

Inocent-Mária Vladimír Szaniszló

*HUMAN RIGHTS AS A FUNDAMENTAL PILLAR FOR BUILDING
CROSS-CULTURAL RESILIENCE OF THE INTERNATIONAL
COMMUNITY IN THE 21ST CENTURY*

Abstract

We would like to contribute to an understanding of building Cross-cultural resilience by developing the concept of human rights from the perspective of Catholic social teaching in the 21st century, taking into account the ethics of society and the ethics of the individual members of that community. The bearer of these rights, every human being, was considered to have a single, identical common reason. This rational character initially coincided with the reason that governs all of nature and is manifested in its laws. Therefore, the norms of human rights, based on the rational character of nature, were also called universal, i.e., valid for all rational beings in the universe, because they coincided with cosmic laws.

Our study aims to deepen the understanding of this important topic for the eventual general acceptance of human rights issues. This is important in light of the theory that human rights are non-negotiable and are no longer just a question of ethics and morality, but of security and peace among international communities, e.g., to help Cross-cultural resilience building. The method used in our research is comparative and inductive.

The summary of our research should contribute to a better argumentation in promoting this agenda in major international institutions. This paper's theoretical and practical significance lies in clarifying the historical and current relationship between churches and civil societies on the issue of human dignity and human rights so that their understanding and recognition can positively impact the development of modern society's common good.

Keywords: human rights; Catholic social doctrine; freedom of citizens

Introduction

Oskar Krejčí, a well-known Prague professor and political scientist, begins his book *Human Rights* with the sentence: There is no such thing as natural, non-deterministic and inalienable rights. But it is one of the most successful political visions of recent decades and an important educational element. (Krejčí, 2011, p. 10). And we can add to it by building Cross-cultural resilience. Our cross-disciplinary approach focuses on the theological-philosophical and social perspectives of Christian churches with the help of several experts from opposite scholarly spectrums.

Krejčí seeks to answer the question: What does the word right mean and what is humanity? For him, a right means a justified claim related to law on the one hand and justice on the other. It is a consciousness of necessity providing support from the state and soci-

ety, thus something more than law. At the same time, despite the writer's difficulty in understanding the essence of human beings, he emphasises: that there is no concept of law without the concept of morality (Krejčí, 2011, pp. 149-150).

Thus, we can talk about human rights and their application only from the moment when a person is understood based on his/her freedom, which is based on responsible self-determination (Hanuš, 2002). In this case, however, the political order suggests and does not create freedom and humanity for the human being in the first place (Hanuš, 2002, p. 40).

The question of human rights is generally a response to the ongoing danger of abuse of power, even clerical power. The topic itself dates back to the Enlightenment (18th century). It is not just about existence, but about life itself, which corresponds to man's desires and possibilities, his abilities, ambitions and purpose.

In the beginning, some churches opposed the idea of human rights until the middle of the last century. As Schwanke, a Protestant theologian from Dresden, recalls, their position was based on the one hand on the origin of the idea in the Enlightenment, on the other hand on the view that individual human rights empower each person disproportionately and rob him of his character of duty to community and faith (Schwarke, 2007).

Many modern, especially Western, scholars and thinkers as well as organisations consider human rights as a very important advancement of humanity. Tödt, a Protestant theologian from Heidelberg, in his extensive study of human rights as fundamental rights, notes that human and fundamental rights are a sign of a new period and a humanistic cultural movement whose meaning is not sufficiently appreciated (Tödt, 1982, p. 9). The idea of human rights is currently in the spotlight due to technological civilization and issues of bioethics research, where once again there could be an abuse of power against the individual. Finally, Švanda reminds us that without a wide political acceptance of human rights, the technical domination of the world is not possible (Švanda, 2001, p. 110). Furthermore, we can also add Cross-cultural resilience building in modern society.

According to Austrian Catholic theologian Schambeck, human rights in themselves represent an embodied value of the human being that precedes the state and its legal order. That is, these rights are pre-positive, some would even call them innate (Tödt, 1982, p. 39). These rights cannot be created by any state by any law. On the contrary, positive law must instead recognise them (Schambeck, 2008).

