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Timeless Rights In Modern Times

Commentaries on the N. C. W. C.'s

DECLARATION OF HUMAN RIGHTS

By

Rev. Wilfrid Parsons, S.J.

Rev. John M. Paul, C.S.P.

and the Ethics Committee

Reports of the Ethics Committee



THE CATHOLIC ASSOCIATION FOR
INTERNATIONAL PEACE

1512 Massachusetts Avenue, N. W.
Washington 5, D. C.

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These Reports of the Ethics Committee of the Catholic Association for International Peace are issued as studies from that Committee. They were presented to all members of the Committee for cooperation in their final form. They were then ordered to be published by the Executive Council. As the process indicates these studies are not a statement from the whole Association.

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COMPARATIVE COMMENTARY ¹

BY REV. WILFRID PARSONS, S.J. AND THE ETHICS COMMITTEE

ON February 2, 1947, an international Bill of Rights, elaborated by a special committee appointed by the National Catholic Welfare Conference, was published for presentation to the Commission on Human Rights of the United Nations. This international Bill of Rights was the latest of a series of similar productions by other groups, religious and otherwise, loyally responding to the swelling demand for a Bill of Rights ever since before Dumbarton Oaks and the San Francisco Conference which adopted the Charter of the United Nations. A large part of the world has openly expressed the conviction that if we are to have a real community of peoples, these peoples must be united on a common agreement of what constitutes the legitimate position of the human person in the state in which he lives and of the state which exists in the world. An international Bill of Rights is the irreducible guarantee of unity, peace, and prosperity, law, justice, and tranquillity.

I. The Demand for Human Rights

This demand for such a Bill of Rights really goes back to the historic meeting of Franklin D. Roosevelt and Winston Churchill on the Atlantic Ocean on August 14, 1941, when the document called the Atlantic Charter was given to the world. On the previous January 6, 1941, President Roosevelt had, in his annual message to Congress, promulgated the now-famous Four Freedoms: "freedom of speech and expression . . . freedom of every person to worship God in his own way . . . freedom from want . . . freedom from fear. . . ." In the Atlantic Charter, only freedom from want and fear were mentioned, since that document was a political, rather than a philosophical one. But in the Washington Declaration of January 1, 1942, by which all the nations then at war with Germany, including Russia, and already called the "United Nations," declared their adhesion to the Atlantic Charter, in the preamble the following significant phrase occurred: "Being convinced that complete victory over their enemies is essential to defend life, liberty, independence, and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands . . . (Preamble, TTP, p. 2). This was the first time on the record that "human rights" in the dealings of the United Nations were mentioned by name.

Nearly two years later, when Cordell Hull made his now historic

¹ Report presented at the Nineteenth Annual Conference of the Catholic Association for International Peace, April 6, 1947, Boston.

trip to Moscow, one of the declarations that proceeded from that meeting, that on Italy significantly, November 1, 1943, contained these pregnant words: "Freedom of speech, of religious worship, of political belief, and of public meeting, shall be restored in full measure to the Italian people." (TTP, p. 7). This was the first time in this series of public statements when a concrete statement of rights was made. The list of four rights was the irreducible minimum of the rights of a free people.

A month later, President Roosevelt and Prime Minister Winston Churchill met with Marshal Stalin at Teheran in Persia, on December 1, 1942. The declaration that was published after that conference spoke of those nations "dedicated to the elimination of tyranny and slavery, oppression and intolerance . . ." (TTP, p. 15). The formula was just vague enough to mean nothing. But, in its generalities, it could include everything. The various international meetings on Food (June 3, 1943), UNRRA (November 9, 1943), Finance at Bretton Woods (July 22, 1944), and Aviation (December 7, 1944), perhaps by the nature of the matters discussed, produced nothing about human rights as such, though they were obviously in the background and in the members' minds. Neither, surprisingly enough, did the Yalta Conference, February 11, 1945, at least in the documents that were released on that meeting.

Meanwhile, however, at Dumbarton Oaks in Washington, the nations were writing the preliminary draft of an international organization. By that time pressure was pretty strong to include a bill of rights in any charter that was adopted. It was explained, however, that the proper place for this was in the Preamble, and the writing of that was put off until the actual convention which would write the Charter. In one place in the Dumbarton Oaks Proposals, however, Chapter IX, Sect. A, par. 1, dealing with economic and social cooperation, these words occur: "With a view to the creation of stability and wellbeing, . . . the Organization should . . . promote respect for human rights and fundamental freedoms . . ." (TTP, p. 24). This latter phrase was to have quite a history, as we shall see.

Finally, on June 26, 1945, at San Francisco, the Charter of the United Nations was completed, and it was then seen that the idea of human rights loomed very large in it. Paragraph 2 of the Preamble (whose basic text is said to have been composed by General Jan Christian Smuts) lists as one of the expressed aims of the United Nations, "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." A State Department release at the time termed the reference to the dignity of the human person "a new departure in the history of international organization."

Again, in Article 13, par. 1, we read: "The General Assembly shall initiate studies and make recommendations for the purpose of . . . b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion." The same words occur again in Article 55, c, where there is question of the specialized agencies under the Economic and Social Council, and again in Article 68, which provides for setting up commissions "for the protection of human rights." Finally, in Article 76, we are told that one of the basic objectives of the trusteeship system is ". . . c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, and to encourage recognition of the independence of the peoples of the world."

On June 21, 1946, the United Nations Commission on Human Rights was finally set up, and at its first meeting Mrs. Eleanor Roosevelt was elected chairman. It has been meeting regularly ever since at Lake Success writing a definitive International Bill of Rights.

II. The Campaign for Human Rights

All of this copious recognition by the United Nations Charter of the "human rights and fundamental freedoms" came about as the result of a long and arduous campaign, conducted mostly by the religious forces of the nation, ably seconded by Latin American statesmen and a few others. As long ago as April 14, 1941, the Catholic Association for International Peace published in "America's Peace Aims" an international bill of rights, which was widely circulated thereafter. (NOTE: The previous year, the International Union of Social Studies, with headquarters at Louvain, Belgium, had published its excellent *Code of International Ethics*, which contains most of the fundamental human rights.) During 1943 and 1944, several groups had begun the study of a bill of rights and the drive to have human rights recognized formally by the nations was greatly intensified.

On October 7, 1943, the "Pattern for Peace" was issued by a group of Catholics, Protestants and Jews. The second of its seven points was this: "The dignity of the human person as the image of God must be set forth in all its essential implications in an international declaration of rights and be vindicated by the positive action of national governments and international organization." This was followed up on April 5, 1945, by a manifesto entitled "Goals for San Francisco" from the same group responsible for the writing of the

Pattern for Peace. The ninth of its ten points said: "The Charter should contain an international bill of rights and provide a commission or commissions to protect and further the rights and liberties of the individual and of racial, religious and cultural groups, especially those uprooted by war or oppression." The campaign was not entirely successful, because, apart from the several general mentions of human rights and fundamental freedoms in the Charter, no bill or list of rights as such was incorporated in that instrument. However, this much was accomplished: a Commission, as I have said, was appointed to draw up a bill of rights, which it is expected will be accepted by the General Assembly and ultimately become a part of the fundamental law of the United Nations.

That, however, was only the first part of the campaign. A much more difficult task was to formulate a list of specific rights that would be acceptable to most of mankind. Thus, in 1943, the American Law Institute appointed a committee "representing principal cultures of the world" (American, Arabic, British, Canadian, Chinese, French, pre-Nazi German, Italian, Indian, Latin-American, Polish, Soviet Russian and Spanish) to draft a bill of rights. It did so, after eighteen months of work, in eighteen articles, in each of which the right was asserted and then the corresponding duty of the state. When, however, the draft was presented for adoption it was rejected, principally because, we are told, of Article 12: "Everyone has the right to work. The state has a duty to take such measures as may be necessary to insure reasonable wages, hours, and other conditions of work." It was objected that this right could be guaranteed only by taking over "the whole control of economic life." And yet there would be no hope of getting Russia's acceptance unless some mention of economic rights and duties are made. (James T. Shotwell, "The Idea of Human Rights," *Survey Graphic*, December, 1946.) The American Bar Association also appointed a special committee, which reported on a bill of rights in the meeting of the House of Delegates in the summer of 1946. This tentative bill was never even published and work on it was abandoned, in view of the "immense difficulties of enforcement in the international sphere." (id., *ibid.*)

Meanwhile, at the Inter-American Conference on Problems of War and Peace, which produced the famous Act of Chapultepec, March 3, 1945, the Inter-American Juridical Committee was instructed by resolutions IX and XL to draw up a bill for "the international protection of the rights of man." The Committee of four, including our own past President, Charles G. Fenwick, set to work and produced its "Draft Declaration of the International Rights and Duties of Man" which, with its accompanying report, comprises a volume of sixty-three pages.

Also, nothing daunted by the American failures at the Law Institute and Bar Association, several groups, mostly religious, applied themselves to a formulation of specific rights. Chief among these were the American Jewish Committee, the Federal Council of Churches, the National Conference of Christians and Jews, the National Catholic Welfare Conference, the Twentieth Century Association, the American Federation of Labor, and the Commission to Study the Organization of Peace. We now have declarations of rights from all of these bodies. They will be compared here later.

The immediate objective in the realm of diplomacy was to persuade the Foreign Ministers of the Big Four, who were preparing the peace treaties with the ex-belligerent countries, Bulgaria, Hungary, Italy, Finland, and Rumania, and of course also Austria and Germany, to include in the treaties a specific declaration of the rights of all inhabitants of those countries. Ultimately, of course, it was hoped to have it agreed to declare that the domestic observance of these rights in each country is a matter of international concern. The first and immediate objective was happily attained, at least in the first five treaties made. For instance, in the treaty with Italy the following article appears: "Italy shall take all measures necessary to secure to all persons under Italian jurisdiction, without distinction as to race, sex, language, or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting." With no changes except that of the names of the respective countries, the identical language occurs in the treaties with Bulgaria, Hungary, Rumania and Finland. (Italy: Part I, sect. 1, art. 15; Bulgaria: Part II, sect. 1, art. 2; Hungary, Part II, sect. 1, art. 2; Rumania: Part II, sect. 1, art. 3; Finland: Part II, sect. 1, art. 3. *Treaties of Peace*. Department of State publication 2743, European series 21.) On March 25, the press carried the news that Secretary Marshall, during the Moscow conversations, had demanded that the same clauses be inserted in the treaties with Austria and Germany. Unfortunately, the peoples of Poland and Jugoslavia, because they were our allies, are deprived of this protection.

