Many Catholic Christians, even those not so well-informed about Church doctrine, know that human dignity is at the core of the Christian message and of the social teaching of the Church. Many ordinary Catholic Christians also know that respect for human dignity entails the defense and promotion of human rights. This knowledge stems in part from the active involvement of many Church personnel and agencies in human rights work in the Philippines, particularly since the time of the Marcos regime.

This knowledge of the connection of human dignity and human rights with Catholic Christian faith and morals, however, is far from universal even among Filipino Catholic Christians. Moreover, such knowledge of human dignity and human rights that exists is vague and ill-defined. There is therefore a need to clarify the meaning, the foundation and the interconnections between human dignity and human rights. This presentation is an effort to respond to this need.

A thorough although basic treatment of human dignity and human rights should have two complementary approaches: a diachronic or historical, and a synchronic or conjunctural. Because of constraints of space, this presentation will take an almost totally synchronic approach.

1. This article is adapted from a formal presentation to the participants of the Summer Training for Social Action Directors conducted by the National Secretariat for Social Action, Justice and Peace and the Society of Jesus Social Apostolate, under the auspices of the Catholic Bishops' Conference of the Philippines, on 26 April 1993, at the Institute of Social Order, Ateneo de Manila University campus, Loyola Heights, Quezon City.
This presentation will have thirteen parts. First, basic notions and theological foundation; second, declarations of human rights; third, how the social teaching of the Church regards human rights; fourth, aspects of human rights — historical, sociological, juridical, ethical; fifth, two main kinds of human rights; sixth, the various "generations" of human rights; seventh, disputes regarding the identification of human rights; eighth, a catalogue of human rights; ninth, further explicitation of freedom of religion; tenth, priorities among human rights; eleventh, human rights, sustainable development and the integrity of creation; twelfth, "humanitarian rights," and thirteenth, human rights within the Church.

(A) HUMAN DIGNITY, HUMAN RIGHTS: BASIC NOTIONS AND THEOLOGICAL FOUNDATION

For the Catholic Christian, the dignity of the human person is based on the fact that he or she is created in the image and likeness of God and elevated to a supernatural destiny transcending earthly life. The nature of the human being as an image and likeness of God, and hence as an intelligent and free being, subject of rights and duties, is in fact the primary principle and the heart and soul of the social teaching of the Catholic Christian Church.²

The concept of human dignity in the Judaeo-Christian tradition stresses the understanding that human beings are made in the image of God. In this tradition human beings are declared to be created and sustained by and in relationship with God and are thus to be considered as selves in relation to God. In this tradition God is portrayed as treating men and women with respect.³

Because of this relationship with and love of God, every human being owes reverence to other people. Despite the fact that this relationship with God has been broken through sin, the image of God has not been eliminated from human beings. Because of the remnant of God’s image in them, men and women are declared

to possess no small dignity.

For Christian faith, the life, ministry, death and resurrection of Jesus Christ demonstrate that God has a special purpose for human beings. This remnant of the divine image and purpose conferred by God carry the implication that people are to be honored and treated as sacred.

Theologians of all Christian traditions have clearly affirmed human dignity based on the image of God in each person and the purpose of God for humankind demonstrated in Jesus Christ. This human dignity has certain implications. Men and women are to be treated as God intends them to be. Christian theology, then, grounds human dignity in its doctrine of God. Human beings have dignity because God created human beings in his own image, and then restored that image by living, dying and rising in Christ.

Human life is seen to be essentially social because human beings have been created in the image of God who is Trinity and who combines both unity and relationship in self. But human life is flawed. Persons sometimes exercise power in a way which dehumanizes other persons. For this reason Christian ethical reflection has arrived at the category of human rights. If power were always exercised in an ethically positive and constructive manner there would be no necessity for human rights language or legislation. Human rights are a mechanism to control the exercise of power so that it does not become dehumanizing of persons.

Human rights may be defined as those fundamental rights of human beings which are essential to the exercise of human dignity. These rights are possessed by human beings by the mere fact of their being human. They are inherent in their nature, and far from being concessions by society or by the state, instead society and the state have the duty to defend and promote them.⁴

There are other terms which are considered synonymous with “human rights.”⁵ These include “the rights of man,” “fundamental rights,” “natural rights,” “fundamental freedoms,” “public freedoms,” and “civil liberties.”⁶

⁵. Cf. ibid. 209, footnote 36.
⁶. “Civil liberties,” however, connotes a range of human rights narrower than
Human rights address situations in which power is being exercised in such a manner as to control human beings by manipulation or coercion so that they are unable to affirm their human dignity fully. Such an exercise of power may derive from an individual, group, nation or government and creates a conflictual situation. Human rights are basically protective devices and affirmations in law and morality which are designed to shield human beings from random violence and neglect, and from systemic exercises of destructive power. They are mechanisms to control the use of power by an individual, group or nation in relation to other human beings, and to promote the conditions necessary for the individual alone or with others, to affirm his or her humanity.