The important process of validating the universality of human rights

The bearer of these rights, every human being, was considered to have a single, identical common reason. This rational character initially coincided with the reason that governs all of nature and is manifested in its laws. Therefore, the norms of human rights, based on the rational character of nature, were also called *universal*, i.e., valid for all rational beings in the universe, because they coincided with cosmic laws. However, this doctrine has somehow lost its metaphysical justification and its validity in the course of history. Reason believed that it had discovered its historicity (i.e., the relation of its knowledge to a particular time, space, and particular conditions). Thereafter, legal human norms, as well as nature, ceased to be considered eternally valid. Thus, the problem of the

validity of human rights began to emerge. Their deep anchoring in rational law through Kant fell by the wayside. Marx pointed to human rights in their social class context. Formally, civil-state equality is ascribed to man as a citizen to better legally sustain the actual inequality of the people as citizens. It was only after the crimes of Hitler and Stalin that human desires were strengthened so that there would be universally applicable human rights norms. Those who want to accept universally valid norms must be also able to cooperate scientifically across disciplines - e.g., on the question of God, science does not have the proper competence (Tödt, 1982, p. 39)- for a real building of Cross-cultural resilience. The Bavarian human rights expert Maier points out that in the communist and socialist countries of the Eastern Bloc, the liberal civil liberty and the fundamental rights and freedoms belonging to it were negated. The individual notion of freedom was rejected (even though it was declared to be freedom for everyone) as an invention of the bourgeoisie and a cover for the interests of a minority. Material freedom was pitted against formal freedom. It then became clear that social rights could not exist without individual rights to liberty (Maier, 2001, pp. 20-21).

Nowadays, modern liberal (civil statist) rights theory understands fundamental rights primarily as the free rights of each individual, which are valid as unlimited. This theory strongly considers that human dignity and personal spontaneity are at their core indisposable in terms of state action. On the other hand, this theory understands equality in a very limited way as *a negative equality* before the law. According to Tödt, this leaves less room for sharing (solidarity) and raises the question: Which conditions for the participation of all citizens in public life are advantageous? (Tödt, 1982, p. 32). He also points to the problem of pointing to a higher authority in the value theory of human and fundamental rights. He raises another important question: who is the origin and reason for human rights: nature, God or the law? In addition to other theories of law (institutional and functional), this one could yield very strong positive legal thinking. Very often it becomes a legacy of natural law thinking without a clear profile. However, to avoid the religious orientation of this theory, its authors, the German Constitutional Court dissociated itself from the overly positive value system of fundamental rights and admitted that only the constitution and not the various studies on natural law were the test case (Tödt, 1982, p. 33). According to Schwarke, the origin of human dignity must be grounded outside any dispositive human power. In doing so, he points out that the philosophical justification of the autonomy of human dignity is itself rooted in a religious dimension (Schwarke, 2007, p. 266).

Tödt adds that even the 18th-century idea according to which human rights are given "by nature" (i.e., they arise in a natural-so-called original, pre-social state, before the state and its laws, i.e. they are pre-institutional) and must take precedence over society and the state, no longer holds water today. Krejčí points out that this original assumption of the Salamanca school, that the state or society came into being by a contract of some Robinsons, is a utopia (Krejčí, 2011, p. 16). According to Tödt, it is impossible to know any pre-social status of any human being. This is an ideal fiction for a valid clarification of these rights. On the contrary, human rights and human dignity must be protected precisely within civil society. Their validity does not naturally derive from the state or society but

is considered to be established by them and thus unavailable (Tödt, 1982, p. 30). But like the teaching of many eminent philosophers, Catholic teaching holds that there are rights which naturally belong to every human being.

Compared to animals, only humans can be the subject of human rights. Man's priority to nature or the special position of the individual in society were already central points of human dignity in Greek Stoic philosophy (Schwarke, 2007). This right is at the service of every human being and is aimed at the development of human beings (Günthör, 1996; Klose, 1990). The human being is, according to St. Thomas Aquinas: *animale sociale et politicus* (D'Aquin, 1997, p. 92). The recently deceased German Catholic theologian Schockenhoff adds that the primacy of the human being as the bearer of rights and freedoms is grounded precisely in his responsibility as an ethical value that he cannot delegate himself (Schockenhoff, 2009, p. 226). Finally, the close connection between human rights and human dignity names its *protective* function. Although most scholars point out that in ethical conflicts it is often impossible to determine the exact specification of human dignity, we can speak of a consciousness of when this dignity is trampled upon (Schwarke, 2007, p. 267).

Human rights must always and everywhere apply equally

Krejčí develops a theory of the changing content of the idea of human rights throughout the history of man on earth. By this change, he means concretization at different stages of history (Krejčí, 2011, p. 75). Krejčí points out that many see the basis of freedom, as the only real right, in Kant, who writes in the *Foundations of the Metaphysics of Morals* that real freedom is the measure of humanity. Kant contrasts this freedom with natural necessity. Thus, it is not the fulfilment of libertarian arbitrariness but the fulfilment of the moral law in us: the laws of freedom, according to Kant, are investigated by ethics (Kant, 2017; Krejčí, 2011, p. 92). Just as Kant defined human dignity, we still speak of an inviolable dignity, to be saved and protected at all costs, and has no equivalent. If a person has dignity in this sense, then he is also an *end in himself*. Not everything is empirically valid, because human beings are also part of society and the political system. Even in this case, however, he need not derive his end from the ends of these systems (at least not in an earthly sense). If we were to understand human beings in terms of their function in the system, both their aim for themselves and their dignity would be lost. Therefore, we need to limit this view and find a different one (Tödt, 1982). Human dignity was usually derived from how man represented a subject that transcended himself.

