"Rights Talk"
Aquinas, Wojtyla and love

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Rights talk

The Catholic Church has fully embraced the contemporary trend to clothe ethical discourse in the garb of human rights and has placed herself squarely in the forefront of this movement.

Pope John XXIII's encyclicals *Mater et Magistra* and *Pacem in Terris*, as well as the Vatican II documents *Gaudium et Spes* and *Dignitatis Humanae*, are replete with talk of rooting human rights in the dignity of the person. Numerous references to rights pepper the 1983 *Code of Canon Law* and the 1992 *Catechism of the Catholic Church*. Pope John Paul II appeals to human rights repeatedly in his many encyclicals, apostolic exhortations, apostolic letters and discourses. In fact, the language of rights is so fully ensconced in official Church documents it can safely be said it constitutes an integral part of Catholic social teaching from the nineteenth century to the present day.

— Right or Wrong?

Meanwhile, however, a cadre of Christian scholars has voiced serious misgivings about framing ethical theory in the language of human rights. J. Brian Benestad, for instance, a writer on the board of the English-language edition of the Catholic theological journal *Communio*, speaks of a "quiet revolution" brought about by the adoption of "rights talk."

"Many citizens," he writes, "including Church leaders, do not realize that rights are not simply another way of talking about classical virtue or the teaching of Jesus Christ. In fact, the doctrine of rights presupposes an understanding of human nature 'which is no longer defined in terms of its highest aspirations,' but rather assumes that people cannot really rise above preoccupation with their own interests."

Another Catholic social commentator, Kenneth Craycraft, insists that the very notion of rights found in official Church documents is "problematic at best." Writes Craycraft, "The Church has adopted a language that may be irreconcilable with its more ancient and basic claims about man and his relationship to God."

In the work that catapulted him to fame, *After Virtue* (Notre Dame, 1982 – written prior to his entry to the Catholic Church in 1988), sociologist and historian of ethics Alasdair MacIntyre categorically denied the existence of rights. "The truth is plain," MacIntyre wrote, "there are no such rights, and belief in them is one with belief in witches and in unicorns." MacIntyre continued, "every attempt to give good reasons for believing that there *are* such rights has failed."

These theoretical doubts are linked to more practical considerations. As Harvard Law School's Dr. Mary Ann Glendon noted in *Rights Talk* (Macmillan, 1993), such language can lend itself to abuse of such a magnitude that – rather than aiding public discourse – it impoverishes it via the oversimplification, trivialization and polarization of social issues.

Past decades have witnessed a nearly endless proliferation of new "rights," many of which – detached from any reference to human duties, habits or goods – are unacceptable from a Christian perspective. Talk of the "rights" of trees and animals, or of human "rights" to abortion and assisted suicide, manifests some of the aberrant ways to which the term has been put to use.

Hitting rock bottom

Are critics correct in their staunch opposition to the language of rights? Do rights in fact exist as ethical realities, or are they a mere convention?

These questions spawn still further queries. If rights do indeed exist, how can true rights-claims be distinguished from false ones? Does rights-language denote a departure from Christian and classical ethics? Or does this language approach ethical problems from a complementary perspective compatible with a framework of duty, responsibility and virtue?

The road to a solution plunges necessarily to the bedrock of rights' ethical foundations. Relatively little has been written on foundational questions concerning rights, and this lamentable lacuna has left many adrift in a sea of supposed rights vying for recognition. Much of the vast contemporary literature on rights focuses on legal considerations, the history of rights, or pragmatic matters of rights accords, rights violations, and compiling lists of rights agreeable to all parties. For its part, the magisterium often speaks of rights as grounded in man's dignity, but offers little in the way of explanation as to what this means and how it can be theoretically defended and justified.

How can true rights-claims be distinguished from false ones?

Are "human" rights a modern innovation?

While classical writers occasionally speak of natural right (*ius naturale*), rarely do they attribute to individuals the universal "rights" (*iura*) we speak of today. Yet while the word itself received little attention, the concept of *moral entitlement* played an important role in classical ethical theory.