The striking similarity of the human-rights article in these treaties with the language used by the United Nations Charter will not escape notice, and the fact that the human rights clause is an integral part of each treaty gives support to the contention that the other signatory nations may exact execution of it, even though a violation of it would take place within the national boundaries of the offending nation. Each of the treaties, in fact, under the heading of Final Clauses, contains the machinery for settling "any dispute concerning the interpretation or execution of the treaty," and all decisions are

to be made by a simple majority, with the veto power excluded.

Thus has come to fruition a long and arduous struggle. The success of the campaign to date is due largely to the religious forces of this country, which exercised constant pressure through public opinion to have human rights officially and explicitly recognized in any international organization. That objective has, as we have seen been largely attained. What remains to be done is to have the United Nations Commission on Human Rights adopt a declaration of rights that will be (1) acceptable to as many nations as possible; (2) as comprehensive as possible; and (3) capable of being put into execution. And when that is done, it will require unceasing vigilance on the part of all right-thinking people to expose all violations of rights and demand that these be punished.

III. What Human Rights?

When it comes to examining the many different lists which have been proposed to the U.N. Commission of Human Rights for their adoption, we find an interesting situation: an almost complete agreement on certain specific rights, which may therefore be called fundamental, and a very wide variety of suggestions as to other rights which do not at present, apparently, have universal acceptance. If we take the N. C. W. C. Declaration of Human Rights as the basis of comparison, we can divide all the rights suggested in all the lists into four categories:

1. Rights which are common to the N. C. W. C. list and to all the others;
2. Rights in the N. C. W. C. list, but not in all the others;
3. Rights in the N. C. W. C. list and in none of the others;
4. Rights in the other lists, but not in the N. C. W. C.

1. *Rights Common to All the Lists*

The following rights which all the lists contain are obviously those which enlightened opinion everywhere unanimously agrees are imprescriptible rights. With the exception of three, as we shall see, they were already contained in the original American Bill of Rights, the first ten amendments to the U. S. Constitution proposed in 1789 and adopted as a whole in 1792, and also for the most part in the French revolutionary *Declaration des droits de l'homme et du citoyen* of August 26, 1789. They are:

- freedom of worship and of conscience
- freedom of opinion and expression of opinion
- freedom from undue search and seizure
- right to petition of grievances

liberty under the law, including habeas corpus
protection of the law, including jury trial
right of association, including political
right of free assembly, including political
right to education
right to work
right to social security.

The last three listed here—right to education, right to work, and right to social security—were not thought of by our forefathers. They are distinctly modern in conception. It is significant, however, that all the lists examined contain them in one form or another. They are clearly the result of the thought of a century-and-a-half of democracy and of practical democratic equality which in 1789 had not advanced to that of our day. Of these three “new” rights, the right to work is the most misunderstood and therefore the most controversial. On one extreme, the right to work is construed to exclude the closed shop and to be the exclusive prerogative of the workman who will not join a union. On the other extreme, this right is interpreted to involve a complete governmental duty to secure full employment to everybody able and willing to work, even if this involves complete management by government of the whole economic system. The N. C. W. C. formula is simple: “The right to work and to choose one’s occupation” (Art. 13). Perhaps, however, in view of the controversy, the most acceptable is that of CSOP: “Every person has the right to receive from the state assistance in the exercise of his right to work; and the state has the duty to promote stability of employment, to insure proper conditions of labor, and to fix minimum standards of just compensation” (Art. 18.) The right to education is clearly a result of the necessities which the democracies have experienced of ensuring that their citizens, who have civic responsibilities and duties, should also have the duty of being educated. The right to social security is similarly a result of the inequalities and injustices that flow from the modern capitalistic system.

2. Rights in the N. C. W. C. List, but not Common To All

Some of these rights thus listed are not immediately evident to human reason, but are suggested to reason by Divine Revelation. Others can be discovered by reason, but the Catholic tradition tends to persuade their acceptance. They are:

right to life and to bodily integrity from the moment of conception. This is certainly a fundamental right, but in its fullness is not accepted by all those who admit certain forms of abortion, sterilization, and birth control. CSOP and the Inter-American Commission have this right partly expressed.

right to a religious formation. In essence this is the right to private schools, against governmental monopoly of education. Again, Catholics, are the foremost, though not the only, protagonists of this right. The AFL and CSOP partly accept this right.

right of access to a livelihood. Only AJC and the AFL agree in the formulation of this right, though the latter has not always agreed in practice in its second part, "by migration if necessary."

right of private property. This right is omitted by AFL and CSOP, presumably because of the presence of Socialists in their membership.

right to a nationality: this right is accepted by the American Jewish Committee, which develops it rather fully, and by the Inter-American Committee, which adds to it the right to renounce one's nationality as well.

right to a living wage: this right is implied in CSOP's formulation of the right to work, given above; and also in AFL's rather lengthy statement on the rights to organize and to a higher labor standard.

3. *Rights in the N. C. W. C. List, and not in Others*

In this category are certain rights suggested by Papal Encyclicals and also most of the rights under the heading of family, state, and international community. The interest of the N. C. W. C. list in the Papal Encyclicals is obvious, but the inclusion of a whole list of rights of the family, of the domestic rights of states, and of states in the international community, marks a sharp difference between the N. C. W. C. list and all the other lists. For the N. C. W. C. list is not only a bill of individual human rights, as are all the others, but also an *international* bill of rights in its truest sense, which the others are not. Only the old CAIP Bill of Rights in *America's Peace Aims* had an international viewpoint. The three rights claimed by the N. C. W. C. list and not by others are:

right to choose a state of life, including the clerical: this is widely denied in those states which are dominated by an anti-clerical or totalitarian spirit.

right of collective bargaining: this right, strangely enough is not explicitly demanded by the AFL.

right to organize by industries and professions, or, as it has been called, by vocational or occupational groups. It is the right set out at length in Pius XI's *Quadragesimo Anno*.

Particularly interesting, however, in the N. C. W. C. list, are the three lists of what might be called group rights, as distinguished from

individual rights. Of the nine listed as family rights, three (Nos. 2, 5, 6) are considered by some others as individual rights and are grouped by them under the heading of social security, or education.

The domestic rights of states naturally include those of law-making, judicial process, taxation, eminent domain, education, self-defense, but also include those of compelling respect for minorities, emergency powers, control of alien economic groups. They do not, however, include two which are frequently considered to be rights of states: the right to make a just war, or of defense against unjust outside attack; and the right of revolution, or changing the form of government, by violence if necessary, in case of extreme need.

The thirteen rights of states in the international community are so many fundamental principles of what we call international law. If they were everywhere respected, and if respect for them was guaranteed by the organized international community, the scourge of war would be eliminated from this world. Several of these rights are "new" in the sense that they suppose the existence of the United Nations or of some organized international community (Nos. 1, 4, 5, 6, 8, 12).

4. Rights in Other Lists, not Explicitly in the N. C. W. C. List

right to adequate food: the American Law Institute couples this right with that of proper housing.

right against retroactive laws: this right, however, could be said to be implied in N. C. W. C. No. 4, "the right to personal liberty under just law."

right to participation in government: this right is asserted by the American Law Institute, American Jewish Committee, and the Inter-American Committee. It is obviously a prerogative of every free people, and as a principle was laid down long ago by St. Thomas Aquinas who, speaking in favor of elective, not hereditary rulers, said that "all should have some share in the government" (*Summa Theologica*, I-II, 105, 1).

right to reasonable conditions of work: this is an obvious corollary of the right to work, but is developed more fully by more than one of the lists (CSOP, AFL, ALI).

Several of the lists also go more fully into detail in developing the right of liberty and protection under the law (CSOP, ALI).

IV. What Are Human Rights?

As we examine this broad picture of what various groups among us consider to be the rights of man, we can ask ourselves: are all these rights to be considered equally valid, equally unchanging,

equally natural? To answer this question, we must call to mind that there is more than one kind of right. It would be a mistake to say that the only right is the natural right, inherent and inalienable, and to conclude that, since some of the rights listed here are not of that kind, they are not rights. It would be an equally disastrous error to say that since some of these rights are obviously "new" and subject to change or suspension, therefore all of them are. Yet both mistakes have been made.

There are certain rights, of course, which are inherent and inalienable, being man's by the natural law. But there are other rights which are hypothetical and derived; they are not original rights of man, but they arise because of certain historical, economic or social conditions. They have some or other inherent right behind them. And there are still other rights which are direct grants of the state, given because they are necessary or useful for the common good. These last, of course, the state can take away when and if the necessity or usefulness of them has disappeared.

Examples of original natural rights are: the right to life (man is a person); right to freedom of worship (man is a child of God); right of association (man is a social animal). Examples of derived or hypothetical rights: right of private property; right of nationality; right to social security. Examples of state-given rights: rights to certain specific "civil liberties." If these distinctions were always clearly made, there would not be, perhaps, such controversies over rights as sometimes arise.

This confusion over different kinds of rights, however, is not nearly so alarming as another tendency of fairly recent date by which outstanding political scientists and legal philosophers, following the lead of John Dewey and Justice Holmes, deny that the individual possesses any right at all as against the state which the state may not take away. In a recent address, "The Higher Law," Mr. Harold R. McKinnon of the San Francisco Bar lists a dozen or so questions from American university professors (he could have added a dozen more) who teach a doctrine which he rightly terms "the quintessence of totalitarianism." Summing up his conclusions from these quotations, he says:

"This teaching denies three essential elements of democracy and thereby asserts three essential elements of totalitarianism.

"It denies that there is a moral law which is inherent in human nature and which is therefore immutable and to which all man-made laws to be valid must conform.

"It denies that by virtue of this law man possesses certain rights which are inherent and inalienable and therefore superior to the authority of the state.

“It denies that the purpose of government is to secure these inherent and inalienable rights.

“It asserts that because there are no immutable principles of human conduct, there is no ultimate standard of conduct and the lawmaker is responsible to nothing but his own unfettered will.