Human rights therefore emerge from the matrix of a situation in which persons are being controlled or oppressed by other persons — from a situation of sin. Christian thinking about human rights emphasizes not only the dignity and social nature of humanity but also the fact that this dignity and social relationship is constantly violated through a failure to accept the “otherness” of the other, and a desire to exercise power only in one’s own interests. Thus in any theological discussion of human rights the doctrine of sin has an important place beside the doctrine of God. Christian theology sees the need to affirm human rights because of human sin.

A complementary approach to the theological foundation for respect for human dignity and human rights is that taken by the document *The Church and Human Rights* published by the Pontifical Commission on Justice and Peace. Proceeding "on the plane of faith and of a specifically Christian outlook," it examines three theological "loci," namely: the human being as image of God; the Incarnation; and liberation and the Church.\(^7\)

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that understood today, as will be clear from the fifth part of this presentation ("two main kinds of human rights"). To anticipate a bit, "civil liberties," as usually understood, refers to civil and political rights and does not cover economic, social and cultural rights.

7. This description of an approach to the foundation of Catholic Christian respect for human dignity and human rights which is complementary to the approach taken above is taken from Komonchak et al., *New Dictionary of Theology*, s.v. "Rights, Human," by Falconer.
Humankind is created in the image of God, and because of this, everyone has imprinted on his or her conscience the moral sense which moves him or her to act according to the laws laid down by the Creator.” The Incarnation, however, throws a new light on the concept of the human being and of his or her dignity suggested by natural reason. The Incarnation reveals the human being to self, in that Jesus is the perfect human being. Jesus is seen to have sanctified all humanity, through his life, death and resurrection, directing humankind to the love of neighbor. The truths revealed by Jesus about humankind are both the foundation of the Church's teaching on human nature, and the impetus for the mission of promoting the "human" throughout the world. The theme of the Church's mission in the field of human rights is further emphasized by an ecclesiology which describes the Church in terms of being the continuation of the presence of Christ in the world and in history. Since the work of Christ is that of liberation, so the task of the Church is to help liberate humankind. The latter of course entails the defense and promotion of human rights.

(B) DECLARATIONS OF HUMAN RIGHTS

The various declarations of human rights are the concrete historico-legal expressions of the coming of human rights into the awareness of humankind. The more important and well-known declarations of human rights include the following: 8

— (North) American Declaration of Independence (1776). Declarations of human rights, in the modern sense of the term, that is, as considered basic to the political and juridical structure of modern society, begin with the Declaration of Independence of the United States of America. The latter mentions “certain inalienable rights.” Since then, other declarations of human rights have been promulgated. The most important declarations are named and briefly described below.

— Bill of Rights of Virginia (1776). It is the first declaration which contains a specific list of the rights of the human being and of the citizen. Together with it, one should also consider similar declarations of other states in the Union. The philosophy under-

lying these declarations has an empiricist and practical orientation, proceeding from the philosophy of John Locke, from Protestant natural law moral theory of the 17th and 18th centuries, and from Charles Montesquieu, in what refers to the structures of power.

—The Declaration on the Rights of Man and of the Citizen (1793), adopted by the French Constituent Assembly. During the 19th century this declaration embodied the ideals of liberal society and was instrumental in the transformation of the political and social structure of the West. It gave origin or inspiration to the declarations of rights which appeared in the liberal constitutions of many countries during the 19th century. Declarations of human rights have become common to practically all nations, and even co-exist with all forms of government, including authoritarian or totalitarian ones.

—The Universal Declaration of Human Rights (1948), adopted by the General Assembly of the United Nations Organization (UNO). In this declaration one finds an equilibrium between individual rights and social liberties. Practically everyone accepts the morally binding character of this declaration. It can be correctly considered a leading expression of the ethico-juridical conscience of humanity, represented in the UNO, and as such, is a source of “higher law” binding upon the member nations of the UNO. In order to reinforce the Universal Declaration the General Assembly of the UNO, in 1966, adopted two other covenants: the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. These two covenants integrate the rights laid out in the Declaration, but introduce important nuances and some innovations.

