political organization assume that the natural human being is a pre-social individual who enters society for reasons of self-interest and as a means to limit the interests of others. In this regard, Roger Ruston, in his *Human Rights and the Image of God*, tries to rescue Locke from twentieth century libertarians. He argues that Locke takes from the medieval tradition of natural law the idea that human beings have natural duties, which form the basis for claims to a right. Ruston holds that problems with Locke's theory (particularly in reference to the indigenous peoples of seventeenth century North America) can be attributed to his individualism.

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It is also built into modern theories to resist appeals to an authority outside the social contract, which, at least in theory, is given authority by individuals. Historically, this resistance to external authority meant, typically, a rejection of the authority of the Church, and religious authority still bears the brunt of modern cynicism in America. Certainly appeals to an individual's religious conscience are allowed, but this internal authority carries no social force and supports the original agonistic theory of social organization. When all is said and done, rights must be asserted by individuals (who, in the agonistic frame, have a natural right to them insofar as they are able to defend them), and the powerful tend to make louder and more effective assertions.

We (Americans and others in the West) tend to assume that human rights have a ground outside or prior to contractual social relations—outside the merely political—but it is often difficult to disentangle merely conventional grounds from something more stable. I cite as an example the memorandum, on the "Application of the Geneva Convention on prisoners of war to the conflict with Al Qaeda and the Taliban," by Alberto Gonzales, then White House Counsel to the President. Although evidence of torture at Abu Ghraib and Guantánamo Bay might incline one to do so, I do not mean to argue that the Bush Administration intended to follow the logic of the memo, which seems to imply that torture is acceptable when it is not legally defined as torture. I suppose only that Gonzales's legal advice was considered sound and advantageous, demonstrated by the fact that he soon became the Bush Administration's Attorney General.

In the memo, Gonzales advises the Administration to avoid giving Afghani prisoners and detainees status under the Geneva Convention because such a classification, among other things, would bind the U.S. government, both domestically and internationally, to laws and standards of treatment that we might need to reject for, in Gonzales's words, "it is difficult to predict the needs and circumstances that could arise in the course of the war on terrorism." In making his arguments, Gonzales appears to assume that the Geneva Convention represents, not moral standards, but purely political and merely legal ones. International law on human rights, in Gonzales's line of argument, is thought to be, not a matter of what is due to human beings as prisoners of war, but something equivalent to a treaty agreement, where authority is only conventional. In effect, Gonzales takes a realist line on what he takes to be a political and therefore morally compromised declaration of rights. His advice deals with a human rights code as a political convention: we ought not to be bound by international law because we might be liable in international and domestic courts. Moral claims are assumed to be eclipsed by politics, and this assumption justifies political realism.

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Many Americans find the Gonzales memo troublesome, but we ought not to point our fingers only at the White House. Most in the U.S. follow the same logic when the issue is raised about China's trade status, international labor laws, international environmental standards, and war ethics. It is not entirely correct to say that morality is bracketed out by a realistic assessment of self-interests. It is more to the point to say that we find a world where moral goods are already crowded out, and realistically, why should we be the ones to take a disinterested point of view. The significance of the Gonzales memo is this. When push comes to shove, documents like the UN declaration on human rights are understood to be merely political and historical constructions. In a world of plural goods, politics is considered a realm where there is no moral authority outside of what is constructed by competing political self-interests.

When faced with this diminishment of the moral by the political, the customary remedy is an application of something Kantian. Immanuel Kant attempts to show that human dignity (an end not a means) can be grounded in reason alone in terms of the rational will, and modern appeals to essential (rather than conventional) human rights are fundamentally Kantian. In *Christian Faith and Modern Democracy*, Robert Kraynak puts forward a radical claim that *all* modern Christian accounts of human dignity are more or less Kantian. Even if we moderate the *all* to *most* or to the *dominant forms,* Kraynak arguments remain weighty. He argues that "pure" Kantianism (if there is such a thing) imagines the individual as "an autonomous being who lives solely by self-imposed laws, which means it denies the real existence of divine law or of natural law sanctioned by God, and it denies man's supernatural destiny." Nonetheless, according to Kraynak, Kant remains eminently attractive to the religiously minded because he "separated rights from utilitarian calculation of self-interest and defended them in immaterial terms, appealing to an intangible realm of freedom that transcends psychological egoism and that sounds spiritual."