The originality of the idea of human rights is its *comprehensiveness* and *universality* (Krejčí, 2011, p. 149). Humanistically, human dignity cannot be proven, only assumed. However, it can be pointed out that in a system where human dignity is not considered inviolable and man is considered an end in himself, there is an identification of the goals of the state and society with the goals of man, or the goals of preserving the system are placed above the goals of the system of preserving the goals of man. Therefore, *untouchability* and man's end in himself have been given a major directive role in fundamental and human rights theory (Tödt, 1982, p. 29).

According to Günthor, the history of modern dictatorship shows that rules and laws created without any basis of permanent fundamental rights growing out of the nature of man face the overbearing attitude and the desire for power and end up sideways: the expected right is transformed into injustice. This foundation of permanent human rights is enshrined in an inviolable code of ethics, which in the case of Christians is the Ten Commandments, the Holy Scriptures, the authority of the Teaching office of the Church, and Tradition. These factors, according to Melchior Cano, are called *local theologicis* (Günthor, 1996, p. 88). Günthor goes on to say that human rights are violated in many political systems that do not respect individual human dignity, or according to Krejčí, there is a defence against the arbitrary will of the sovereign (Krejčí, 2011, p. 12). These are mainly collectivist systems. For example, communism says that man as an individual has no meaning in himself but is a tool to achieve the goals of society. Therefore, the human rights of individuals have no place or meaning here (Günthor, 1996).

It was Tödt who mentioned the theory of the human rights of individuals as one of the most important theories of political philosophy. One interpretation is that the modern state wants to put an end to the exercise of individual self-righteousness (blood revenge, etc.) by elevating itself above the individual as lawgiver and holder of a monopoly on violence. Only the state is capable of securing and protecting the liberty, property and peace of the individual. In this way, however, state power has strengthened its ability to keep citizens under pressure unjustly. Against such treatment, each individual must exercise so-called pre-rights, which are based on moral natural law. The relevant theory here explains that in the "state of nature" every person has natural rights. The state or society gains its legitimacy by cheating him of his rights, which the individual (citizen) affirms by conforming to his will. This method is a way of limiting the rights and powers of the individual vis-à-vis the state power. By this act, as described by Montesquieu in his book *Esprit des Lois*, the sovereign also stands not above but below the law through the distribution of power (violence) using human and civil rights and the associated democratic rights of separation of powers and rights to control (Tödt, 1982, p. 15). However, man as an individual should not be at the mercy of state power. He also needs space for his improvement. Thus, the citizen has rights not only in a state-law society but also towards this society. One question is still open: where do real human rights come from and to what extent could the state deny them? Finally, Tödt concludes that it is not appropriate to ground the theory of human rights in a very religious way, i.e., not to advertise them because of faith, but it is the natural ethos of a humane world society. Referring to Martin Honecker's theory, he says that ethics itself appeals to the universal human, and not only to the Christian. This, however, loses the universality in the Gospel. Christian faith seems to lose direct relevance here in the context of human rights advocacy. This is true for those who separate the Christian and the universal human (Tödt, 1982, p. 48).

Tödt explains the non-disponibility nature of human beings as follows: if human beings are determined about God, then secular relations are influenced by this fundamental relation. The freedom of religious belief thus finds legal protection also in the space that man claims as a being addressed by the Supernatural. It is precisely this freedom of faith that plays a very important role in the discovery and refinement of the idea of human

rights. *The personal freedom of the individual is this secular form of freedom of faith.* The inherently humanistic demand for equality shows that Christians defend the free rights of others, based on service to the neighbour, and do not admit discrimination. It is the struggle for equality that is the requirement of love of neighbour (Tödt, 1982, p. 52). Human rights in the Church must be transformed into Christian rights in the Church. Otherwise, the affirmation of the faith of the Church becomes untrustworthy. The twofold commandment of charity also comes into play here (Tödt, 1982, p. 54).