“It asserts that since there are no natural rights, all man’s rights come to him from the state, and what the state grants, the state may take away.

“It asserts that since man possesses no natural, inherent rights, the purpose of government is not to secure those rights but rather the purpose of man is to serve the state.”

For over fifty years now, this doctrine has been standard teaching in most universities and law schools of the land. This fact no doubt explains the inability of the American Law Institute and the American Bar Association to adopt a Bill of Rights to present to the United Nations. People who do not really believe in human rights cannot be expected in sincerity to adopt a list of them. On the other hand, the story I have narrated in this paper of the long struggle to have these rights recognized and of the success of this campaign in securing explicit mention of them in the United Nations Charter and in the peace treaties is one of the most heartening things that has happened in our time. Hitler and Stalin and our own totalitarians have created the inevitable revulsion, reaction, and a happy return to American democratic traditions.

ANALYTICAL COMMENTARY

BY REV. JOHN M. PAUL, C.S.P. AND THE ETHICS COMMITTEE

Chapter I. The General Preamble to *A Declaration of Human Rights*

IF a Declaration of Human Rights is to be of the greatest value to men today, and if we are to have an adequate understanding of what should be included in such a declaration, it is necessary to consider briefly what a human right is, whence human rights arise, and why we have human rights. The General Preamble of N. C. W. C. *Declaration of Human Rights* says, "God, the Creator of the human race, has charged man with obligations arising from his personal dignity, from his immortal destiny, and from his relationship as a social being. These obligations are in reference to the Creator, to himself, to his family and his fellowmen, to the State and to the community of States. For the fulfillment of these obligations man is endowed with certain natural, inalienable rights. These obligations and rights form the substance of the natural moral law which can be known by reason."

What a Human Right Is

A human right may be defined as a moral and inviolable power of having or doing something or of demanding something from others.¹ Thus one can be said to have a right to life, or a right to get married, or a right to receive a living wage. A right is an inviolable power in the sense that it may not be interfered with by others. It is a moral power in the sense that it is power conferred on one by the *moral* law, it exists even though the person who has it may not be able to defend it by physical force. Violation of one person's right by another person is violation of the moral law. If human rights were not conferred by the moral law we should be obliged to accept the principle that "might makes right."

Whence Human Rights Arise

Whence do human rights arise? Here we must distinguish between natural, inalienable rights and what are called legal or positive rights. The latter are rights conferred by positive law. Positive law may be divine, i.e., God's revealed law or human, i.e., ecclesiastical

¹ Cf. John A. Ryan, D.D., *The Norm of Morality* (Washington, D. C., 1944) p. 54; Cf. Dom Virgil Michel, O.S.B., *Human Rights* (Wanderer Prtg. Co., St. Paul, 1936), p. 19.

or civil. The idea has sometimes been proposed that all rights owe their origin to civil power or to custom. But if only legal rights such as these existed we would be at the mercy of human authority. Our life, our liberty could be taken from us whenever the civil ruler decided it would be to his advantage to change the law granting them; or, if the form of government were a democracy and the will of the people prevailed, our life and our liberty, etc. still would not necessarily be secure. The will of the majority could inflict tyranny on the minority just the same as a dictator can inflict tyranny on the people. Custom would not necessarily protect minorities. Evidently there must be something higher than the mere will of a civil ruler, will of the majority, or custom to decide the rights to which individual persons are entitled. We referred above to rights conferred by God's positive or revealed law, but we are not concerned with them here. We say that all man have *natural, inalienable* rights and it is these rights that we are going to discuss now.

Natural rights are inherent in the human person; they belong to a person because of his very nature. They are inalienable in the sense that they are beyond the reach of men or governments. Some are inalienable in the sense that it is morally wrong for the person himself to renounce them; others may be renounced by the person himself (e.g., right to private property) but are inalienable in the sense that they may never, without violation of the moral law, be taken away by others. Whence arise these rights? The answer is that they come from God. God confers these natural, inalienable rights on us.

Need of Considering Life's Purpose

Why do we have God-given natural human rights? To show this it will be necessary to answer a further question about the very purpose of human existence itself. What is the purpose of human life? If we want to know why we have God-given, natural rights we must first know what human life is for, why we are in this world. As a matter of fact we cannot live intelligently at all unless we know life's purpose. An intelligent man would never use an instrument the purpose of which was known to him without first finding out what the instrument was for; otherwise he might ruin the instrument by using it for a purpose for which it was never intended at all. A human life can be ruined in the same way when one does not know what human life is for; indeed, this is just what has been going on—leaders in the world who do not know about or do not reflect upon life's purpose have been destroying rights and creating misery and unhappiness because they have used the lives of men for purposes for which men were not intended. If a right is a moral power of having,

doing or demanding something, we can only determine what in the nature of things should be the extent of such power and the reason for it by considering the purpose of life.

Happiness

What is the purpose of human life? If we examine the nature of man we find that man seeks happiness. Finite goods do not make man completely happy. The greatest possible combination of goods of this earth will not satisfy and there is always the fact to be considered that these goods will one day perish. The intellect of man is able to conceive of unlimited good and the will of man can desire every good presented to it by the intellect.² The object that will satisfy man and make man completely happy must be something that will satisfy the human intellect and will. Yet the possession of perfect happiness must somewhere in some way be possible because it would be contrary to the infinite wisdom, goodness and truthfulness of God that the desire for perfect happiness should be in man with no way to satisfy it. This tendency would not be in man by nature if there were no way by which its satisfaction could be achieved. Since perfect happiness cannot be found in this world, it must be found in the next. Since perfect happiness must comprise unlimited good, perfect happiness consists in the possession of God in eternity.³ And if man is to reach the goal of perfect happiness for which he is destined he must prepare during this life for union with God in eternity. This he does by a right ordering of his free acts here on earth, i.e., of acts which are the result of a decision of his free will. The purpose of human life is to act in such a way here as to prepare for union with God hereafter, where one can obtain perfect happiness.

The Eternal Law or Plan of God

This brings us to another question: How does man rightly order his acts upon earth? How can it be known which acts will prepare for happiness in eternity and which will not? The ultimate standard for determining this is what is called eternal law. Eternal law is the plan of God for the direction of all things to their end.⁴ Just as an architect would have a plan in his mind for a building to be erected and a contractor would have a plan for the direction of the work, so God necessarily had from all eternity a plan for the direction and governing of all things to the end He had in mind. This plan

² Cf. John A. Ryan, *op. cit.*, p. 7.

³ Cf. John A. Ryan, *op. cit.*, p. 8.

⁴ Cf. St. Thomas Aquinas, 1a, 2ae, g. 93.

of God for the direction and governing of all things to their ends is *eternal law*. Eternal law governs irrational creatures so that they are directed to their end by physical necessity; but men, who are rational creatures, having intellect and free will, are governed by eternal law so that they are directed to their end by moral necessity. Men rightly order their free acts, men serve God in this world and prepare for perfect happiness through union with God hereafter by following that part of the eternal plan of God for the direction of all things to their end which applies to man's free acts. What this plan is in regard to man's free acts is evident from the nature of things and is called the *natural moral law*.

Rights Are Means to Fulfilling Life's Purpose

Now since man is destined for everlasting happiness in heaven, and must prepare for such a destiny by acts here upon earth, he must have the *means* to do so. He must have the power of having or doing certain things or of demanding certain things from others. In other words, he has *rights*. If we are going to reach the end or goal of human life, which is union with God hereafter where we find perfect happiness, and which we prepare for by carrying out God's plan in regard to our free acts, we must have the *means*. Rights are the means for this purpose. Hence it must be a part of the eternal plan of God for the direction of all things to their end, it must be required by the eternal law of God, or by the natural moral law, that we have *rights* to certain things. Rights arise from the eternal plan of God; this is the sense in which it can be said that God gives us our rights. Our natural human rights then are bound up with God and with the eternal law or the *natural moral law*. The real reason we have human rights is that God gave them to us; and He gave them to us because we need them in order to serve Him.⁵

Dignity of the Human Person

Man is not a mere animal. He has a soul that is spiritual and immortal. Everything in this world will come to an end except the individual human person. Moreover, the human person is master of himself and of his acts; he is not merely a means to the end of some other person. He is a person having intrinsic worth and sacredness because of his destiny and because he has the faculty of reason and can choose his acts and prepare for the high destiny that awaits him. Man's reason enables him to see and make judgments about ends to be achieved and means to be used for the attainment of ends; his free will enables him to choose actions according to his

⁵ Cf. Virgil Michel, *op. cit.*, pp. 22-25.

knowledge. In the exercise and development of these powers of mind, he is distinguished from the brute animal, he really lives as a man, as a human person.⁶ If he is to be happy, he must be permitted proper exercise of these faculties. He has rights because of the dignity of his personality. Proximately, it can be said that the basis for human rights is the *dignity of human personality*.

The fact that the Charter of the United Nations states in the Preamble that one of the purposes is "to reaffirm faith in . . . the dignity and worth of the human person" is a notable contribution to the cause of recognition of human rights. Human rights will never be adequately safeguarded however unless men realize why the dignity and worth of the human person must be respected. The ultimate basis for human dignity is man's nature and eternal destiny. The human person who exercises his faculties properly prepares for happiness by acting in accord with the eternal plan of God. In order that he exercise his faculties in this way, he needs *rights* and it is therefore a requirement of God's plan that he have them. Hence the ultimate or remote basis for human rights is God.

Determining Human Rights in Detail

The Declaration of Independence says that all men "are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness." We have a right to the pursuit of happiness. We have a right, as Pius XI said, to tend toward our ultimate goal in the path marked out for us by God.⁷ In the pursuit of happiness we have a right to life, a right to liberty in general. Just how can we determine in detail which rights are involved in the pursuit of happiness? We can answer this by considering in more detail what by the nature of things is involved in serving God, what is included in the eternal plan of God for the direction of our acts or in the natural moral law. We can discover this by examining human nature. The nature of anything means what the thing is, considered as a principle of activity, and comprises all the tendencies and powers that it has by which it is directed to its end. An examination of human nature with its tendencies to be satisfied and faculties to be exercised, and essential relations with other beings, will show what the plan of God is for man in his pursuit of happiness, or in other words what the natural moral law embraces; it will show therefore which rights are involved in the pursuit of happiness.⁸

⁶ Cf. Virgil Michel, *op. cit.*, pp. 12-13.