Kant offers a way to think about human rights apart from history and politics, but in practice, we have little opportunity to be outside of historical and political life. In effect, Kantianism helps us re-produce a clearing of all authority outside the individual's rational will (thus rejecting social convention and sheer politics), but it also makes social and political life even more vulnerable to utilitarian calculation and political realism. Once all authority rests *in* the individual will and when utilitarian calculation is the standard, then democracy is required as a procedural good, not as a means to achieve a common good, but as the best possible way to protect us from arbitrary authority. When morality is reduced to a Kantian frame, we may find moral individuals and personally committed Kantians insofar as moral authority is vested in the individual's rational will. But we will

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have only immoral societies because morality is considered internal, intangible and transcendent. Here political realism grows on Kantian soil. Kantianism provides an answer to political realism and, at the same time, clears the way for it to flourish.

As an alternative, Catholic social thought points to mediating or intermediate institutions. For instance, Cahill responds to the dominance of political realism in health care by appealing to the "on the ground embodiment of the Catholic vision through a multitude of national, international, and transnational institutions," such as community hospitals, clinics, and nursing homes which provide health care to the poor "even when it threatens their financial viability" as well as international institutions like "Catholic Charities, Caritas International, the Catholic Agency for Overseas Development . . . the Jesuit African AIDS network and the All-Africa Conference: Sister to Sister," plus "the international Catholic university system" and of course ecclesial structures linking local diocese with national bishops' conferences and the Vatican. Cahill concludes that "Catholics in Boston, San Antonio, Omaha or San Diego may feel too distant from people dying of malaria to make a difference . . . Catholic links among local and global realities provide vital institutional means to bring our ideals to reality."

In short, this approach to questions of human rights within a Catholic frame is one of institutional embodiment. The commonality of this approach, among Catholics, is confirmed by the persistent problem of the "Catholic" role in politics. For example, in the autumn months of 2004, Catholics in the U.S. debated about how Catholics should vote in relationship to issues like health care, just wages, and abortion. The "Catholic" vote was not simply a sociological descriptor but an in-house argument. The U.S. Conference of Catholic Bishops issued a document stating the Catholic position, not only on issues, but also on *what* issues are important to Catholics. Then head of the Congregation for the Doctrine of the Faith, Cardinal Ratzinger laid out guidelines for thinking through voting options. It seems to me that the general point is that there is a Catholic vote, based in norms affirmed by the hierarchy, but this vote should not be identified with existing political options. In the U.S., some bishops endorsed only anti-abortion candidates, and in response organizations were established by Catholics in support of specific candidates. Catholics who supported Senator Kerry, for instance, argued on statistical grounds that social programs championed by the Democratic Party have done more to limit abortions than Republican attempts at anti-abortion legislation.

Whether or not these arguments were convincing, it is interesting that there was a Catholic argument about the vote. On the one hand, the argument itself was constrained in a certain way (on abortion and issues of poverty for example), and on the other hand, the Catholic

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disputants generally agreed that neither Republican nor Democratic parties, or politics as it is practiced in the U.S., is hospitable to an integrated vision of the goods of human life. Such attitudes and uses of religious institutions and authority disturb individualist, Kantian and realist sensibilities. In relation to a defense of human rights, this agitation is precisely the point. Catholic citizens are part of an extra-political institution that does not permit a simple reduction of their place in politics to the status of an individual. There is an institution that stretches beyond the U.S. that impinges upon political debate.

Natural Law

According to long catalogs of human rights violations listed by Human Rights Watch on October 9, 2004 or November 18, 2005, almost all cases are perpetrated by a government's military, militia groups and warlords, or rebel armies amid civil wars. The explicit references to religion are worth noting. Two pertain to Islamic law, particularly in reference to the plight of women in Afghanistan and abuses perpetuated by Islamic courts in northern Nigeria. Another two references call for freedom of religion in the face of the secular governments of Turkey and China.