The Catholic Church and the process of defending individual human rights as building cross-cultural resilience

Schambeck asks his opponents the question: The Catholic Church and human rights? They don't go together at all! Rights must be enforced precisely and despite the power of the Church! In his analysis, however, this now emeritus professor of public law, political science and philosophy of law at the University of Linz and president emeritus of the Austrian Regional Council in Vienna argues that it is precisely through the doctrine of human rights that the Catholic Church seeks to strengthen the position of the individual in the state. These ideas interfere with the relationship between faith and the political establishment in the state (Schambeck, 2008, p. 2). This relationship begins with the fact that the Church does not advocate any political agenda, but a doctrine based on the faith in Jesus Christ for the salvation of man. The latter participates in both religious and political life.

Schambeck goes on to say that for the believer and the Catholic Church, then, the state, its legal order, and the human rights associated with it have a twofold significance: first, it is through law and the state that the degree of individual freedom recognized (which cannot always be completely relaxed) is determined, and second, in that the whole political conditions of our lives profoundly affect the individual human being.

Schambeck points out that it has never been the role of the Catholic Church to develop its teaching on the relationship between law and state. Rather, based on the doctrine of salvation, it has been concerned to develop, according to the demands of the pastoral situation, a value-strong relationship with the state and its order. At the heart of the Catholic teaching on salvation is the doctrine of man created in the image of God, who establishes his freedom and dignity.

Schambeck reminds us that the idea of human dignity is much older than the idea of human rights (Schambeck, 2008, p. 3). In the past, popes have defended human dignity, especially the right to life, liberty, and private property. They did this much earlier than in the case of other rights (democracy and liberty rights). Schambeck notes Pope Eugene IV's bull *Dudum nostras*, issued in 1435, which deals with the slave market; Pope Paul III's bull *Veritas ipsa*, issued in 1537, on the human dignity of pagans; Pope Urban VIII's bull entitled *Commissum nobis*, issued in 1639, to prohibit any man from selling, enslaving, or stealing the citizens of the West and South Indies, as well as their wives, children, and property owners, and also a bull of Pope Benedict XIV entitled *Immensa pastorum*, issued in 1741, which deals with fraternity over any racial differences, and Pope George XVI's apostolic letter *In supremo*, issued in 1839, to be strict against slavery in Africa and India and the black slave market (Schambeck, 2008). Historically, there has been concern about

the association of human rights with a lack of concern for religion and an anti-religious stance. In his Encyclical *Immortale Dei*, which was published on November 1, 1885, Leo XIII considered at first the idea of human rights as, ultimately, a doctrine of unrestrained liberty (originating in the French Revolution). This doctrine was incompatible with any Christian doctrine or with the moral natural law (Tödt, 1982). The first approach was his Encyclical letter *Rerum Novarum* published in 1891 and *Quadragesimo anno* by Pius XI published in 1931 (Schambeck, 2008, p. 8).

It was the social teachings of the Church of the 19th Century popes that pointed the way to the acceptance of democracy as a political system of the state. It began with Leo XIII. Although this great Pope is still critical of liberal democratic views, he nevertheless rejects, after the Church's experience of the French Revolution of 1789, any form of Jacobin democracy, and even distances himself from the form of state monarchy that had been accepted until then, in which the Catholic Church had felt comfortable since it had gained its freedom. In the Encyclical letter *Libertas praestantissimum*, published in 1888, Leo XIII agrees with the model of "healthy democracy" created and completed by St. Thomas Aquinas. According to this doctrine, the Church was ready to recognize any state, regardless of its form of government, its structure and its political system of order, when it recognized that it would serve the common good and protect freedom and human dignity. In the Encyclical letter *Quadragesimo anno* by Pope Pius XI, published in 1931, one can see the rejection of any state omnipotence and totalitarianism in the spheres of law, state and politics that are incompatible with freedom and human dignity. It accurately describes the definition of the principle of subsidiarity. It was the cornerstone of the exercise of mutual assistance to protect the small from the great and to assert self-responsibility protecting the human person from the omnipotence of the state. The Catholic Church first publicly acknowledged its endorsement of democracy during Pope Pius XII's 1944 Christmas radio address *Benignitas* on "the true one democracy." Here, the terrible, disturbing barbarities of World War II played an important role, but also the condition of the moral quality of the people's representatives, on whom the high political decisions in a democratic state will depend. Pius XII suggests that only the selection of spiritually strong and character people can guarantee such a process. Otherwise, all systems can easily turn into absolutist systems by not respecting the immutable fundamental and natural laws and revealed truth (Schambeck, 2008, p. 13).