(C) HOW THE SOCIAL TEACHING OF THE CHURCH REGARDS HUMAN RIGHTS

One has to admit that the Catholic Christian Church did not always have a positive attitude toward human rights, especially during the nineteenth century. It was only starting from the mid-twentieth century that official Catholic Christian teaching took a firm stand in favor of human rights.9

John XXIII’s encyclical *Pacem in terris* (1963) was a landmark in the acceptance by the Catholic Christian Church of the *Universal Declaration of Human Rights*. Theologians as well as social scientists have noted the total agreement between the two documents and the consequent possibility of their serving as a basis for ethical dialogue between Catholics and non-Catholics. For the first time, in the encyclical *Pacem in terris*, the Papal magisterium presents a relatively complete and systematic catalogue of human rights, comparable to those in contemporary declarations of human rights promulgated by national or international entities.

As a whole the documents of the Second Vatican Ecumenical Council offer a panorama of fundamental human rights. *Gaudium et spes* (1965), no. 41, expresses a positive attitude toward the contemporary trend toward the promotion of human rights.

Paul VI, in the apostolic letter *Octogesima adveniens* (1971), no. 23, while manifesting his appreciation for the various declarations of human rights and for the efforts to arrive at international agreements for the application of these rights, nevertheless criticizes the juridical implementation of these rights. This is at times merely formal recognition, or legislation may be obsolete, or the lack of a preferential option for the poor may make equality before the law a pretext for flagrant discrimination and continued exploitation.

The fourth Synod of Bishops (1974), seeking to commemorate the tenth anniversary of *Pacem in terris* and the twentieth anniversary of the *Universal Declaration of Human Rights*, formulated a final message regarding human rights, which called attention to certain rights most threatened today — among them the right to life, the right to eat, certain politico-cultural rights, and the right of religious liberty.

John Paul II, in his first encyclical *Redemptor hominis* (1979), no. 17, expresses appreciation for the spread all over the world of formal acceptance, in documents of international institutions, of declarations of respect for the inviolable rights of the human person. He demands, however, that human beings go beyond the mere approval of the “letter” of these declarations, to the implementation of the “spirit” of such declarations.

From the foregoing it is evident that the official teaching of the Catholic Christian Church has intense interest in human rights. Although it is necessary to continue advancing in the consciousness of human rights within the Church itself, we may correctly speak of a pastoral shift within the Church in relation to human rights. Past reservations are gone, and Christianity clearly declares itself a defender of human rights.

(D) ASPECTS OF HUMAN RIGHTS — HISTORICAL, SOCIOLOGICAL, JURIDICAL, ETHICAL

Taken as a whole, “human rights” is a concept which is quite complex and has many aspects.\(^\text{11}\) It has a historical aspect (the historical reality from which it proceeds and the development of the concept of human rights through various historical periods) and a sociological aspect (its concrete societal expressions). The historical and sociological aspects of human rights are evident in the fact that the theory and the actual configuration of human rights evolved from that of bourgeois liberal democracy to that of Marxist socialism, two politico-economic systems which are quite distinct one from the other.

Human rights also has a juridical aspect (its expressions in law and jurisprudence), and an ethical aspect (the system of human values on which it is based). In this article our primary concern is with the ethical aspect of human rights. It is important that we study the necessity of this aspect, the appropriate criteria which orient our understanding of human rights as an ethical category, and the functions of the ethical aspect of human rights.

It is true that it is neither realistic nor sensible to speak of human rights without considering its expressions in law and jurisprudence. In order that human rights may truly become public freedoms or civil liberties, they need recognition embodied in juridical norms, found in certain legal codes and similar legal sources, and including certain legal guarantees. Nevertheless the juridical aspect does not exhaust the meaning and content of human rights. Rather, the ethical aspect of human rights is prior in value to the

\(^{11}\) These various aspects of human rights are mentioned in Vidal, *Moral social*, 210-11.
juridical aspect, because all laws and jurisprudence which claim
to be just, necessarily have to refer themselves to human values.
This entails that all laws and jurisprudence should be based on
ethical considerations. Moreover, though human rights are juridi-
cal categories inasmuch as they belong to the ambit of positive
law, they are also ethical categories insofar as they express human
values which cannot be fully translated or expressed in juridical
norms. From the foregoing we see the priority, irreducibility and
necessity of the ethical aspect of human rights.