⁷ Cf. Pius XI, Encyclical, *Atheistic Communism*, n. 27.

⁸ Cf. John A. Ryan, *op. cit.*, p. 16.

What the Natural Moral Law Embraces

It is evident from a consideration of human nature that man has many faculties and tendencies as well as many relations to other beings. The dignity of the human person, founded in his nature and destiny, requires that the faculties and tendencies be maintained, developed and exercised for the good of the whole person or whole human nature. One's life and integrity, both physical and mental, must be maintained. One's intellect and will are to be exercised and developed through education and association with other persons. The faculties of reason and free will, exercised in the pursuit of universal truth and universal good, are superior; the sense faculties which belong to the animal part of human nature have value in aiding the exercise of reason and will but should be exercised in such a way as not to hinder the exercise of the latter faculties. Rights are needed as means to the maintenance, development and exercise of man's faculties and tendencies.

Furthermore, man by his nature has relations to God, as Creator; and he has relations to his fellowmen, as individuals; to his fellowmen, as grouped together in societies: the family, the State, the community of States. We can tell what the natural moral law is if we consider human nature adequately, as shown in the preceding paragraph, with proper subordination of lower to spiritual faculties and proper relation of all faculties to the whole person, and then consider human nature in all the above relations. Man's relations to God, of course, embrace the general duty of preparing for perfect happiness with God by observing the entire moral law; and God endows man with all his inalienable rights for this purpose. But man's relation to God also includes the specific duty of giving to God honor and worship due Him as Creator and Lord; hence one has a specific inalienable right to worship God.

Man's relations to his fellowmen as individuals involve various duties, such as charity, justice, etc. Human nature requires man to love his neighbor who has the same nature and needs as himself and is equally a member of God's human family destined for happiness with Him. But we are especially concerned here with the fact that man's relations to his fellowmen as individuals involve justice—the duty of recognizing the rights of his fellowmen. If it is part of the plan of God that one person develop his personality and prepare for happiness with God, it is likewise part of the plan of God or moral law that his fellowmen do likewise—his fellowmen have the same dignity, nature and destiny as himself. One must recognize in each of his fellowmen the same fundamental rights he recognizes in himself. And rights of one person always imply duties in others to respect those rights; obligations and rights are correlative.

But man has relations to his fellowmen not merely as individuals but as grouped together in societies, too. A society is a moral union of many to obtain a common end by common means. Man cannot provide for himself the necessities of life and cannot develop properly his mental or moral faculties without the aid of society.⁹ Man in society also reflects the perfections of God in a way that would not be true were man to live alone.¹⁰ Social relations are an essential part of man's nature; man has need for membership in societies or social organizations. He is naturally born into a society, a family. Moreover, individual persons and families need advantages that can only be provided by membership in civil society or the State; and individuals, families and States need advantages that can be derived from international society. Individuals have rights to the advantages that can be provided by these various societies and these societies themselves have rights to whatever is necessary for carrying out their functions.

Equality of Rights

We can see from the above paragraphs how the natural moral law is determined in detail from a consideration of man's nature in its constitution and essential relations, and how natural rights are determined in detail by the requirements of man's personal dignity in preparing for his destiny of perfect happiness by carrying out the moral law. It should be emphasized that every human person has the same fundamental rights since every human person has the same dignity, the same nature and the same destiny. Every human being, whether the person be a crippled person in old age, a weak infant, or an unborn babe, has an inalienable God-given right to life and the other fundamental inalienable rights since every human being has an immortal soul, as well as a body, destined for happiness in eternity.¹¹ As is said in the N. C. W. C. *Declaration*, "the unity of the human race under God is not broken by geographical distance or by diversity of civilization, culture and economy, and the adequate use of the world's resources by all peoples is not to be denied because of these factors. "And weakness resulting from conquest or imperfection in governmental organization should not be used as pretext to reject the fundamental rights of man or to impede their legitimate exercise."

All human persons have the same fundamental rights, for the reasons we have given. When rights are determined in the concrete

⁹ Cf. Leo XIII, Encyclical, *Christian Constitution of States*, n. 3.

¹⁰ Cf. Pius XI, Encyclical, *Atheistic Communism*, n. 29.

¹¹ Cf. George Clune, *Christian Social Reorganization* (Browne & Nolan, Dublin, 1940), p. 175.

for individual persons, however, there will be differences depending upon the different duties persons have in their different circumstances in life. Because of the different circumstances in which persons live, there will be differences in regard to the need for exercising certain rights. For instance, the right to collective bargaining in regard to wages is a right that has special meaning for persons living under the present economic system. Again, while one man has as much right as another to the development of personality, it must be admitted that men differ in their natural aptitudes, inclinations, capacities and needs. For instance, some persons have greater capacity for mental development through education than others. Again, women have, to some extent, different inclinations and different functions in life than men. Hence a general equality of opportunity for development of personality would mean certain differences in the concrete for different persons.¹² In other words, natural rights are the same for all men in kind and number, but among different persons there can be some distinction as regards the extension of content of these rights.¹³

Relative Importance of Different Rights

Sometimes there may be an apparent conflict of natural rights. For instance, suppose a person is literally starving to death and the only food he can get is the private property of someone. The starving person has a natural right to the food he needs to preserve his life; the property holder has a natural right to property. The conflict is solved by the fact that the right of the starving man to preserve his life is a more important, more necessary means for carrying out God's plan than the right of the property holder, who is not starving, to maintain his property.¹⁴ A hierarchy of different rights exists, their relative importance and value depending upon how necessary they are as means to enable persons to live in accord with human dignity and prepare for happiness with God. In the case of rights which are on the same plane of necessity, rights which are for the benefit of the community in general take precedence over rights which are for the benefit of the individual.

Limitation of Rights

From the relative necessity and importance of rights in reference to the pursuit of happiness, it will be evident how rights are limited. Our General Preamble says, "At all times, the obligation to respect

¹² Cf. Virgil Michel, *op. cit.*, pp. 32-33.

¹³ Cf. Ryan-Boland, *Catholic Principles of Politics*, (Macmillan, 1940), pp. 15-16.

¹⁴ Cf. Clune, *op. cit.*, p. 186.

the rights of others operates against the arbitrary use of rights.” In regard to the rights of fellowmen, rights are limited by the equally essential or more essential rights of others. But since man has obligations in regard to the development and exercise of his own faculties, has relations in regard to God, has relations of charity and other virtues as well as of justice in regard to his fellowmen as individuals and as members of society, it is evident man will have no natural right to do what constitutes violation of any of these relations or obligations. Rights are for the purpose of enabling man to pursue happiness by carrying out the plan of God. Rights are therefore limited by the entire moral law; one has a right to do only what is morally lawful.¹⁵

Summary

Recognition of the fact that rights come from God and are for the purpose of preparing for happiness with God by following the moral law will alone provide an adequate reason for recognition of human rights. Aside from the fact that rights are conferred by the moral law, and hence limited by the same, rights would amount to nothing more than physical force. Aside from recognition of man's true purpose and destiny no entirely satisfactory reason can be given why all men have rights nor why they are inalienable and why the rights of minorities may not be taken away at the whim of majority groups. In the system of rights we have explained, we have a standard for determining which of the different rights of individuals prevail over others, and for determining when the rights of the individual prevail and when the rights of society prevail. The system shows how all human persons have the same fundamental natural rights; yet it shows how conflicting claims of various rights can be reconciled. It provides a standard showing how different rights are limited by their relative importance in accomplishing the purpose for which all rights exist—which is to enable men to live in accord with human dignity and prepare for eternal happiness.

Chapter II. The Particular Preambles in *A Declaration of Human Rights*

The *Declaration of Human Rights* is divided into four parts, considering respectively the rights of the human person, the rights pertaining to the family, the domestic rights of States and the rights of States in the international community. These rights arise from

¹⁵ Cf. Virgil Michel, *op. cit.*, p. 25; Cf. Ryan-Boland, *op. cit.*, p. 27.

the various needs of the human person in living according to his dignity and preparing for his eternal destiny; and from the various needs of societies in accomplishing their purpose, which is to provide individual human persons with opportunities and things they need for the development and perfection of personality and pursuit of happiness—opportunities and things which the persons would not have without the aid of society. Each of the four parts of the *Declaration* is preceded by a special preamble. We shall comment now on each of these preambles.

The Rights of the Human Person

The Preamble for *The Rights of the Human Person* says, “The dignity of man, created in the image of God, obligates him to live in accordance with law imposed by God. Consequently, he is endowed as an individual and as a member of society with rights which are inalienable.” Since man has the dignity of being created to the image and likeness of God with a soul that thinks and wills and is destined for happiness with God in eternity, he has the duty of following God’s law and for this purpose is endowed with inalienable rights. As an individual he is endowed with whatever rights are needed for proper maintenance, development and exercise of his faculties, for worship and service of God, and for performing duties toward his fellowmen. Moreover, man is a social being with a natural inclination to live in society. He cannot, as we saw in discussing the General Preamble, develop properly as a human person without the aid of society. He has a right to membership in society and a right to the advantages society provides for its members. This applies to the family, to the State and to international society—these are necessary and natural societies; it also applies to voluntary associations¹⁶ individuals may find it advantageous to form or enter. We shall discuss in greater detail in a later section some of the principal fundamental rights of the human person.

The Rights Pertaining to the Family

The Preamble for *The Rights Pertaining to the Family* reads, “The family is the natural and fundamental group unit of society and is endowed by the Creator with inalienable rights antecedent to all positive law. The family does not exist for the State, but on the other hand is not independent.” The family is a necessary and natural society.¹⁷ The family is necessary if the race is to

¹⁶ Cf. Ryan-Boland, *op. cit.*, p. 102.

¹⁷ Cf. Michael Cronin, D.D., *The Science of Ethics* (Benziger, 1939), II, p. 388.

continue and children are to be cared for properly. The child is not in a position to live and develop by itself, but is by the nature of things dependent on others for many years. The duty of caring for the child devolves naturally on the parents because the parents are responsible for the child's existence and are also supplied by nature with the tendencies and inclinations which are needed. The proper care, education and training of the child on the physical, intellectual and moral level all require tendencies of love and affection and willingness to sacrifice which the parents naturally possess. The members of the family are bound together by natural impulses of love for one another; love of parent for child, of child for parent and love of parents or husband and wife for each other. Hence the family is a natural society.