This quick review, although unscientific, renders moot the common assumption that modern state is needed to discipline religion, which will lead to extremism and oppression if left unchecked. The modern state itself is the source of its own problems, particularly when political realism sets the moral terms of statecraft. In fact, in some prominent instances, it appears that the discipline of religion by the modern state is precisely the problem (and one does not have to mention German in the 1930s). For example, Paul Vallely has noted the coincidence between the Bush Administration's Christianization of the war in Iraq and the internal justification for the use of torture in both Cuba and Iraq. In short, Vallely points out that a population is liable to give its government a great deal of moral latitude when fighting for God against demons. The Vatican, the United States Conference of Bishops, and virtually all Protestant denominations in the U.S. spoke out against the war. Nonetheless, President Bush's brand of American-evangelical individualism remained free from constraints of religious institutions and conformed naturally to the self-interest of the state. His Christianization of the war, ironically, is possible because of the privatization of Christianity in America.

In contrast, the Catholic tradition sustains a theological conception of social life. It assumes that positive law is rightly conceived when set within the frame of natural law, which has its source in eternal

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law, in providence, in God as our Creator. The Gonzales Memo (as a striking example) and the dominance of political realism (in general) indicate that this tradition is at odds with widely held assumptions about the nation-state. The shift in the Church's political position – its politics outside the dominant political frame – corresponds to the modern history of natural law. The natural law tradition (and its use within the hundred, twenty-five years of social encyclicals) offers a theory of the modern state in terms of its natural duties and the common good. Precisely because it sustains a substantive conception of shared human goods, its theory of the state is marginal to the modern state.

In order to highlight this point, I cite a few key options in the current debate on natural law. Theories in a Kantian stream, such as the new natural law theory put forth by John Finnis and Germain Grisez, work against political realism and utilitarianism on an epistemological level. They establish the nature of practical rationality with precise rules of engagement (e.g., list of basic goods and rules which govern them, such as the provision that basic goods are incommensurable and never conflict). The nature of practical reason, in the Grisez/Finnis system, is autonomous and independent of theological considerations. However, the very nature of reason is framed (some would say rigged) so that norms which logically follow confirm twentieth century papal teaching on moral norms. Contraception is the flashpoint for the new natural lawyers, but they also defend the Catholic tradition, especially recent encyclicals, on issues in politics, just war, and economics.

A critical problem with the system of Grisez and Finnis is that it requires a decisive rejection of widely held (utilitarian) conceptions of moral rationality, so that its view of rationality is not widely shared. As a result, natural law is argued as universal on an independent/rational basis where their rules of moral rationality are particular to their system. There is great irony in the fact that voluminous arguments are required to defend a position that is marginal in contemporary philosophy and society—a position that they propose as common reason. Their arguments reveal what they intend to dispel, that natural law claims (among Catholics in particular) are set within a theological framework and a tradition of social and institutional practices that seeks to cultivate theological and cardinal virtues.

Jean Porter, in her *Nature as Reason*, begins from an alternative (MacIntyrean) account of moral rationality. She argues that the Scholastic framework provides a way to think about natural law, not as a definitive set of norms (*pace* Grisez/Finnis), but as a rational capacity, set of natural modes of action, and a pre-conventional ground (retrospectively considered) for explicit expressions of human law. Porter argues for a teleological conception of human goods, and as a consequence, is able to show the intimate connections between moral

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rules and the practices in which they are embedded – the intimate connection between law and virtue. The point, here, is that Porter rejects the idea (and aim) that natural law is a independent rational system, so that she is able to sustain a universal sense of natural ends while recognizing that a natural law system, although available to others outside a Christian/Catholic tradition, is not likely to be fully convincing. In theological terms (that Porter does not use), the universality of natural law is an eschatological claim.

Within this theological framework, natural law becomes a means to make moral claims in society at large, to propose a "preconventional" ground for norms set forth as universal (e.g., against torture), and a way to evaluate positive law. Porter's theory of the natural law assumes an account of pluralism that, I would argue, is a bit too sanguine about an underlying unity amid the prevailing moral pluralism. In this sense, she is worlds away from Finnis and Grisez, who buttress natural law by rejecting the general trends in contemporary philosophy and politics. However, Porter puts natural law and its Catholic proponents in virtually the same social position as the new natural lawyers. Natural law reasoning, as it is conceived in the Catholic tradition, is not widely held today and is introduced as a source of moral evaluation from outside dominant forms of moral reason.