The notion of entitlement is central to Plato's and Aristotle's ethics, as well as to the Stoic tradition. In classical ethics, justice refers to the virtue that disposes us to give each his due (*unicuique suum tribuere*, in Ulpian's Latin). The idea of moral debt forms the axis of just dealings. Yet what is naturally *due* to someone can be rephrased as a person's natural *right.*

In his writings on justice St. Thomas Aquinas tapped into this classical tradition and taught that right (*ius*) is the object of justice (*iustitia*). He defined justice as the firm and constant will to render to each his right (*ius suum*), suggesting that right is equivalent to one's due (*debitum*) or whatever is one's own (*suum*).

What, in fact, does it mean to say that something is "due" to another? How does such a moral obligation arise? Aquinas writes that a debt (or duty) results from something being transferred from one person to another, disrupting equilibrium. The resulting asymmetry calls for requital; a debt must be paid to establish equilibrium. This explanation works well for commerce but falls short in ethics since it fails to render an account of man's natural duties toward others *prior* to an exchange of goods, material or spiritual.

Here the Thomistic concept of one's own (*suum*) helps complement the notion of debt (*debitum*). Since according to Aquinas' teleological framework man is not perfect, but must move toward perfection, as what is potential moves to what is actual, one's "own" refers not only to what he actually possesses, but to that which he needs to become fully himself. Something moves from potency to act and, hence, from an immature state to maturity or "flourishing," often through the mediation of perfective goods. Thus, for instance, such perfective goods as education, friendship and life itself enable a person to reach maturity.

"One's own" refers to that which is proper or becoming to a person, and this quality of "becomingness," takes on a meaning of perfectiveness. "What is required for a thing's perfection," writes Aquinas, "is necessarily due to it." In more modern language, a person has a natural right to those things needed for his perfection.

Aquinas offers a theological explanation for this assertion. God does not will defects or imperfections, but creates all things to be fully what they should be. When God wills something into existence, he also wills everything that is required so that the thing will reach its perfection.

These reflections bequeathed us by Aquinas, which form the core of the Christian understanding of natural justice and the underpinning for natural rights, were further enriched by the contributions of Thomistic personalism in the twentieth century.

Thomistic personalism

The title "personalism" can be applied to any school of thought that focuses on the radical difference between persons and non-persons and affirms the unique dignity of human persons. Thus many different "personalisms" exist, often joined only by the finest of threads.

Thomistic personalism, represented by such figures as Karol Wojtyla, Yves Simon, Robert Spaemann, Jacques Maritain and Etienne Gilson, draws on principles of Thomistic anthropology in what its exponents see as a coherent development of elements of Aquinas's thought.

Personalism arose as a reaction against philosophical trends of the nineteenth century, especially those that diminished man's freedom through determinism or attacked his personal dignity by gauging his worth only by his usefulness to society at large. personalism reacted especially to the collectivism of twentieth-century totalitarianisms on the one hand and liberal individualism on the other as contrary to the true good of the human person. In his book *The Person and the Common Good*, Jacques Maritain defines personalism as “a phenomenon of reaction against two opposite errors,” totalitarianism and individualism.

In his essay entitled “Thomistic personalism,” Karol Wojtyla summed up this reaction as follows: “On the one hand, persons may easily place their own individual good above the common good of the collectivity, attempting to subordinate the collectivity to themselves and use it for their individual good. This is the error of individualism, which gave rise to liberalism in modern history and to capitalism in economics. On the other hand, society, in aiming at the alleged good of the whole, may attempt to subordinate persons to itself in such a way that the true good of persons is excluded and they themselves fall prey to the collectivity. This is the error of totalitarianism, which in modern times has borne the worst possible fruit.”

Human persons experience themselves first of all not as objects but as subjects.

The uniqueness of persons

Personalism draws a bright line between personal and non-personal beings, since personal beings possess intelligence and will, and therefore freely pursue their own ends.