The family is the fundamental group unit of society. The family holds a position that is between the individual and the State.¹⁸ The family has duties and rights from God by the very nature of things because it is a natural and necessary society, not an arbitrary institution established by the free will of men. The family has fundamental rights which are independent of the State and which have not been created by any civil constitution. It has rights and duties which are prior to those of the State and are founded more immediately in the nature of things. What some of these rights are in detail we shall see later. The State is based on the family and not vice versa. The family is a true society, but an imperfect society in the sense that it is not endowed with all the means necessary for its own end—it is dependent on the State. It is the natural duty of the State to protect the family and do what it can to make the full discharge of family duties possible.¹⁹

It is the duty of the State to protect the natural rights of the family just as it is the duty of the State to protect the natural rights of the individual. The family has a right to be free from State interference in the realization of its end according to the moral law or plan of God. It is by the nature of things the duty of the family or the one in authority in the family to promote the welfare of its own members. In an extraordinary case,²⁰ however, where a family is neglecting the welfare of some of its members, the State can have the right and the duty to intervene in the affairs of the family in order to protect the rights of the individual that are not otherwise being protected. The more essential rights of the individual in this case take precedence over the right which the family normally has

¹⁸ Cf. Clune, *op. cit.*, p. 218.

¹⁹ Cf. Clune, *op. cit.*, p. 225.

²⁰ Cf. Pius XI, Encyclical, *Christian Education of Youth (Five Great Encyclicals)*, Paulist Press, p. 49).

to be free from State interference in the management of its affairs. It can likewise be the right and duty of the State to intervene in family affairs when the family is exercising its function in a way that will be harmful to the common good or general welfare of all. For instance, if a family fails to give its children the education that is necessary to equip them for good citizenship, the State can require that the children receive such education.²¹ It is the duty of the family as a unit of society to do its part in promoting the general welfare. Where individuals, families and other societies fail in this regard, it is the duty of the State to promote the common temporal good.

The Domestic Rights of States

The Preamble for *The Domestic Rights of States* says, "Political authority is entrusted by God to nations, which are endowed with rights and charged with the obligation of establishing justice, of promoting the general welfare of their citizens and of cooperating with other nations in furthering the universal welfare of mankind."

The Common Temporal Good

Man has a natural tendency toward membership in society beyond the society of his own family. Many things are needed in life and especially for proper development of personality which the family as a society cannot supply. The State is a necessary requirement of man's nature. The purpose of the State is the promotion of the common temporal welfare or common temporal good of its members. This common good includes the maintenance of order and peace, the protection of rights, etc., it includes in short the establishment of such common social conditions of life as will best enable individual members to develop their personalities according to their abilities and the moral law. The common good means all the social conditions by means of which the human person may be enabled to follow the moral law and fulfill his destiny.²² The common good which the State promotes will not necessarily however provide the same benefits for each of the members. Some individuals and especially some weaker classes will have greater need of help from civil society than others, and will benefit more from the advantages or social conditions the society provides.²³ In exercising its functions,

²¹ Cf. Pius XI, *op. cit.*

²² Cf. Proceedings of the American Catholic Philosophical Association, 1939, *Philosophy of the State*, p. 90.

²³ Cf. Leo XIII, Encyclical, *The Condition of Labor* (New N. C. W. C. translation, n. 48-52).

the State must be mindful of the fact that within its own sphere the family has authority superior to the State in promoting the temporal good of its own members. And of course men have the right to form private voluntary societies for their temporal welfare too, as long as the societies are not harmful to the rights of others or the common good.

The Individual and the Rights of the State

Since the State is a natural and necessary society for promoting the common temporal good of its members, it follows that the State is endowed by the natural law of God with rights enabling it to fulfill all its obligations. It has a right and duty to enact just civil laws for this purpose and enforce their observance. All persons have the natural moral obligation to obey just laws. All persons have the moral obligation to do their part in promoting the common temporal good. This does not mean that man is for the State; the State is for man. But it is the function of the State to promote the common good of its members, and the State therefore has the right that members do their part in enabling the State to fulfill its natural function. The State is not an end in itself, but an instrument for the welfare of the members, and the common good that the State secures is not for itself but is ultimately for the individual members. The moral obligation of individuals to support the State then in order to enable the State to fulfill its functions is reducible to a moral obligation of individuals to help provide suitable temporal conditions for the development of personality and pursuit of happiness for themselves and for their fellow-men.

Political Authority from God

Political authority in a State comes from God. The political authority is required by the nature of things in order that the common good of all be secured; hence political authority comes from God in the sense that the natural moral law requires it and God is the author of the natural moral law. Since it is the natural duty of the State to protect human rights and secure the common good and not destroy them, and since it is the natural duty of the members to support the State in this endeavor, there exists in the very nature of things a standard for showing what the State is obliged to do and what the State is obliged not to do. A State is not morally free to allow anarchy and license instead of lawful liberty, even if the majority of people should so desire; and the majority are not morally free to become a tyranny and destroy the rights of

minorities. Thus the above concept of political authority is a safeguard against anarchy on the one hand and tyranny of the majority on the other.

The Right of Self-Government

The Preamble for *The Domestic Rights of States* also says, however, "it is the right of all peoples that are capable of self-government to organize politically and to function as States upon equal terms with other States." If it is a requirement of the natural law that there be a State in order that the common good be secured, it is also a requirement of the natural law that a capable community have the right to organize such a State, choose such a form of government as to them seems most suitable, and designate the ruling authority. In a community capable of self-government, the common good will generally not be adequately maintained unless the people have the right of self-government; and it is the purpose of the government to secure the common good.²⁴ There is a strong tendency among those who are capable to have political freedom, set up their own form of government and choose their own leaders. Under such circumstances it is a part of the plan of God or a requirement of the natural moral law of God that the people have the right of self-government. This does not mean that the people may do as they please—they must follow the moral law as to what the government is obliged to do and what the government is forbidden to do.

In regard to the form of government, the people may select that form which seems best considering the circumstances of their own dispositions and customs.²⁵ The right of self-government does not necessarily imply that there must always be periodic choosing of representatives, popular elections by secret ballot, etc.; hence the individual person does not have an inalienable natural right to participate in all of these. But it will generally be found among people who are capable that these are the best means of exercising the right of self-government both from the standpoint of insuring just government today and from the standpoint of developing individual initiative and responsibility more in accord with human dignity. Pius XII, in his 1944 Christmas Message says, "If . . . we consider the extent and nature of the sacrifices demanded of all the citizens especially in our day when the activity of the state is so vast and decisive, the democratic form of government appears to many as a postulate of nature imposed by reason itself."

²⁴ Cf. Ryan-Boland, *op. cit.*, pp. 89-90.

²⁵ Cf. Leo XIII, Encyclical, *On Civil Government*, n. 7.

Functions of the State

The purpose of the State is to secure and promote the common temporal good of its citizens. This embraces, in the words of the Preamble above, "the obligation of establishing justice, of promoting the general welfare of their citizens and of cooperating with other nations in furthering the universal welfare of mankind." The State must establish justice by protecting the rights of all and interfering with the rights of none. Human rights of individuals and families, rights to life, property, etc., need to be protected by a police force or army. The State has the right and duty to make positive laws for the safeguarding of natural rights. The extent of many natural rights is determined from the nature of things and it is the business of the State to protect the rights. In the case of some other natural rights, such as certain property rights, the extent of the right is not determined by the nature of things; here it is the function of the State to determine within the limits of what is clearly required by the natural law, the extent of such rights.²⁶

It is the duty of the State to promote the general welfare of the citizens in a positive way; citizens have a right to advantages that positive promoting of the general welfare will provide them. There are some functions which the State can perform but which are beyond the capacities of individuals, families or private societies to perform adequately. Such functions could pertain, for instance, to public works, regulations concerning industry, to public charities, public education, public regulations promoting health, safety, religion and morality.²⁷

Subsidiarity

But it is wrong for the State to attempt to promote the general welfare in any sphere where it can be adequately provided for by private agencies and societies. It is in accord with the dignity of human persons, endowed with reason and free will, that they be allowed their own initiative to do things by themselves where they can. The State can best perform its functions when this is done. Pope Pius XI in his Encyclical *Reconstructing the Social Order* asked that subsidiary organizations in industry be re-established to perform some of the needed public functions that now must either be performed by the State or neglected altogether. The principle of subsidiarity in regard to functions of the State is a principle that is very frequently overlooked today.

²⁶ Cf. Ryan-Boland, *op. cit.*, p. 131.

²⁷ Cf. Ryan-Boland, *op. cit.*, p. 128.

Requirements of Prudence

The State has the duty to protect natural rights and promote the general welfare in so far as it can. The maintenance of the overall general welfare however requires that the State follow the laws of prudence in promoting the general welfare in particular instances. For instance, unlimited freedom of speech will do harm to the common good and interfere with the rights of others by putting obstacles in the way of obtaining truth or practicing virtue. It is the duty of the State to prevent this in so far as it can do so in accordance with prudence. Nearly all States recognize the duty of suppressing certain kinds of indecent literature, etc. Theoretically, the State should repress every exercise of freedom that is harmful to the common good or that interferes with the rights of others. In practice, in some cases it is not sufficiently evident whether certain views being propagated are erroneous or injurious. The State should not discourage but promote in so far as it can the pursuit of truth and true learning.

And even in cases where the harmful effect of propagating certain views is evident, attempts to suppress such propagation in some cases might open the way to such abuse that more harm would be done to the common good in the long run than would have resulted if the State had refrained from acting.²⁸ The common good may sometimes require the State to guarantee certain liberties (positive or legal rights) beyond what would be natural or God-given rights. All natural rights however are limited by the moral law.

The International Community

A State has the obligation of cooperating with other nations in furthering the universal welfare of mankind. Since peace and other conditions in international society must exist if the temporal needs of mankind for the pursuit of happiness are to be adequate, it is the right as well as the duty of an individual State to cooperate with other States in regard to this endeavor.