The advantage of Porter's approach is that it points natural law thinking to an evaluation of social practices while attending also to the institutions, practices, and social ends from which one speaks. Natural law is found, not in an ideal form or system of pure reason, but in how it is instantiated in cultures, customs, and positive law. Natural law inquiry requires an evaluation of positive law in terms of virtue and human flourishing (both as understood in a Scriptural key), and it provides a perspective from which to evaluate institutions and nation-states from outside their own interests, standards, and conventions. If the Kantian frame is rejected, one would need to be part of institutions outside the state and other dominant institutions, for example, outside key institutions that sustain free market capitalism. From intermediate institutions, one would be able to undertake an evaluation of dominant ones, from the inside as it were. Here, I am stepping beyond Porter (and toward Russell Hittinger): no institution is better situated for the task than the Church in a Post-Christian world.

Such a claim requires a renewed consideration of the modern state. The story of the secular state is usually understood to be a story of freedom from religious strife. The nation-state is idealized because it puts an end to the wars of religion, despite the fact in 1527 it was the Catholic Charles V who sacked Rome in an attempt to limit papal power and that the last thirteen years (1635–1648) of the Thirty Years War "were essentially a struggle between the Habsburgs and

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the Bourbons, the two great Catholic dynasties of Europe." The aftermath of these conflicts makes for odd coalitions. It puts Pope Innocent XI on the side of William of Orange, and later William of Orange on the side of Louis XIV. It is hard to dispute William T. Cavanaugh's argument that the "Religious Wars" of the sixteenth and seventeenth century were perpetuated far more by assertions of the burgeoning modern state than by purely religious disputes. Nonetheless, as an Enlightenment idea and as an eighteenth and nineteenth century movement, liberal state building is commonly identified with freedom from arbitrary authority and with a defense of individual rights. It is assumed that one's "nationality" is a natural concept and that European nation-states wrestled nationalities, whole peoples, free from the old regime of Church and Empire, without recognition of the fact that "nationalities" *per se* did not exist before nineteenth century nation building and its own forms of imperialism and colonization.

The modern (Kantian) framework of individual rights sees religious authority as arbitrary, as a religiously inspired realpolitik, and Western democracy is considered the best protection against arbitrary and religious authority. For example, in the American project of "regime change" in Iraq, assertions about human dignity require a politics that dismantles (privatizes) an indigenous Islamic, theological and social conception of authority. In effect, American-style secular democracy must undermine the very social traditions that would be needed to sustain human dignity over against assertions of arbitrary power. In other words, secular democracy is asserted as a procedural good that must defeat traditional conceptions of a common authority and a common good. For secular democracy to work, religious authority must be seen as merely conventional.

The point here is that a modern/Kantian account of rights reproduces the kind of politics which undermines an appeal to rights outside political realism. I do not mean to say that Christianity in the West is not complicit in abuses of political power or that Medieval Christianity is to be preferred, but I do want to emphasize that the political realism of the nation-state, not religious faith or the authority of the Church, is the main problem today. To put it more modestly, the secular nation-state is seen as the solution to Christian and Islamic fundamentalism (which are at war with secularization), but we should also recognize that state's project of disciplining religious authority and privatizing alternative institutions is at the center of the problem. The modern, nationalistic state is the world's main source of arbitrary power.

Again, we return to the problem of human rights and political realism. The task is to provide institutional counterweight to dominant political and economic institutions. The turn toward intermediate or mediating institutions in Catholic social thought (as seen in Cahill's article on bioethics) includes a disavowal of coercive institutions to

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promote and sustain the common good. Intermediate institutions sustain the social character of Catholic thought while finding a route for pursuing the good of society apart from the power of the state. Historically, this modern shift is not clean, but its convoluted beginnings can be traced back as far back as the French Revolution, the loss of the papal states and, in general, the nineteenth century struggle with liberalism, including Vatican I and Pius IX's strident attacks against the new order of things. The development of the idea of mediating institutions is a response to a new social position, where witness (rather than coercion) and the building of alternative institutions become the means of promoting the common good.