Despite these efforts, there are real differences in the justification of human rights between the 1948 UN Declaration and the Church's understanding. In the vote, it was rejected to add a reference to God in the first article of the Declaration. The rejected reference to God was: Created in the image and likeness of God, they are endowed with reason and conscience (Tödt, 1982, p. 34). This idea expresses the trauma that links churches and the civil state in building resilience through human rights theory. Finally, we must remember that evangelical churches rejected the idea of human rights until the 1970s. Theologians were hampered by the historical association of human rights with the Western European materialist and partly atheist Enlightenment, which was different from the North American understanding. The wars of liberation in the second half of the 20th century

unleashed religious patriotism among evangelicals. This sparked a national Protestantism. Nationalism, however, distrusted the individualistic idea of human rights, because the citizen was to feel first and foremost not as an individual, but as a member of his nation, and thus to identify his interests with those of the nation (Tödt, 1982, p. 35).

Günthör notes that, like the UN Declaration, the Encyclical letter *Pacem in Terris* and the Second Vatican Council document *Gaudium et Spes*, Article 26 (The Holy See, 1965b), speak only of the rights granted to the individual concerning others and the state. They are not about the rights of the state concerning individuals or of one nation concerning another nation. "Rights of man" means each human being. A decisive turning point in the Church thus occurred under John XXIII, his Encyclical letter *Pacem in Terris* of 1963, which laid the Christological foundation for the justification of the dignity of the human person, and thus became a signpost on the way to the documents of the Second Vatican Council (Günthör, 1996, p. 99). In this Encyclical letter, which turns 60 this year, the Pope includes among the human rights: the right to existence and the preservation of life; the right to truth, honour and the formation of spiritual faculties; the right to a free conscience; the right to choose one's state of life; the right to the free initiative in the economic sphere and the right to work (the right to a fair wage); the right to associate in associations; the right to choose one's place of residence; and, on the political level, the right to active participation in public life (Schambeck, 2008).

In the *Pacem in Terris* chapter "Contacts between races", the entire definition of human rights is found:

„The universal common good requires the encouragement in all nations of every kind of reciprocity between citizens and their intermediate societies. (...) Nothing must be allowed to prevent reciprocal relations between them. (...) Nor must one overlook the fact that whatever their ethnic background, men possess, besides the special characteristics that distinguish them from other men, other very important elements in common with the rest of mankind. And these can form the basis of their progressive development and self-realisation, especially regarding spiritual values.“ (John XXIII, 1963, art. 100).

John XXIII knew that for the state to protect fundamental human rights, it was necessary to gain international recognition to better build resilience. He considered the 1948 Universal Declaration of Human Rights to be a "sign of the times" in the way it acknowledged the participation of these rights in the moral natural law (Tödt, 1982, p. 39). The importance of the UN organisation was confirmed by the visits of Paul VI, John Paul II and Benedict XVI. It was Benedict XVI who, on 18 April 2008, on the 60th anniversary of the Charter of Human Rights, reaffirmed human rights in the moral natural law without falling into the danger of relativism.

The Second Vatican Council considers God's call to be of great importance and therefore identifies the human person, while at the same time justifying his or her dignity and reliable fundamental rights. Its 1965 declaration *Dignitatis Humanae* and *Gaudium et Spes* Article 41 point to the Church's cooperation in the realisation of human rights (The Holy See, 1965a; The Holy See, 1965b).

These are thus distinguished as justice, peace and the protection of creation. An example is the 1974 *Message on Human Rights and Reconciliation* produced by Paul VI on the promotion of human rights as a demand of the Gospel (Schambeck, 2008).

According to Schambeck, it would be wrong to think that everything presented and written by Catholic moral theologians in the 15th and 16th centuries was endorsed and expected by Church authorities at all costs. The 1976 document of the Pontifical Council *Iustitia et Pax*, entitled *The Church and Human Rights*, states that there are periods in Church history in which human rights were neither demanded verbally nor defended by any acts, nor were they pursued with sufficient clarity and vigour (Schambeck, 2008, p. 4).

In his first social Encyclical letter, *Laborem exercens* from 1981, Pope John Paul II elaborated on the teaching of the Catholic Church on human rights (John Paul II, 1981) He specified work as a tool for personality development, pointed out the priority of work over capital and related social rights to universal human rights. He also highly emphasised the social responsibility of the state and the community of nations. John Paul II designates the human person as the subject of rights that no one may violate (neither the individual, nor the state, nor groups, nor classes). It therefore assumes the absolute validity of the human rights of individuals, which have priority over the state and its legal order and must not be violated. It requires recognition of the rights of the individual, the family, society and the religious community. It rejects all forms of state totality and demands the autonomy of non-state organisations (Schambeck, 2008).