(1) CRITERIA WHICH ORIENT OUR UNDERSTANDING OF HUMAN
RIGHTS AS AN ETHICAL CATEGORY

The historical and sociocultural conditioning of the concrete
expressions of the consciousness of human rights gives rise to
the need for certain criteria to orient our understanding of the
ethical aspect of human rights in the correct direction. These
criteria have to do with method and with contents which specify
the method.\(^1\)

An appropriate method for studying the ethical aspect or di-

dimension of human rights is by considering its concrete expres-
sions in the course of history, and criticizing these from the view-
point of humanization. Specifying the latter, we say that it in-
volves effectively recognizing the dignity of the human person as
the structural nucleus of ethics,\(^2\) and in this context, stressing the
values of life, basic welfare, liberty, equality, participation, soli-
darity, and respect for the integrity of creation, these six being
integrated in a balanced manner.

(2) FUNCTIONS OF THE ETHICAL ASPECT OF HUMAN RIGHTS

The ethical aspect of human rights fulfills several functions to-
ward the achievement of human rights. These functions are
classified into three main groups: orienting, protective, and critico-


12. Ibid. 211-12.
13. Ibid. 213.
(a) Orienting function

The ethical aspect of human rights imparts correct orientation to the concrete juridical expressions of human rights.¹⁴ These juridical expressions are supposed to be positive norms which strive to realize the ethical demands of the dignity of the human being. The consciousness of the overall ethical criterion of human dignity is what enables the ethical aspect of human rights to have an orienting function in relation to the concrete juridical positivations of human rights. The ethical aspect of human rights orients the juridical expressions of human rights by

— preventing deviations from respect for human values
— providing the correct perspective for the interpretation of juridical positivations of respect for human values
— urging towards progress in attaining consciousness of new aspects of human dignity
— maintaining vigilance so that this progress is really faithful to authentic (objectively humanizing) values

(b) Protective function

The ethical aspect of human rights provides protection for human rights by promoting and giving stronger legitimization for certain basic demands in relation to human rights.¹⁵ Among these basic demands is effective recognition of the existence of certain areas of personal and social life which are in some ways beyond the legitimate authority of the state. This implies that in some aspects the individual human person and the social groups and associations he or she creates are to some degree and in some important ways autonomous with regard to the state, although they have to act within the political environment and have to relate with the political system.

Another basic demand in relation to human rights which is promoted by the ethical aspect is the political recognition and juridical protection of human rights, which the latter need in order to

¹⁴. Ibid. 213-14.
¹⁵. Ibid. 214-15.
be fully respected and exercised. The mere formulation and declaration of human rights does not automatically ensure their acceptance and implementation. Authentic concern for human rights entails effort to make these effective in society. The ethical dimension presents the following as minimum requirements for the political recognition and juridical protection of human rights: — first, that human rights be recognized by law, normally at the level of the constitution, but also in ordinary law —second, that this legal recognition makes it possible for the members of society to claim these fundamental rights as belonging to them personally —third, that violations of these legal norms, and the disregard for the personal rights which derive from these, would entitle the offended subjects of these rights to expect the judicial authorities to redress their grievances and restore respect for their rights, using for this purpose, if necessary, the coercive apparatus of the state

(c) Critico-utopian function

The ethical aspect of human rights discharges a critico-utopian function in favor of human rights by continuing criticism of the societal conditions in which human rights are proclaimed and exercised, and by demanding the achievement of the societal conditions needed to make human rights not merely a formal goal but instead a concrete reality.

(E) TWO MAIN KINDS OF HUMAN RIGHTS

Human rights can be classified into two main kinds. One kind is made up of civil and political rights. The other kind is made up of economic, social and cultural rights.

While civil and political rights are inherent to the human person, economic, social and cultural rights are to a large extent creations of the interaction between the individual and society in the course of history.

16. Ibid. 216-17.
Civil and political rights guarantee to the human person liberty, equality and participation. Economic, social and cultural rights aim to respond to the basic needs of human beings, such as food, clothing, shelter, health and education.

Civil and political rights simply ought to be respected by the state, which should not interfere with their exercise, unless the reasonable demands of societal life require such interference. Economic, social and cultural rights demand not only respect on the part of the state, but also active promotion by the state, which should assume responsibility, at least in part, for their implementation.

In terms of their juridical exercise, civil and political rights easily allow judicial interpretation in which the demands of personal liberty, equality and participation are weighed against those of societal life, with the inclination, in principle, being in favor of the individual person. On the other hand, economic, social and cultural rights, though not entirely bereft of juridical formulation, usually come to the attention of the judiciary through citizens’ protests against neglect or discrimination by the state or demands for protection addressed to the state.