This brings us to the Preamble for the fourth section of the *Declaration, the Rights of States in the International Community*, which reads:

“The human family constitutes an organic unity or a world society.

“The States of the world have the right and the duty to associate and to organize in the international community for their common welfare.

²⁸ Cf. Ryan-Boland, *op. cit.*, 336-340.

“The indispensable foundation of all peaceful intercourse among nations and an essential condition of juridical relations among them are common trust and respect for the plighted word. Treaties and agreements must not be considered subject to arbitrary unilateral repudiation.

“Every State has certain fundamental rights in the international community.”

The International Common Good

Particular States are subject to the natural moral law in their relations with other States and individuals of other States, just as individuals and families are subject to the natural moral law in their relations with other individuals and families.²⁹ Particular States have natural rights which are to be respected by other States and individuals of other States; particular States cannot fulfill their functions in regard to their people unless they have these rights. And just as there is a common good for an individual State to secure and promote for its own citizens, so there is an international common good to be promoted for the benefit of the people of all States. It consists in maintenance of rights of all States to self-preservation, freedom, self-development and preservation of peace and international order. It consists also in promoting economic, social, cultural progress, etc. of humanity. In extraordinary cases it can include the protection of rights of individuals and families or groups in certain States—where such rights are seriously violated and cannot otherwise be protected.

Organized International Society

There is a common good for the States of the world and for the people of these States which must be secured and maintained if the people of the world are to live properly and fulfill their purpose in life according to the dignity that belongs to them. Particular States together with the individuals in these States have the duty of doing their part in promoting the common good of the world society. In the past it has been found necessary for groups of individuals and families to have an organized State to secure their common good. In the international community it is also necessary that the States of the world should organize, in so far as may be possible, for the securing of the international common good which cannot otherwise be secured. If States are negligent about organizing the international

²⁹ Cf. Charles O'Donnell, *Catholic Association of International Peace*, 1941, *The World Society*, I, pp. 6-12 and V, pp. 34-47.

community, it is not because there is no natural moral law about it; it is because men of good will in various States have not yet been able to secure sufficient power and influence and mutual understanding to be able to do it or, in some cases, because men of good will have not become aware of the natural need or of the moral obligation in regard to it.

The need for organized world society has been much greater and compelling in recent years than it was previously. The commercial and industrial revolution have brought the various States and peoples of the world into close communication with each other so that living in an unorganized world society today is equivalent to a condition groups of families would have lived in a few centuries ago, had they had no organized States.

Rights of Organized International Society

The individual States in the world therefore have the right and the duty to organize so as to secure the international common good. It is also very important for individual States to realize that just as individual citizens must surrender some of their freedom of action when a State is organized, so individual States must surrender some of their freedom of action when the international society is organized. Individual States will have obligations to organized international society which must be fulfilled if organized society is to fulfill its function and secure the international common good for the individual States. This means that at least in certain matters the organized world society will have a certain amount of authority and sovereignty over individual States. The organized international society must have rights which will enable it to fulfill its functions: right and power to establish a world court, to legislate within its competence, to impose military and economic sanctions, to employ an international police force, establish international regulation or control in regard to atomic energy, etc.

Observance of Treaties

If there is to be any peace and security in international relations, particular States must especially recognize the natural moral obligations of observing just agreements and treaties. An important function of organized international society would be to guarantee the sincere observances of treaties and provide for their revising and amending when necessary.³⁰

³⁰ Cf. Pius XII, Christmas Message, 1939.

Rights of the Church

We have been discussing the various Societies and the position they occupy in the nature of things. There is still another Society, the Church, about which we have said nothing thus far because the Church is not just a society in the natural order. It is the teaching of the Catholic Church that her authority comes from God, not by virtue of the fact that He is the Author of nature, but by divine revelation, by manifestation of His positive will; that she was founded directly by Christ as a supernatural society and is entirely independent of any other society in her own sphere; that she was made the custodian of Christ's revelation, was authorized by Christ to teach in His name in matters pertaining to faith and morals, and to provide His means of sanctification for men; that as a Society she can make ecclesiastical laws for the common spiritual good of the members of the Society. Granted that she was authorized by God for the end we have just stated, she has a God-given right to the means necessary to accomplish her end, such as: a right to teach the religion of Christ and the moral law in every country of the world, a right to watch over the entire education of her children in so far as religion and morality are concerned, a right to celebrate divine worship and administer Sacraments, a right to build and possess places of worship, build and conduct institutions, own property and equipment needed for her work, and prepare and enlist the services of men needed for her work.

Chapter III. The Rights Enumerated In *A Declaration of Human Rights*

Just what principal fundamental human rights does the human person have? We have seen previously that a human right is a moral and inviolable power of having or doing something or of demanding something from others; we have seen that a right is a means to the development of human personality in accordance with human dignity, a means to preparing for eternal happiness by following the moral law. We have said that we can determine which rights are involved in the pursuit of happiness by consideration of the moral law in detail, i.e., by consideration of human nature adequately in its constitution, with proper relation of faculties and tendencies to the whole nature and to each other, and human nature in its essential relations to God, fellow-men and societies.

Basic Rights

It is evident from such a consideration that the faculties and tendencies of man must be maintained, developed and exercised for the good of the whole human nature and that the human person has a right to whatever is necessary for this. Thus the human person must have a right to maintenance of life and bodily integrity. He must have a right to exercise his faculties in the service and worship of God. Also, he has a right to perform acts of justice, charity and other virtues in regard to his fellowmen and society. He must have a right to liberty, education, association—whatever is necessary for exercise and development of the highest faculties, intellect and will, in the pursuit of truth and good or happiness. He has a right to whatever means may be needed to train his passions so they will contribute to good of higher tendencies and whole human nature.

He must have a right to exercise of the reproductive faculty, with, however, proper subordination of pleasure to the end of the faculty, and so that the propagation of the race will be promoted in accordance with the plan of God; this means, promoted under circumstances where there is proper provision for physical, mental and moral development and education of children. This will require and therefore mean a right to marriage and the stable and permanent institution of the family. Moreover, the human person has a right to seek and obtain material goods and satisfactions of tendencies of lower faculties, i.e., food, clothing, housing, medical care, rest, recreation, etc. to such an extent and in such a way as to contribute to the welfare of the whole person; this means, so as to contribute to the development and exercise of the higher faculties of intellect and will, but not to the point where such seeking would interfere with development and exercise of these higher faculties. Finally the human person has a right to the aid of societies in protecting and securing his rights.

The most basic or primary rights of the human person, in view of what we have said, would be: the right to *life* and bodily integrity; the right to *liberty*—including right to serve and worship God, perform acts of virtue for fellowmen and societies, and right to education and association and whatever else is necessary for exercise and development of intellect and will and other faculties; the right to *marriage*, if one chooses to marry, or, the right to choose and freely maintain a state of life; the right to such *material goods* and satisfactions as are necessary for or contribute to the welfare of the whole person. The right to serve God or fulfill the moral law is the most basic of all rights and includes in it all the other rights. It could also be called the right to the pursuit of happiness.

Life and Bodily Integrity

The first right of the human person mentioned in the *Declaration* is the right to *life and bodily integrity*. Since *all* human persons have this right, the right is possessed from the moment of conception. The right to life and especially to bodily integrity³¹ is possessed regardless of physical or mental condition, for the same reason. The only exception to the right to life is the case of one who is being deprived of his life in just punishment for crime.³² The criminal can forfeit his right to his life—it can become necessary that crimes such as his be punished by deprivation of life in order that the rights of his fellowmen in society to life or something practically equivalent be secure. As we said in a previous chapter, the common good takes precedence over individual good in regard to rights that are on the same level of importance.

When there is a sufficiently serious reason, however, it is lawful to perform acts for legitimate ends which incidentally and unavoidably involve the death of innocent men. For instance in a just war an aviator may drop a bomb intending to destroy a sufficiently important military objective even though some innocent people are unavoidably killed. In such a case the death of the innocent is not directly intended but is merely permitted for a sufficiently serious reason. It is never lawful to kill innocent people in order to accomplish a good end; the end never justifies the means no matter how good the end may be.

Service and Worship of God

The right to liberty includes the absolute right to *serve and worship God*. Since the whole purpose of human life is to serve God and prepare for happiness with Him hereafter, the paramount importance of the right to serve God is clearly evident. Involved in the service of God is of course the observance of the entire moral law, with duties, as we have seen, to self and duties of justice, charity and other virtues to neighbor and to society.

The right to worship God flows from the fact that man has the duty to honor and adore God the Creator because of His excellence, and the duty to manifest submission to God and show recognition of the Creator's supreme dominion over him. He has the duty to do this not only in private but also in public; not only in so far as he is an individual being but also in so far as he is a social being. Hence he has a right to serve and worship God in private and in public and

³¹ Cf. Pius XI, Encyclical, *Christian Marriage* (*Five Great Encyclicals*, Paulist Press, pp. 96-97).

³² Cf. Ryan-Boland, *op. cit.*, p. 14.

he has a right to associate with his fellowmen in this activity. The State, although a necessary organization, is a group of men joined together socially, and therefore has a duty to God, too. The State has the duty to acknowledge God as its author, adore and manifest submission to God and show recognition of God's dominion.

Religious Formation Through Education and Association

Deriving from the right to serve and worship God is the right to *religious formation* through education and association. As a means toward serving and worshipping God, man has the duty and therefore the right to search for the truth about God and His purpose in regard to man; he has a right that he be educated in the truth and that he not be obstructed by force or false propaganda in his pursuit of truth about God and the service and worship of God. He has a right that all his faculties be trained toward not hindering but rather toward contributing to his efforts to serve God and follow the moral law. He has a right to help his neighbor in religious formation through education and association, too. He has a right to assist his neighbor in regard to the pursuit of truth and in regard to obedience to the moral law. In the service and worship of God and in the religious formation of himself and others, he and his associates have a right to whatever means may be needed, such as possession of property and material equipment.