This turn to mediating societies and away from coercion is essential to a contemporary theological defense of human rights. The Roman Catholic Church in particular, has come very late to using the concept of rights in order to defend human dignity. It is honest (it seem to me) to say that the concept of rights as an independent moral frame, that is, the predominant modern/Kantian vision of rights, still does not fit well with a theological understanding of the human being. However, this ill-fit can be realized as productive of our witness to human rights. In the previous section, I dealt with political realism and Cahill's Catholic response in order to make this point plain. The worship and form of life of the Catholic faith offer a way to ground human rights differently and to make sense of a social tradition that understands conventional standards of justice in terms of God's purposes for human life.

A now classic appeal to natural law in support of human rights is John XXIII's *Pacem in terris.* In an introduction to the document, David O'Brien and Thomas Shannon explain that the rights defended in the encyclical "are not in themselves unique or constitutive of a major departure from traditional Catholic social thought." What is distinctive, they say, is that rights understood in the wide breadth of the tradition are grouped and listed "in such an explicit manner." O'Brien and Shannon also note that the Pope gives a comprehensive— a maximal—account of rights. Along with a common conception of rights, "such as respect for one's person and religious freedom, John also argues for some not accepted as easily: the right to freedom in searching for truth and in expressing one's opinions, the right to choose freely one's state of life, the right to work" and so on. This "[comprehensive] listing sets out a social agenda and provides criteria for evaluation of social practices."

John XXIII's account brings together traditional Catholic social thought by uniting a variegated list of rights through a teleological understanding of human dignity and nature. Pope John sets out a general framework of natural law and makes a broad appeal to the human being as a person, "that is, his nature is endowed with intelligence and free will" (no. 9). However, this common (Kantian)

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definition is set within a wider theological frame. The dignity and rights of the human being are grounded in eternal law, in God as "the first truth and highest good" (no. 38). Human intelligence and freedom are understood to be fulfilled in communion with God and, because directed to God, fulfilled in love of neighbor as well.

John XXIII's explication of rights is directed to what fulfills the human being, which is found in the law that is in us by our nature, not our nature as merely instinctual or pre-determined but as intelligent and free. Law is the reasonable measure of human acts according to the good that is common to all. Natural law is our free participation in the eternal law, through which we have "a natural inclination to [our] proper act and end." And eternal law is the rule and measure of all; it points to God as the source and fulfillment of all.

From this framework, John XXIII sets human rights in relation to human, positive law by citing Aquinas' third article on eternal law. "Human law . . . is derived from the eternal law. In so far as it falls short of right reason, a law is said to be a wicked law; and so, lacking the true nature of law, it is rather a kind of violence." In other words, "right reason" provides the criteria to judge social practices as well as national and international law insofar as it is grounded theologically. The question of how right reason or natural law is situated theologically is an important one. It is a mistake to conceive of eternal law as a theological version of Kantian ethics, that is, as a construct of "religious" reason *in itself* apart from historical and social development. It is a mistake to conceive of natural law as a similar construct of free-floating (pure) practical reason. Natural law emerges out of a long tradition of Christian theological inquiry and social practices, particularly in terms of the Church's engagement with non-Christian intellectual sources and practical wisdom.

This last point about intellectual and practical engagement is critical. The Church's tradition of natural law is a history of encountering, sometimes accepting and sometimes countering, the world's wisdom in terms of its reading of Scripture, its worship, and its proclamation of salvation in Jesus Christ. The task of reading Scripture in itself is not as straightforward as moderns would like it to be. For instance, the unity of the canon forced patristic and medieval theologians to give an account of what we moderns would call cultural and historical differences, but they could not accept an easy answer based on cultural or historical relativism. They had to explain theologically, for instance, why the Patriarchs had many wives and how Abraham could agree to sacrifice Isaac, but had to do so with a unified conception of God's law. For centuries, Scripture was set along side Greek philosophy as well. A key to understanding the pagan philosophers was the Trinitarian principle that our Creator is our Redeemer; there is only one Wisdom, and the Christian's task is to engage the world's learning and transform it. Pope John XXIII uses this principle when

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giving a natural law account of human rights. After he introduces his natural law account, Pope John immediately appeals to God's plan of salvation: "If we look upon the dignity of the human person in light of divinely revealed truth, we cannot help but esteem it far more highly; for men are redeemed by the blood of Jesus Christ, they are by grace the children and friends of God and heirs of eternal glory" (no. 10).