The basic right to life is also included in John Paul II's Encyclical letter *Evangelium vitae* from 1995 (John Paul II, 1995), and it is his message during the World Day of Peace in 1999: "*The secret of true peace consists in the protection of human rights.*" (John Paul II, 1999, 1) For him, the first human right is the right to life. It was sacred and inviolable from the first moment of conception to its natural end. According to John Paul II, the main task of the Catholic social teaching of the Church is not only to ensure man's bare freedom but also to convey to him the responsibility for the use of freedom, as well as not to take his eyes off science (e.g., medicine in the context of the right to life and the possibilities of this science) and to use it in the sense of personality development, which requires social and economic prerequisites (Schambeck, 2008).

With the principle of common good and subsidiarity, John Paul II in his Encyclical letter *Centesimus Annus* wants, on the one hand, to prevent the state from becoming a libertine night watchman that neglects its social responsibility and, on the other hand, from creating a trust state with a huge apparatus of power (John Paul II, 1991). According to Schambeck, today's democratic state should therefore take care of freedom and human dignity corresponding to man's social abilities. This state fulfils its legal theory through legal and social ethics, where human rights have a *mediating function* (Schambeck, 2008, p. 16). Before starting his pontificate, Pope Benedict XVI pointed out that human rights are the deepest reason for the necessity of democracy and its non-relativistic core (Ratzinger, 1996, p. 45).

Church and civil society in a joint effort to build Cross-cultural resilience in our shared modern society

Even if the political reality is so different from the promises in human rights declarations, the *very acceptance of social moral authority* is a reason for hope (Peschke, 1999). He believes that the mere provision of positive rights is not sufficient if it is not supported by a helpful moral attitude. It is at this point that religion could significantly help by strengthening the ethos of human rights and thereby creating a living consciousness of human rights (Luf, 1994).

Günthör summarises that, in essence, human rights are meant to enable man to realise his divine calling. These are, of course, very close to the idea of natural law. Unlike other beings, man is endowed with reason and free will, and thus all men share a common dignity. The recognition of human rights creates an obligation for all to recognise the common rights and duties that flow from human nature (Günthör, 1996, p. 100). However, Peschke cites David Hollenbach's theory, that the idea of human dignity is meaningless. If it is not better specified, it loses any connection with any kind of freedom or certain needs and relationships. Therefore, most ideological systems can appeal to this idea to be morally accepted (Peschke, 1999, p. 219). Raymond Guess from Cambridge University has the same opinion (Krejčí, 2011, p. 10). However, the Catholic Church admits that moral postulates are not enough by themselves. More important is how precise one gives legal protection to positive rights because not all items of the order are positive in advance (Schambeck, 2008).

Schambeck adds that Pope Pius XII, in his address of 13/10/1955 on "*Coexistence and symbiosis of nations in truth and love*" points out that it is very useful to see the demand of human beings through international treaties and agreements, to establish what according to natural rules will certainly not last and tries apply what nature is silent about. In this way, Pius XII notes that there are areas for positive rights that are not based on natural, pre-positive rights. This is a starting point and an area of policy decisions (Schambeck, 2008, p. 13).

At the same time, however, the Church must examine itself to what extent it can respect and apply fundamental rights, because especially nowadays it is judged according to its practice. Its prophetic defence of human rights could only be credible if others saw it as just and merciful. In this way, its service to human rights is an obligation to constantly question its conscience and to constantly clean up and renew its own life, that is, the ability to set an example (Peschke, 1999). In particular, Peschke warns the Church not to disappoint human beings in their search for justice and the desire for humanity in our world. It is also forbidden to force anyone to accept the faith. All other religious groups must have the same freedom that the Church demands itself (cf. Document of the Second Vatican Council *Dignitatis humanae*, Article 4). This cannot be called indifferentism (Peschke, 1999, pp. 549-550).

The catholic teaching on the state and human rights is part of the social teaching of the Church. In this subject, from the time of St. Ambrose, the Church developed not only individual but also social ethics. This means that in addition to moral order for the private life of the individual, it also develops a moral order for the public life of individuals in the state

and society. In his speech on September 7, 2007, during his visit to Austria, Benedict XVI pointed out Europe's responsibility for the protection of human rights, where the right to abortion, as well as the right to active euthanasia, cannot be considered human rights, but the exact opposite (Schambeck, 2008). Fulfilling the value of human rights will require an awareness of the responsibility for humanity, as well as the social, cultural, legal and economic requirements for their protection. Both the state and the Catholic Church must require educational work here. Schambeck concludes that the Catholic Church, through its doctrine of human rights, carries out a far-reaching activity that goes beyond the circle of its believers and thus becomes a contribution to responsibility for the world that can be helpful to all people (Schambeck, 2008, p. 12). Tödt states that all these rights remain philosophically always subjective - public (Tödt, 1982, p. 19).