(F) THE VARIOUS “GENERATIONS” OF HUMAN RIGHTS

(1) THE FIRST “GENERATION” OF HUMAN RIGHTS

The conception of human rights as the ability of human beings to challenge the use of power which oppresses them even when that power is exercised by their government, forms the classical conception of civil and political rights. Historically this conception of human rights emerged in the 17th century in the work of Hugo Grotius, Thomas Hobbes and John Locke, and came to prominence when the leading personages of the American and the French Revolutions attempted to create a society in which their hard-won freedoms would not be impugned. They therefore accorded each citizen equal opportunity to participate in decision-making in the public life of the nation, asserting that certain fundamental rights belong to human beings as such, and can therefore be called “human rights” without qualification.
Such rights with their corollary in the duty to insure that one’s own exercise of power is not oppressive to others are normally phrased in negative terms, e.g., freedom from torture, and are generally justiciable, that is to say, their observance can be demanded by legal action and their violation is subject to legally imposed sanctions. These rights appear under such rubrics as “protection from” and “guaranteed freedom from.” Positive rights, or “freedom to,” partake of the same characteristics as the negative rights, insofar as they conceive of circumstances arising when power will be exercised in ways which prevent the exercise of such rights as free speech. These classical, or civil and political, rights are sometimes called the first “generation” of rights.\(^\text{17}\)

(2) THE SECOND “GENERATION” OF HUMAN RIGHTS

The second “generation” of human rights, associated with Karl Marx and socialism, relate to the fundamental conditions necessary before the individual is enabled to exercise his or her freedoms. The second “generation” of rights emphasizes the importance of health care, employment, housing and education as essential to the development of human beings, through which they become enabled to exercise their classical rights. These rights, generally called social and economic rights, are seen to be “aspirations,” and in some circumstances they are difficult to consider justiciable.\(^\text{18}\)

(3) THE THIRD “GENERATION” OF HUMAN RIGHTS

Since the 1960’s a third “generation” of rights has been emerging. Associated with “developing nations,” these rights lay claim to the basic needs for living — water, food, shelter — without which human beings would not be in a position to claim other rights. It is possible to perceive this as a claim arising out of the use of power which at times oppresses some people through the exploitation of their natural resources, or as a failure to use power

18. Ibid.
which might transfer or harness resources so that people might benefit from the right to life. Like the second “generation” of rights, the rights of this third “generation” appear to be aspirations, and less open to justiciability.19

(G) DISPUTES REGARDING THE IDENTIFICATION OF HUMAN RIGHTS

Within the human rights community of discourse, however, there are a number of important disputed questions. A number of human rights lawyers and commentators are prepared to recognize as human rights only those rights which are justiciable. Out of a legal positivist tradition they stress that a claim for human rights can only be made in a context in which it can be met by appropriate legislation and action. Thus even though such international codes of human rights as those promulgated by the United Nations Organization (the Universal Declaration of Human Rights [1948], the International Covenant on Economic, Social and Cultural Rights [1966] and the International Covenant on Civil and Political Rights [1966]) include second and sometimes third “generation” rights, it is perceived that they may have the force of moral claims but are not human rights as such. In this way, this tradition of thought would reserve the term “human rights” to the classical civil and political rights.20

The author of this input does not agree with this tradition. He would rather include second and third “generation” rights as human rights, striving moreover to enshrine their operational implications in law so that they can become in effect justiciable.

A second issue of current debate is the extent to which it is possible to speak of the “rights of peoples” or minorities. Various internationally recognized codes of human rights affirm the right to self-determination of peoples, but their style is basically phrased in terms of rights pertaining to individuals. Persons belonging to this or that minority may be arbitrarily denied their rights because of their membership in a minority group, but redress can be sought only on the basis of an individual’s application or

19. Ibid.
20. Ibid.
complaint. The major way in which this tension is being faced is through the articulation of freedom from genocide, and the affirmation of the rights of indigenous peoples, e.g. Amazonian Native Americans, Aborigines, Canadian Native Americans and Inuit. 21

(H) A CONCISE CATALOGUE OF HUMAN RIGHTS 22

Legend of acronyms for sources:

DH = Dignitatis humanae (Vatican II: Declaration on Religious Liberty, 1965)
GE = Gravissimum educationis (Vatican II: Declaration on Christian Education, 1965)
GS = Gaudium et spes (Vatican II: Pastoral Constitution on the Church in the Modern World, 1965)
MM = Mater et magistra (John XXIII, encyclical, 1961)
PP = Populorum progressio (Paul VI, encyclical, 1967)
PT = Pacem in terris (John XXIII, encyclical, 1963)
UDHR = Universal Declaration of Human Rights (General Assembly of the United Nations Organization, 1948)

The numbers following the acronyms refer to articles, sections or paragraphs of the above sources.