Through a historical analysis of the early scholastic period, Jean Porter shows that natural law is neither a "purely rationalistic" morality nor an inflexibly narrow account of Christian revelation. The tradition of natural law develops in terms of a wide range of texts and social movements, in terms of Platonic thought and Cicero's citizen, on one hand, and on the other, the commitment to poverty and communal living of Francis of Assisi. Porter indicates that a pre-Christian tradition of natural law was adopted "by early Christian thinkers for specifically theological reasons [namely the incarnation], and transformed by this aspiration into a distinctively Christian doctrine."

> [According to Porter,] the subsequent history of this tradition complicates the picture still further, because in the later modern period, it does begin to be understood and promoted as a purely rationalistic morality. Still later, it begins to be understood as a rationalistic tradition that happens to be, as it were, in the guardianship of a religious tradition – and that leads to a further complexity, that the natural law tradition is pressed into service as a point of entry into public discourse for religious, specifically Catholic, voices.

This final stage, of which John XXIII is an heir, is inaugurated by Leo XIII at the end of the nineteenth century.

In the twentieth century, a Catholic theory of the secular state and society develops which puts the legitimacy of political authority and social practices in terms of natural law morality—in the multiplicity of rights and duties required to bring human beings to fulfillment in a theological, although not explicitly Christological, account of the common good. The developing Catholic account of human rights emerges out of this tradition, a tradition of thought which is part of the Church's ongoing life of worship and prayer, practices of discipleship, theological inquiry, maintaining educational and health care institutions, feeding the hungry, and figuring out how to properly engage the world. Natural law and ideas of human rights are unified with these practices of the Church through a conception of and journey to our common end in God and our venture to live into how God's purposes for the world have been revealed in Jesus Christ.

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Pluralism

A Catholic account of human rights is plural-form; it is a rich account of the social fulfillment for which we are created by God. But it is not pluralistic. The tradition's account of rights is teleological, not simply procedural. This means that democratic and constitutional forms of government are good, not because they undermine external authority and appeal to individual rights, but primarily because they make possible active, personal investment in the common good. This conception of rights and duties can be seen in Cahill's rejection of political realism and in Hollenbach's appeal to the common good. Hollenbach, in effect, argues against a two-sided conception of rights as the defensive right of non-interference by others and the right to assert one's interests (as long as they do unduly interfere with the rights of others). He and Cahill think of rights in terms of engagement and participation, in terms of giving others their due—their share in a maximalist account of human fulfillment and our common good.

This theological conception of individual rights and the common good puts Catholics in the West (in this article specifically the U.S.) in a difficult position. We have to be suspicious of American cultural dominance and economic imperialism, but we cannot, theologically speaking, give up on a common human end. We will promote democracy, but not as a polity for bracketing out substantive questions and disagreements about moral authority and the common good. Cahill, in her "Toward Global Ethics," attempts to strike a balance between asserting a universal human ethics and awareness that human morality, as human, is culturally and historically conditioned. She is particularly wary of contemporary forms of imperialism, where conceptions of the global "community" are driven by national security interests, Western control over non-Western areas of the world, and the dominance of free market capitalism and profit-making corporations (rather than human need) in determining international economic "interests." Cahill's approach to this problem is to sustain an account of common human goods both theoretically and practically. We are concluding where this article began. Cahill calls us to sustain mediating societies—practical infrastructures, networks, and institutions as an alternative to political realism and the dominant economy of self-interest—to provide for the rights of persons and to sustain a social tradition that can make good sense of rights and call nation-states, international corporations, and political movements accountable.

How can Catholics contribute to a defense of human rights? The theoretical answer is to continue to engage modern forms of thought in terms of our faith in the redemption of creation, and to set our epistemological and theoretical questions within the context of practical ones. The practical answer is: for the Church to be what it is given to be by the Spirit, a social body—the body of Christ—through

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which we attain a vision of our common good in God; for the Church, as the body of Christ, to disavow the use of coercion to attain the good; for our common vision to open a way for participation in a multiplicity of institutions (both religious and secular) that sustain the multitude of goods that bring human life to its fulfillment; to be and sustain institutions of an alternative politics and economics of common good, and to offer this alternative as a social witness.

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