Zoidl, the spiritual assistant of the diocesan sports organisations of Austria, entitled "Apostolic work of the church and sports for Austria", asks in his article, according to the reality of the current situation, whether the Christian principles of Europe are only history (Zoidl, 2009, p. 14). He asks if today's spiritual crisis in Europe is somehow connected with the crisis of the human image. But if we get rid of Europe's Christian roots, that is, the Christian image of a man made in the image of God, then what list of European fundamental rights will we be left with? (Zoidl, 2009, p. 14). However, Krejčí calls the theory of whether culture or religion determines the nature of human rights radical relativism, which he considers unacceptable and dangerous. Human rights do not have a transcendent quality, but rather an idea that has different historical and civilizational forms (Krejčí, 2011, p. 148).

Albrecht aptly notes that life is so bound up with a certain law that it is a question of dividing it and thinking separately. With every form of life, there is the ability to anticipate. It is not the passive response of the individual to the environment. Rather, it is the ability to anticipate that makes "life alive." For the stone does not anticipate. Thus, life is embedded in two planes: on the level of "what is" and on the second "what ought to be". Through physical-chemical-biological-genetic concepts, it is not possible to limit our lives only to the first level. If we negate the second level, we destroy life. The first level is caring for "conditions of life". The second level is about protecting areas of life so that "what ought to be" can emerge. For it is anticipation that makes life vulnerable; even faulty anticipation can easily end life. At the same time, all these interactions between life and the environment cannot be considered in a closed way, because they do not stand on their own. We feel that the ability to "keep ourselves alive" forces us to bow not only to this immense complexity but also, as it were, before the principle itself. As if these concepts cannot exist without the "dignity of life" that is "human rights", that is, a certain balance, are supposed to be guaranteed to man (Albrecht, 2001, p. 124).

Summary

We will try to return to the question of the universality of fundamental human rights. If the moral natural law and human dignity are not taken into account in modern society from the beginning to the end of human life on earth, then we can see the message from the history of mankind that such distorted human rights will lead to a new totality. This could have devastating consequences for all of humanity. Tödt adds that where the struggle for emancipation triumphed over freedom-restricting violence, it quickly became clear that self-imposed civil liberty of individuals did not meet the basic needs of all, but created new conditions of power that brutally affected the industrial proletariat. The outwardly inverted free self-determination of the individual thus turned into a simultaneously alienated commitment to others (Tödt, 1982, p. 26). Here we must realise the importance of human rights as *peace-building rights*. If today we try to argue precisely about the value of peace and reconciliation in society, perhaps we can better defend the right of the nascent life to its birth. Finally, with the current values of "liberty, equality and fraternity (many here add the equivalent of sharing)", we must be especially concerned with *equality* when exercising any rights. Because of the horrors of the last world war, it is of fundamental importance that this equality be coupled with the inviolability (untouchability) of human dignity (Tödt, 1982, p. 28). Tödt adds that if a man wants to be a man, he has to go beyond his natural preconditions with his life plan and ensure that this plan is compatible with the natural conditions in himself and his surroundings (Tödt, 1982, p. 30). Krejčí himself concludes that human rights are, after all, political conceptions of justice (Krejčí, 2011, p. 161). The idea of human rights, then, is not just an actual trait of the individual, but the project of a new, more just global civilization (Švanda, 2001).

In the end, however, P. Švanda's admonition remains valid, in that we know from the rich experience of 20th-century power struggles that any overly dramatic and internally devoid quest for equality is, in its consequence, a struggle for power, sovereignty and effective domination (and a push for further struggle, revolution) (Švanda, 2001, p. 116).

Zoidl points out that it is the specifically Christian connection between faith and ethos that sets the limits for the functioning of Christianity as a stabiliser of fundamental values in a secularised society, for which it is precisely the churches, in their open interventions, have to give an account. Among other fundamental rights, he includes human dignity, human rights, peace, freedom, justice and solidarity. In addition to the fight for the right to life and the protection of the air, the right to national identity must also be taken into account in disputes over the treatment of religious and cultural minorities. Indeed, human dignity is independent of age, gender, race, status, language, religion, education or income. Nor does it depend on quality of life, which may fall short because of age, illness, disability, injury, or dependence on care (Zoidl, 2009, p. 15). The ethical principles of personhood (which is at the heart of the UN Declaration of Human Rights), subsidiarity and solidarity are based on the Christian image of the human person.