(1) BIOLOGICAL AND PSYCHOLOGICAL ("SPIRITUAL") RIGHTS

(a) Right to life and physical integrity

—right to life: UDHR 3; PT 11; GS 27.3
(The Church understands this right as also pertaining to the child from the moment of conception [GS 51].)
—right to physical integrity: PT 11; GS 27.3

21. Ibid.
22. The following concise catalogue of human rights is adapted from Vidal, Moral social, 227-30.
(b) Right to respect for one's person, reputation, and freedom: PT 12

— condemnation of torture and of cruel, inhuman or degrading treatment or punishment: UDHR 5
(The Church has condemned both physical and mental torture [GS 27.3].)
— right to a good reputation: UDHR 12, PT 12
— right to recognition everywhere as a person before the law: UDHR 6
— right to respect for one's privacy, family, home and correspondence: UDHR 12

(c) Right to security: UDHR 3

— prohibition of arbitrary arrest, detention, or exile: UDHR 9, GS 27.3
— right to asylum in other countries from persecution (but not from nonpolitical crimes): UDHR 14

(d) Right to liberty

— right to freedom of thought, conscience and religion: UDHR 18, PT 14, DH
— right to freedom of opinion and expression: UDHR 19, PT 12
— right to freedom to seek, receive and impart information and ideas through any media and regardless of frontiers: UDHR 19
— right to choose freely the state of life which one prefers, entailing the right to set up a family, with equal rights for men and women, and also the right to follow a vocation to the priesthood or the religious life: PT 15
— prohibition of slavery or servitude and the slave trade: UDHR 4
(This entails the prohibition of the selling of women and children, presumably for purposes of prostitution [GS 27.3].)
— right to freedom of movement and residence within the borders of each state, entailing the right of emigration, immigration, and return to one's country: UDHR 13, PT 25
(It is reasonable that the right to immigrate be subject to cer-
tain limitations.)

(e) Right to juridical protection of one's own rights: UDHR 7-11, PT 27

(f) Right to equality: UDHR 1, GS 29.1

This entails the condemnation of racism (GS 29.2, 60.1, PP 63).

(2) CIVIL AND FAMILY RIGHTS

— right to a nationality and to freedom from arbitrary depriva-
tion of one's nationality and of the right to change one's na-
tionality: UDHR 15
— right to marry and to found a family, the right applying equally
to men and women: UDHR 16.1, PT 15
— marriage to be entered into only with the free and full con-
sent of the intending couple: UDHR 16.2
— right to protection for the family: UDHR 16.3, PT 16, GS 52.2
— recognition of the family as the natural and fundamental
group unit of society: UDHR 16.3
— prior right of the parents to choose the kind of education
that shall be given to their children: UDHR 26.3, PT 17, GE 6

(3) POLITICAL RIGHTS

— right to freedom of peaceful assembly and association: UDHR
20.1, PT 23
— right to freedom from being compelled to belong to an
association: UDHR 20.2
— right to take part in the government of one's country, di-
rectly or through freely chosen representatives, and right of
equal access to public service in one's country: UDHR 21, PT
26, GS 75.1

(4) ECONOMIC, SOCIAL AND CULTURAL RIGHTS

— right to property: UDHR 17, PT 21 and 22, GS 71
— right to work and to satisfactory conditions of work: UDHR
23.1, PT 19 and 64, GS 67.2
— right to a just remuneration for work: UDHR 23.2 and 23.3, PT 20 and 64, GS 67.2
— right to form and to join trade unions: UDHR 23.4, MM 97-102, PT 18, 20, 23-24 and 64, GS 68.2
— right to free initiative in the economic field: PT 18, and 20, 34, GS 65.1
— right to a standard of living adequate for the health and well-being of oneself and one's family: UDHR 25.1, PT 11, GS 69.1
— right to social security: UDHR 22, PT 11
— right to rest and leisure: UDHR 24, PT 11, GS 67.3
— right to education: UDHR 26.1, PT 13, GS 60
— right to objective and truthful public information: PT 12, GS 59.4 and 59.5
— right to freely participate in the cultural life of the community: UDHR 27, PT 13 and 64, GS 59.4 and 59.5

(I) FURTHER EXPPLICITATION OF FREEDOM OF RELIGION

Of special interest to the faithful of the various religions is the further explicitation of freedom of religion. An adequate understanding of freedom of religion includes freedom of religious belief, practice and propagation. Certain regimes professing to be democratic nevertheless give too restricted a meaning to freedom of religion or they curtail the latter in many subtle ways, such as by bureaucratic vexation. Thus the need for ever clearer explicitations and positivations of freedom of religion.