The duty to search for the truth about God and the moral law implies the duty to accept anything God should reveal about Himself and put into practice anything God should reveal about His will in regard to men. Granting that God did make such a revelation, man has a right to know about it and a right to put its precepts, i.e., the divine positive law, into practice. He has a right to make use of such means of sanctifications as God has revealed. The duty to worship God, by the very nature of things, means a duty to worship God in such a way as God would want to be worshiped. The manner of worshipping God is not determined very definitely by the nature of things. It necessarily includes adoration and prayer and some external rite to fittingly symbolize man's dependence on God as a spiritual, physical and social being.³³ Granting that God by revelation has definitely specified how He wants to be worshiped, there is a duty and therefore a right to find out how God has revealed He wants to be worshiped, a duty and a right to worship Him in this way. It is evident then that the right to worship God must, in so far as it is a God-given right, be in accord with and not in conflict with what God has revealed.

³³ Cf. John Courtney Murray, S.J., "Freedom of Religion," *Theological Studies*, June, 1945, p. 265.

Conscience

The moral law requires that every individual follow the judgment of his conscience concerning religious truth, worship or any other matter pertaining to the moral law. This is true whether the conscience be a true conscience or an erroneous conscience; if the individual however doubts or suspects that the judgment of his conscience may be erroneous, the moral law requires that he do what he can to clear up the doubt. Before God, one does not have a right to maintain an erroneous conscience; but the State does not have the right to interfere with the judgment of conscience, even a wilfully erroneous conscience—this is because it is not the function of the State to prescribe any internal acts of men. If the judgment of an erroneous conscience, however, leads to acts that are against the rights of others or the common good, the State has the right, to be exercised in accordance with the requirements of prudence, to proscribe such acts. The State can and should for the sake of the overall common good permit acts harmful to the common good when greater evils would arise from their proscription.

Personal Liberty

Deriving from the right to liberty in general is the right to *personal liberty* under just law. The right to personal liberty embraces such things as freedom from physical restraint, freedom in the exercise of one's faculties, in the choice of one's occupation and residence, freedom from unreasonable interference with one's privacy or home.³⁴ The right to personal liberty is restricted by the whole moral law, of course. It is restricted by the rights of others and by the requirements of the general welfare. The right to personal liberty is violated by slavery³⁵ and involuntary servitude, as well as by any kind of physical restraint unjustly imposed. It would be interfered with by conscription for military service unless this were a necessary means of protection for the State.

The right to personal liberty is violated by unjust arrest and imprisonment. A person can be temporarily deprived of personal liberty by civil law when it is necessary that he be arrested and stand trial, but the temporary restriction of liberty must not be of any longer duration nor any greater in extent than is necessary. He can be temporarily or permanently deprived of liberty when this is necessary as punishment for a crime he committed, but he will retain a right that he be not subjected to torture or inhuman punishment. He has

³⁴ Cf. Augustine J. Osgniach, O.S.B., *The Christian State* (Bruce, 1943), pp. 232-233.

³⁵ Cf. Osgniach, *op. cit.*, p. 201.

a right to a fair trial, where all guarantees necessary for his defense and for a just decision are provided. The laws of civilized nations have various means of safeguarding the human person against unreasonable searches, seizure or arrest and against unfair trials. For instance, laws provide for search warrants, defense attorneys, trial by jury, etc. The human person has a legal right to all of these safeguards where they exist. He would not have a natural right to them in cases where other equally effective means of insuring a fair trial or preventing unjust seizure or interference with privacy could be found. But he does have a natural right to the best means that civilized nations can provide for protecting his personal liberty.

Education

Deriving from the right to liberty for exercise and development of one's faculties is the right to *education* suitable for the maintenance and development of man's dignity as a human person. This means he has a right to whatever physical, mental and moral education is necessary for leading a moral life and for enabling him to perform his duties properly as an individual being and as a social being. He has a further right which should be secured for him in so far as is possible: the right to education in preparation for whatever vocation or profession in life may be suited to his abilities.³⁶ The family has directly from God the right to educate the children, a right prior to that of civil society. In case of failure on the part of the family to provide the minimum of necessary education, the State has the right to see to the education of the child in virtue of its function to protect the right of the child or secure the general welfare, as we said in discussing the Preambles. The State should supply needed opportunities and facilities for education in so far as they would not otherwise be supplied. We mentioned in discussing the Preambles the right of the Church in regard to education.

Freedom of Expression

Corresponding to the right of education and deriving from the right to liberty is the right to freedom of *expression of information and communication* in accordance with truth and justice. The right is involved in the right to perform acts of various virtues toward fellowmen. Men have a right to propagate prudently those things which are true and honorable so that others may know about them.³⁷ Men do not have a natural right to propagate those things which

³⁶ Cf. Virgil Michel, *op. cit.*, p. 35.

³⁷ Cf. Leo XIII, Encyclical, *Human Liberty*, n. 23.

are false or propagate truth when it involves violation of the moral law. The propagation of falsehood causes truth to be obscured and harmful errors to prevail, obstructing men in their pursuit of happiness. The propagation of the truth itself in certain circumstances may do harm or lend encouragement to the practice of vice; in some circumstances it may be a violation of justice. The hurting of someone's reputation without adequate reason is a violation of the natural *right to reputation*.

The State has the right and duty to protect freedom of expression of information and communication, but has the right and duty to prudently check freedom of expression in so far as it violates the rights of others and the common good. The argument that in a contest between truth and falsity, truth will ultimately prevail is misleading and unpractical. Too much harm is done in the meantime³⁸ as is abundantly evident today from the spread of subversive Nazi and Communist doctrines in countries where there has been full freedom to spread such errors. Since in practice however it is easy to do more harm than good in checking freedom of expression where harm results, it will be found necessary in practice to allow a considerable amount of freedom which is not in accord with the moral law and which violates the rights of others and the general welfare, as we stated in discussing the Preamble for the *Rights of States*.

Opinion

There is a natural right to freedom of thought and discussion in regard to what are purely matters of opinion—this right is important because it is the way in which truth is discovered frequently and made known.³⁹ But thinking should have truth and goodness for its

Choice of a State of Life

The right to *choose* and freely to maintain a *state of life*, married or single, lay or religious, can be considered, it seems, also as derived from the right to liberty. The right to *marriage* however is listed by some,⁴⁰ along with life, liberty and property (or material goods) as one of the four most basic rights. The importance of the right to marriage and to establish a family should be emphasized. We will discuss the family rights enumerated in the *Declaration* later. The right of the individual to advantages that family life only can provide

³⁸ Cf. Ryan-Boland, *op. cit.*, p. 339.

³⁹ Cf. Leo XIII, Encyclical, *Human Liberty*, n. 23.

object.

⁴⁰ Cf. Ryan-Boland, *op. cit.*, p. 211; Cf. A. F. C. Beales, *The Catholic Church and International Order* (Penguin Books, N. Y., 1942), pp. 140-141.

is sufficiently evident from what we said about the family in discussing the Preambles in the previous chapter. Because of the dignity of human persons and the various aptitudes and inclinations that they have, it is necessary that there be freedom of choice in regard to a state of life.

Right of Association

The right to liberty includes the *right of association and peaceable assembly*. We saw in our commentary on the particular Preambles, that the human person needs society, has a natural inclination for society and has a right to the advantages society provides for its members. We also saw in discussing the principle of subsidiarity that it was wrong for the State to do for individuals what individuals could do for themselves just as well by their united efforts; we saw that it was in accord with the dignity of human persons that they do these things for themselves where they could. Human persons have an inclination and a right to unite their efforts in peaceable assembly or in private associations for their mutual benefit, just as they have an inclination and a right to unite their efforts necessarily in the formation of a State.⁴¹ The State has the right however to prohibit private associations and assemblies of persons in so far as their objectives or activities violate the rights of others or are harmful to the general welfare.

Equal Protection of Just Law

Individuals have the right to *petition the government for redress of grievances* when their rights are being interfered with or are not being properly protected by the government. This follows from the very fact that they have rights and that it is the duty of the government to protect these rights.

The individual has a right to necessary protection by the State in regard to all the various rights we have discussed and any other rights he may have. Since all persons have these same fundamental rights, persons have the right to the *equal protection of just law*, regardless of sex, nationality, color or creed. Every person, by virtue of the fact that he is a person, is entitled to equal protection of just law in regard to his rights. Of course some groups and classes will benefit by protection more than others because some are weaker and more in need of protection than others. No discrimination may be shown by the State in the protecting of rights because of sex, nationality, etc. In other words, no discrimination may be shown

⁴¹ Cf. Leo XIII. Encyclical, *The Condition of Labor* (New N. C. W. C. translation, n. 72).

because of who a person is.⁴² Of course, certain persons may forfeit certain rights, such as the right to life or personal liberty, in punishment for crime they have committed.

Men are by nature members of a certain race, color or sex. It must be a part of the plan of God that they belong to their respective races, colors or sexes. It is evident then why, if all persons have the same fundamental rights, they have by the nature of things the right to equal protection of just law regardless of these differences. The creed to which a person adheres differs from the race, color or sex he belongs to in the sense that adherence to a creed is a matter of judgment of the intellect and is a matter concerning which free will can play a part. The judgment can be true or erroneous, in some cases it can even be wilfully erroneous. We discussed in preceding paragraphs rights and duties in regard to worship of God, religious formation and conscience, freedom of expression and opinion. Bearing in mind what was said there, one must nevertheless say that in protecting the real rights of a person the State must not show discrimination because of different persons' creeds. Since all persons have the same fundamental rights, all have these rights to life, personal liberty, etc. regardless of creed—unless some are deprived of a right, such as personal liberty, because of some crime they have committed.

Nationality

The *Declaration* says that the human person has the right to a *nationality*. In so far as a nationality is identical with a State, it is evident that everyone has a right to be a subject of some State—otherwise he could not obtain certain advantages he needs which only membership in civil society can provide for him. This also implies the right to change one's nationality. But a nationality need not be identical with a State. A nationality can be a large community or a minority group within a State, usually with a common ancestry, possessing such a large number of common characteristics and interests that it tends toward a distinct political life.⁴³ Such communities or groups have a right to maintain their traits and characteristics against assimilation, a right to preserve their national languages and their cultural distinctness through education, literature and other means.⁴⁴ They have a right to preserve their religious practice, in accord of course with what we said above about conscience, religious formation and right to worship God. They have a right to preserve anything in their culture so long as such preserva-

⁴² Cf. John Courtney Murray, S.J., *op. cit.*, p. 276.