All created things can be examined and known from the outside, as objects. In a sense, they stand in front of us, they present themselves to us, but always as outside of us. They can be described, qualified and classified. It is legitimate, and even necessary, to know man in this way. From this objective viewpoint one discerns the superiority of the human being to the rest of created reality.

Yet in the case of the human person, a thoroughly unique dimension presents itself, a dimension not found in the rest of created reality. Human persons experience themselves first of all not as objects but as subjects, not from the outside but from the inside, and thus they are present to themselves in a way that no other reality can be present to them.

This self-presence is the interiority of the human person, and it is so central to the meaning of person, that Maritain can say that personality “signifies interiority to self.”

The human being, writes Wojtyla, is “given to us not merely as a being defined according to species, but as a concrete self, a self-experiencing subject. Our own subjective being and the existence proper to it (that of a *suppositum*) appear to us in experience precisely as a self-experiencing subject.”

Because of the person’s subjectivity, he not only is acted upon and is moved by external forces, but also acts from within, from the core of his own subjectivity. Since he is the author of his actions, he possesses an identity of his own making, which cannot be reduced to objective analysis, and thus resists definition.

Man's intellectual nature, which according to Boethius is the distinguishing characteristic of personhood, is also the font of freedom, subjectivity, immortality, and man's cognitive and moral life. Because the person possesses a spiritual nature, the source of its action is internal to itself and not external.

Self-determination

Non-personal beings are not truly subjects of action since the principle of their acts is external to them. The importance of this characteristic of personhood should not be undervalued, since it forms the basis of personal freedom and also conditions the way both God and other men deal with the person. Unlike irrational creatures, the human person's ends are not predetermined for him but are subject to his free choice.

Thus, in his contact with the world the human person acts not in a purely mechanical or deterministic way, but from the inner self, as a subjective "I," with the power of self-determination. Possession of free will means that the human person is his own master (*sui iuris*). Self-mastery is another name for freedom, and freedom characterizes personal beings. The person's power of self-determination explains the non-transferable (*alteri incommunicabilis*) nature of personality. Moreover, it sets the human person above all other created beings, as the summit of creation.

In what does self-determination consist? If we distinguish between human acts and so-called "acts of man," between something that "happens" in the subject and an "action" of the subject, we are able to identify an element that decisively distinguishes the action of a person from all that merely happens in the person. This element is self-determination.

This self-determination involves a sense of efficacy on the part of the acting subject, who recognizes that he is the efficient cause of his own choices, and, in a certain sense, of his own person, in that he freely determines what sort of person he will be.

In acting, then, the person not only directs himself towards a value, he determines himself as well. By choosing to carry out good or bad actions, man makes himself a morally good or bad human being. In this way, the person is not only responsible for his actions, he is also responsible for himself, for his moral identity.

The person as the object of interpersonal action

Thomistic personalism explores the person not only as subject, but as the *object* of action as well, delving into what persons deserve *as* persons.

This is a distinctive trait of personalism as compared with classical ethical theory, which concentrated heavily on the moral agent's *duties*, saying little about the *recipient* of action.

The radical difference between persons and non-persons affects not only the operations of each, but also the moral coloring of situations where the object of one's acts is a person. The ontological difference between personal and non-personal being, therefore, explains the difference between acting towards a person and acting towards any other reality. When the object of one's action is a person, another dimension comes into play, an ethical dimension.

This is intuitively clear. It is not the same to throw a stone into a lake and to throw your neighbor into the lake. It is not the same to shut the dog out for the night and to shut your little sister out. The ontological difference between personal and non-personal being, therefore, justifies the difference between acting towards a person and acting towards any other reality.

But why? What reality founds the truth of that intuition? Why can't I treat a person in the same way that I treat a non-person? What is it about the ontology of personhood that not only makes persons free, creative, interpersonal subjects themselves, but also makes them morally demanding objects of other persons' actions? The answer to that question can be summed up in one word: dignity. Because of the unique structure of human dignity, it bridges the gap between metaphysics and ethics, laying bare the ultimate foundation of human rights.

Wojtyla asserts there are only two ways to deal with reality.