A recent, fairly detailed explicitation was that delivered by Msgr. Audrys Backis, Assistant Head of the Delegation of the Holy See to the Conference on European Security and Cooperation, in Vienna, Austria, last 30 January 1987, to a session of said conference. The title of the intervention was “The sanctuary of the human conscience,” and contains the following ten points for the effective exercise of religious freedom:

23. Mons. Backis wrote this intervention in his capacity as Undersecretary of the Council for the Public Affairs of the Church. The text of his intervention was published in full on page 10 of the 23 February 1987 issue of the English weekly edition of L'Osservatore Romano.
To this end, the Delegation of the Holy See wishes to present today a proposal in ten points . . . Its purpose is to emphasize that the effective exercise of the right to freedom of thought, conscience, religion, or conviction includes, among others, the freedom:

1. for parents to transmit their own religious convictions to their children either on their own or with the aid of their communities;
2. for families to see that the religious convictions of their children are respected in every educational activity;
3. for every person to receive religious instruction individually, collectively or within the context of his community;
4. for each community of believers to organize itself according to its own hierarchical or institutional structure;
5. for each community of believers to choose and to train in its own institutions the future ministers of worship, to appoint them and subsequently to transfer them according to the objective needs of the faithful;
6. for each community of believers to open, construct and use buildings or places of worship in conformity with the real needs of its members and to see their purpose and religious character respected in every case;
7. for each community of believers to exchange information, to produce, acquire, receive, import and make free use of sacred books, of publications and of other religious materials regarding the profession and practice of a religion or a conviction;
8. for each community of believers to make use of its own means of communication and to use them for religious purposes as well as to have access to the various forms of public social communication for the same purpose;
9. for individuals as well as for communities of believers to have contacts and common assemblies, pilgrimages included, with other members of their religion in their own country as well as abroad; and this on the level both of simple believers as well as heads of communities;
10. for every believer to enjoy an effective equality in relation to other citizens in all aspects of civic, economic, social and cultural life without fear of discrimination.

(J) PRIORITIES AMONG HUMAN RIGHTS

At this point, after having surveyed a fairly extensive catalogue of human rights, it is very important for one to keep in mind that
claims stemming from various human rights can come into conflict, and in the effort to resolve the conflict in a morally correct manner, one can be helped by the knowledge that there are priorities among human rights.

It may not be always easy to discern these priorities, but there are some general rules which can help us make our ethical discernment intelligently.

One general rule is that the more necessary or fundamental a given right has to the defense of the human dignity of a concrete individual or group of individuals, the higher the priority of the right concerned.

Another general rule for sorting out priorities among human rights is to purify one's criteria from distortions, whether individualistic bourgeois liberal ones or collectivist ones. This makes one address the values of liberty and of equality in a balanced manner.

Taking these general rules together, one can affirm that although all human beings are the subject of human rights, particular attention should be paid to the rights of the oppressed, and that the right of persons to satisfy their basic needs has priority over the right of persons to satisfy nonbasic needs or wants. The latter is all the more true if the ones seeking satisfaction of their basic needs are a majority, while those seeking satisfaction of their nonbasic needs or wants are a minority.

(K) HUMAN RIGHTS, SUSTAINABLE DEVELOPMENT AND RESPECT FOR THE INTEGRITY OF CREATION

An adequate understanding of human rights includes a commitment to sustainable development and to respect for the integrity of creation.24

Contemporary Catholic Christian social ethics has become aware of the right of future generations to a habitable planet able to sustain an adequate quality of life. This entails the duty to pro-

mote patterns of development which allow present generations of humankind to enjoy a frugal comfort, do not endanger the habitability of the environment, and are capable of being sustained indefinitely.

Recently Catholic Christian social ethics has also become aware of the moral imperative to respect the integrity of creation, which includes respect for the other beings which share the universe with humankind within one cosmic community of being. At least some of these beings, particularly sentient ones, have rights at least analogous to those of human beings.

One way of stating the relation among human rights, sustainable development and the integrity of creation is one that involves three aspects, as follows: 25

First, we are stealing from future generations if we use up the resources of the earth faster than nature renews them — unless we make compensation, or use them in a way that will be of value in the future.