⁴³ Cf. Michael Cronin, *op. cit.*, II, pp. 508-9.

⁴⁴ Cf. Beales, *op. cit.*, pp. 157-158.

tion does not involve violation of the moral law. The State may not interfere unless they do something that is harmful to the common good or the rights of others. A national group however does not necessarily have the right to secede just because it is capable of maintaining itself.⁴⁵ The common good of all takes priority over the common good of a national group in regard to matters of equal importance.

Economic Rights

The rights we have discussed thus far in this chapter might be referred to as *civil* rights. The rights we are now going to discuss can be classified as *economic* rights.

A basic economic right, derived ultimately from the right to life, is a right to material goods as a means of livelihood. Deriving from this right are other economic rights. The first one we will mention is the right of *access to the means of livelihood, by migration when necessary*. All persons have a right to such material necessities of life and living conditions as will support life fully and provide against future contingencies, such as sickness and old age. They have a right to obtain them for themselves in whatever way is, within the limits of the moral law, best suited to their character and abilities. If people do not have in their own land sufficient room for a decent livelihood, they have a right to acquire residence in another country where there is room.⁴⁶ States having superfluous room are bound to make it available for migrants in so far as this will not interfere with the reasonable requirements of public order and economic welfare.⁴⁷ The earth was intended for all.

The right to obtain material goods for oneself, in accord with human dignity, implies the *right to work*. The duty to perfect one's abilities, contribute to social welfare and avoid idleness also implies the right to work.⁴⁸ One also has a right to *choose one's occupation*, for it is repugnant to human dignity that one not be free to choose, as far as possible, that legitimate occupation which best fits his inclinations and talents.⁴⁹ One should also have the maximum amount of opportunity for self-expression in regard to his work. Furthermore, one has a right to such kind of work as will allow him the leisure, rest and legitimate recreation he needs to live as a human person.

⁴⁵ Cf. Beales, *op. cit.*, p. 160.

⁴⁶ Cf. Francis J. Connell, C.S.S.R., "Demands of a Just Peace from the Ethical Standpoint," Catholic University Bulletin, March, 1946.

⁴⁷ Cf. John Eppstein, *Defend These Human Rights* (America Press, 1947), p. 29.

⁴⁸ Cf. Virgil Michel, *op. cit.*, pp. 42-45.

⁴⁹ Cf. Osgniach, *op. cit.*, p. 234.

The right to material goods involves the *right to property* in goods required for man's immediate needs, such as food, clothing, shelter, etc. But one also has a right to private property in means of production. While the exercise of this latter right is not so essential that a particular individual may not renounce the right for a sufficient reason, it is a requirement of the dignity of the human person endowed with reason that he have a right to ownership, use and disposal of productive property. Thus he can plan ahead for himself and for his family without being dependent on the State or others.⁵⁰ As an institution in society the private property system is morally necessary for economic prosperity and especially for safeguarding the legitimate liberties of all the people against tyranny. The laws of the State should favor as many as possible becoming owners of productive property.⁵¹ It is especially important to note in connection with the right to private property however that there are grave duties towards others in regard to the *use* of it, and that the right is *subject to the rights of others and to limitation in the interest of the general welfare*.

The right to work for a livelihood implies, under modern economic conditions where men work for a wage to earn their living, the *right to a living wage*. It is the worker's duty to maintain his life decently and if he works for a living he must therefore demand a living wage. If he is forced to accept less, he is the victim of injustice.⁵² It is beneath the dignity of a normal, adult worker who works for a living that his pay should have to be supplemented with help from others in order that he may have a decent living. The right to a living wage implies the right to use legitimate means to secure such a wage. Workers therefore have a *right to collective bargaining* through labor unions. Labor unions have a right to exist and function in virtue of the right of association which we have explained already.

In keeping with the principle of subsidiarity in regard to the functions of the State, the right of association also involves another economic right: the right to *associate by industries and professions* to obtain economic justice and the general welfare. Just as a subordinate geographical area within a State has a common good of its own to be secured by a local government, so a particular group, such as the members of a profession or all those engaged in a certain industry, have a common good to be attained by organized effort.⁵³

⁵⁰ Cf. Leo XIII, Encyclical, *The Condition of Labor*, *op. cit.*, n. 12.

⁵¹ Cf. Leo XIII, Encyclical, *The Condition of Labor*, *op. cit.*, n. 65.

⁵² Cf. Leo XIII, Encyclical, *The Condition of Labor*, *op. cit.*, n. 63.

⁵³ Cf. Pius XI, Encyclical, *Reconstructing the Social Order* (New N. C. W. C. translation, n. 83).

It is evident that a local civil government should aim to provide such common good or social conditions as will best enable citizens in that geographical area to develop their personalities according to their abilities and thus follow the moral law. Such an organization in industry, organized on an industrial rather than a geographical basis, could provide a remedy for the evils of *laissez faire* competition "by maintaining standards of fairness with regard to wages, hours, prices and business practices,"⁵⁴ while at the same time avoiding bureaucratic State control—the State would be enabled to confine itself to "directing, watching, urging, restraining"⁵⁵ conduct in economic life for the common good of all. Vocational groups of this kind would enable those who are willing to work for the common good and follow the moral law in industry to do so without being crushed by unscrupulous competitors.

Duty of Society and State

Finally, the human person has the right to *assistance from society, if necessary from the State, in distress of person or family*. This follows from all that we have said about the nature and purpose of society in providing men with advantages they need which they cannot obtain adequately for themselves; and it follows from what we said about the State promoting the general welfare in so far as it cannot be adequately provided for by private or subordinate societies. The State has the duty to protect all rights and make adequate provision for the securing of such rights (e.g. economic rights) as otherwise could not be secured.⁵⁶

Rights Pertaining to the Family

We have already enumerated among the rights of the human person the right of marriage. This means the *right to marry, to establish a home and beget children*. The plan of God for the multiplication and proper education of the human race cannot be adequately carried out without this right as we have seen previously. Of course, there is a duty not to marry without physical or moral capacity or until one is in position to discharge the obligations of family life.⁵⁷ The right to marriage and to a home has been violated in recent

⁵⁴ Social Action Dept., N. C. W. C., *Organized Social Justice*, p. 10.

⁵⁵ Cf. Pius XI, Encyclical, *Reconstructing the Social Order*, *op. cit.*, n. 80.

⁵⁶ "If, therefore, any injury has been done to or threatens either the common good or the interests of individual groups, which injury cannot in any other way be repaired or prevented, it is necessary for public authority to intervene."—Leo XIII, *op. cit.*, n. 52.

⁵⁷ Cf. Jacques LeClercq., *Marriage and the Family* (Pustet, 1941), p. 50.

years in Europe by separation of families, uprooting of populations, adoption of slave labor, etc. The right to *immunity from search and trespass* without sufficient reason, discussed above under the subject of personal liberty, especially applies to the home. The family has a right to live its own life without interference except in so far as it interferes with the rights of its own members or with the public good.

Deriving from the right to marry, establish a home and beget children is the right to *economic security sufficient for the stability and independence of the family*. This means that the economic rights we discussed above as belonging to the human person as an individual likewise belong to him as head of a family. The right of migration may be a necessary means of providing vital space for the family.⁵⁸ The head of the family needs the right to work to obtain a living for his family. He has the right to own private productive property in order to provide for the present and future needs of his family, thus preventing the family from being dependent on the State in this regard. His right to a living wage becomes, under modern economic conditions, a right to a living wage for the support of himself and his family—it is an intolerable abuse for mothers to be forced to work outside the home, thus neglecting their children, because of the insufficiency of the father's income.⁵⁹ Another economic right needed by the family is the right to *housing adapted to the needs and functions of family life*. This is necessary for both physical and moral welfare of the family.

A most fundamental and important right of the family is, of course, the *right to educate the children*. The family has the right to make complete provision for the education of the children in so far as it is able to do so. The State, in virtue of its right to protect the rights of children and the general welfare, has the right to insist that education of children be up to a reasonable standard, but otherwise it has no right to interfere with the family in education of children. The family especially has the right to provide for the religious and moral education of its members according to the law of God. The State may provide certain civic education for all ages and classes, provided it is true education in accord with the moral law. The State should provide assistance for families, when necessary, in the education of the children and should supplement the work of families when this falls short of what is needed, by its own schools.⁶⁰

The family has a right to *assistance*, through community services, in the *education and care of the children*. It has the right to the

⁵⁸ Cf. Eppstein, *op. cit.*, p. 31.

⁵⁹ Cf. Pius XI, Encyclical, *Reconstructing the Social Order*.

⁶⁰ Cf. Pius XI, Encyclical, *Christian Education of Youth*.

protection of maternity; a right to maintain, if necessary by public protection and assistance, *adequate standards of child welfare* within the family circle; a right to *protection against immoral conditions* in the community. Especially harmful to the family are immoral places of amusement and recreation, immoral literature and propaganda which belittles marriage and its obligations. The State has the duty to make provisions for the securing of such family rights as could not otherwise be secured.

The Rights of States

The domestic rights of States and the rights of States in the international community listed in the *Declaration* will be sufficiently evident from what we said in discussing Preambles and from what was said about the State in connection with discussion of rights of the human person and of the family. The State has a right to whatever is necessary to enable it to carry on its functions.

Conclusion

Human rights are based on the dignity of human personality and human dignity is based on man's nature and eternal destiny. Human rights come from God, are inalienable, and are for the purpose of following the moral law as a preparation for happiness with God in eternity. These facts and the various implications we have seen in this commentary on the N. C. W. C. *Declaration of Human Rights* can be demonstrated by reason. As a matter of fact however these rights have been properly and fully understood in the past only where Christian teaching has prevailed. They have been most violated in recent years in places where Christian teaching has been most rejected. This is not an accident. Pius XI well said, "Christian teaching alone, in its majestic integrity, can give full meaning and compelling motive to the demand for human rights and liberties because it alone gives worth and dignity to human personality. In consequence of his high conception of the nature and gifts of man, the Catholic is necessarily the champion of true human rights and the defender of true human liberties."⁶¹

⁶¹ Cf. Letter of Pius XI to American Hierarchy, 1939, quoted in foreword to *Better Men for Better Times*, The Commission on American Citizenship, Catholic University of America.

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