Human dignity

The radical difference between persons and non-persons has important ethical consequences, which revolve around an attribute called "dignity."

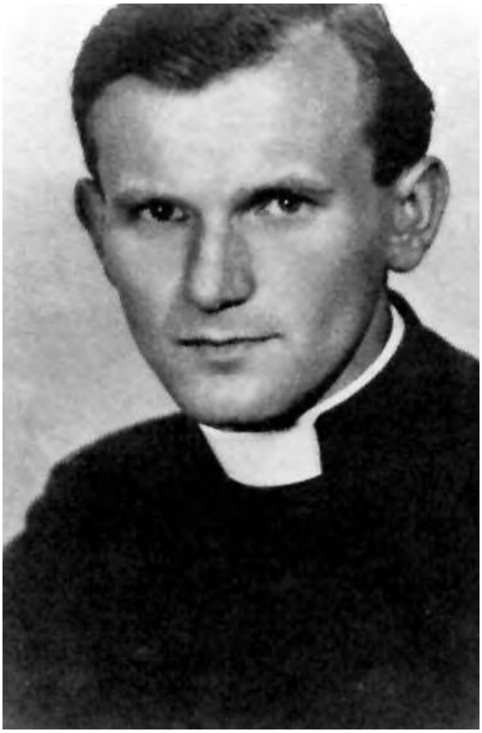
Dignity refers to a person's superiority over the world of things as a "someone" rather than a "something," a transcendent, spiritual being that surpasses mere matter. But dignity (from the Latin *dignus*, meaning "worthy") also possesses an ethical dimension of entitlement, and thus personal dignity requires that a person be treated differently from a thing. In fact, a whole new ethical paradigm must be used to refer to persons than that used for things, since man's inestimable worth confers on him or her an absoluteness not found in other beings.

Something exists either for itself (for its own sake), or for the sake of another.

It is a unique quality of persons to exist "for their own sake," as a relative "end in themselves" *vis-á-vis* other persons. Since they are not subjects, non-personal beings do not have a "self" in the proper sense. The latter's existence is ordered toward something else.

This difference is encapsulated in a well-known expression of the Conciliar document *Gaudium et Spes*, whereby man "is the only creature on earth which God willed for itself," and thus he "cannot fully find himself except through a sincere gift of himself" (#24). Since God created man "for his own sake," he must always be treated as an end and never merely as a means.

Attributing a unique dignity or worth to the human person throws light particular light on the cardinal virtue of justice. The requirement of justice to render "to each his due" entails understanding what is due to a person by the very fact of his personhood, and cannot be correctly discerned until we comprehend the worth of each and every person.



A "right to be loved?"

What is the specific content of what is due to the human person? In his book *Love and Responsibility*, Karol Wojtyla provides a compelling answer to this question.

Wojtyla asserts there are only two ways to deal with reality: as means or as ends. Wojtyla adapts Kant's so-called second categorical imperative to produce the "personalist principle," which states: "Whenever a person is the object of your activity … you may not treat that person as merely the means to an end … but must allow for the fact he or she, too, has … distinct personal ends." The personalist norm demands that "a person is the entity of a sort to which the only proper and adequate way to relate is love."

Love as goodwill looks to the other not as a means ("I love you as a good for me – as a means to my good") but as an end ("I long for your good." "I long for that which is good for you").

"In a sense," writes Wojtyla, "it can be said that love is a requirement of justice, just as using a person as a means to an end would conflict with justice." Therefore, the first right of the human person – the one that conditions all the rest – is the right to be *loved*.

From one right to many

How we can pass from this foundational right to specific rights, such as a "right to life?"

Since man is a "composite" being, made up of body and soul, his "good" comprises a bundle of elements, all of which are necessary for the true good of the person as a whole. If the human person has a right to be loved, he or she has a right to the those goods whose promotion forms the content of love.

Love, then, which seeks the integral good of the other as an end in himself, must in turn will all those particular goods necessary to the person's fulfillment.

In this way, all true human rights are interconnected, in that they all have their basis in love. ❑