Second, we are destroying the quality of present human life if we do not organize our industry, agriculture and life-style in a way that is ecologically responsible.

Third, we are called to see ourselves as part of nature and to live in respectful, peaceful and harmonious partnership with all other creatures. There is no general agreement as yet on all that this involves. Not many Christian moralists or constitutional lawyers would claim that animals, plants and nature itself have ‘rights’ in the full moral sense — though there are indications in very recent times of a significant move in that direction... There is general agreement that we humans are obliged to avoid an exploitative attitude towards our partners in creation — the animals and plants of the Earth — and toward the inanimate world. This means, at a minimum, that we are obliged not to inflict unnecessary pain on animals. However, in our treatment of living but non-human creatures it is not yet clear what criteria should be used to distinguish between necessary pain and needless cruelty. And few of the theologians or leaders of the main Churches have even begun to address seriously the moral issues surrounding

25. Ibid.
the treatment of animals in modern factory farming . . . It is also generally accepted that we have a moral obligation to ensure that the variety of species of animals and plants is respected. But once again it is not clear what this means in practice — what limits it puts on human interference with nature. Finally, it is accepted that humans may not destroy or wantonly pollute the environment; but as yet there are no generally accepted practical criteria for applying this general guideline.

(1) "HUMANITARIAN RIGHTS"

In situations of armed conflict between a government and a rebel group it is often not so clear what the correct understanding of which kinds of acts constitute human rights violations. Classical and conventional international law considers violations committed by the state against the civil, political and other rights of persons as human rights violations, while it considers as common crimes the same kinds of violations of the civil, political and other rights of persons when these violations are done by insurgent groups. It is obvious, however, that at core, these acts are essentially the same — human beings are deprived of the exercise of their basic rights.

In the Philippine context the above-described distinction of designation between human rights violations and common crimes is especially controversial. This is because of the positions on this matter taken by the government and by at least some armed rebel groups, especially those — such as the Marxist-Leninists — who are on the far left of the political spectrum. The government would sometimes propagandistically extend the designation of human rights violations to violations of the rights of persons carried out by the Communist armed underground. The armed rebels, on the other hand, seek to escape the presently special disrepute from their being human rights violators, by calling their acts depriving human beings of the exercise of their rights as common crimes. The result of this conflict of definitions is a crisis in which the credibility of both the government and the Church meets problems.

In view of this impasse, the Human Rights Committee of the Coalition for Peace proposed that a new group for human rights
monitoring and advocacy be created. This new group would base its assessments not on the classical conventions of international law, but on "humanitarian law."

Here, "humanitarian law" refers to a body of laws agreed upon by several nations, which addresses the very particular situation of war. It hopes to confine and set limits to the violations of the rights of combatants and noncombatants, in a situation of war.

Given the situation humanitarian law seeks to address, a different definition of "human rights violation" will be used. This is a more basic definition which will be wider in scope than the usual range of violations of rights of persons, thus covering more cases. A monitoring and advocacy group with "humanitarian law" as its basis will possess that credibility lost by groups perceived to giving the term "human rights violations" self-serving meanings.26

The scope of humanitarian law includes such matters as the immunity of noncombatants from direct military attack and the humane treatment of prisoners of war and of war wounded. The scope of humanitarian law is congruent in large measure with the ius in bello principles of Catholic Christian moral theology — those principles which should be complied with during combat.

(M) HUMAN RIGHTS WITHIN THE CHURCH

For the Church to give credible witness to justice and promote human rights with optimal efficacy, she must first be just in the eyes of the people among whom she is to bear witness and to carry out her work for human rights. The Church can achieve this credibility only when it is clear that justice and human rights prevail within her and in the relationships among her members. This is the burden of the Statement, entitled De iustitia in mundo (Justice in the World), of the Second General Assembly of the Synod of Bishops, in 1971, particularly nos. 39-48 in Part III.27

The statement mentions various ways in which the rights of people within the Church have to be respected. These include

respect for economic rights, particularly just wages and social security; freedom of expression and of thought; and juridical rights such as the right of an accused to know his or her accuser, the right to a proper defense, and the right to a speedy judicial process. Members of the Church also have the right to participate in responsibility and decision-making, with special mention of the rights of women (both lay and religious) and of the laity in general.  

As we can see, in human rights work, as in other worthwhile endeavors, actions speak louder than words, and one cannot give what one does not have.

28. Ibid. 185-86.