Of course, in addition to human dignity, we must not forget the dignity of the entire so-called subhuman world (animals and nature), as pointed out by Peter Singer in his theory of animal protection (Singer, 2009, p. 51). However, in our Christian anthropology, man and only man are destined to protect the dignity of animals and nature. Human beings

have the cultural role of working on this planet (Catholic Holy Bible, 2023, Genesis 2: 15) as God's collaborator who protects creatures, the world and human space (Zoidl, 2009, p. 16).

Maybe in our earthly world, it looks like a utopia if we try to put these values into real life. Many times we are faced with "pragmatists" who will not allow not only the supernatural but also the natural dimension of man (which the supernatural implies) to shine in its true greatness. These people will often remind us that what we are presenting is idealism and real life professes other "pragmatic" values. It is only this understanding of reality that will lead us into the grip of a new totalitarianism and away from a truly just society. Therefore, it remains for Christians to understand the challenge of engaging in the protection of human rights as innate rights, pointing out the clear connection of this protection to securing peace and the future of our life on earth.

Bibliography

- Albrecht, V. (2001). Nové chápaní lidských práv ? In J. Hanuš (Ed.), *Lidská práva* (pp.124-136.). CDK.
- Catholic Holy Bible (2023). Book of Genesis, Retrieved September 30, 2023 from https://www.catholic.org/bible/book.php?id=1&bible_chapter=2
- D'Aquin, ST. T. (1997). *Petite somme politique*. Anthologie de textes politiques traduit et présentés par Denis Sureau. Pierre Téqui.
- Günthör, A. (1996). *Morálna teológia III/a*. SSV.
- Hanuš, J. (Ed.). (2002). *Křesťanství a lidská práva*. CDK/Vyšehrad.
- John Paul II (1981, September 14.). *LABOREM EXERCENS To his Venerable Brothers in the Episcopate to the Priests to the Religious Families to the Sons and Daughters of the Church and All Men and Women of Good Will on Human Work on the Ninetieth Anniversary of Rerum Novarum*. Libreria Editrice Vaticana. Retrieved September 30, 2023 from https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens.html
- John Paul II (1991, May 1). *CENTESIMUS ANNUS Encyclical Letter to his Venerable Brother Bishops in the Episcopate the Priests and Deacons Families of Men and Women Religious All the Christian Faithful and to All Men and Women of Good Will on the Hundredth Anniversary of Rerum Novarum*. Libreria Editrice Vaticana. Retrieved September 30, 2023 from https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centessimus-annus.html
- John Paul II (1995, March 25.). *EVANGELIUM VITAE To the Bishops Priests and Deacons Men and Women Religious Lay Faithful and All People of Good Will on the Value and Inviolability of Human Life*. Libreria Editrice Vaticana. Retrieved September 30, 2023 from https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html
- John Paul II (1999). *Message of His Holiness Pope John Paul II for the Celebration of The World Day of Peace, 1 January 1999*. Libreria Editrice Vaticana. Retrieved September 30, 2023 from https://www.vatican.va/content/john-paul-ii/en/messages/peace/documents/hf_jp-ii_mes_14121998_xxxii-world-day-for-peace.html
- John XXIII (1963, April 11.). *PACEM IN TERRIS Encyclical of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity, and Liberty*. Libreria Editrice Vaticana. Retrieved September 30, 2023 from https://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html
- Kant, I. (2017). *The Metaphysics of Morals*. Cambridge University Press.
- Klose, A. (1990). Staat. In H. Rotter, & G. Virt (Eds.), *Neues Lexikon der christlichen Moral* (pp. 724-731). Tyrolia.
- Krejčí, O. (2011). *Lidská práva*. Professional Publishing.
- Luf, G. (1994). Friede und Menschenrechte aus der Sicht der Kirchen. In *Frieden für die Menschheit* (pp. 160-172). Publisher A. Bsteh (Mödling: Verlag St. Gabriel).

- Maier, H. (2001). Lidská práva- nárok na obecnou platnost a kulturní diferenciacie. In J. Hanuš (Ed.), *Lidská práva* (pp. 12-22). CDK.
- Peschke, K.- H. (1999). *Křesťanská etika*. Vyšehrad.
- Ratzinger, J. (1996). *Pravda, hodnoty a moc. Prubiřské kameny pluralistické společnosti*. CDK.
- Schambeck, H. (2008). *Die Menschenrechte in der Lehre der katholischen Kirche*. Retrieved September 30, 2023 from <https://ordosocialis.de/pdf/Schambeck/D.M.R.i.d.kath.K.pdf>
- Schockenhoff, E. (2009). *Ethik des Lebens. Grundlagen und neue Herausforderungen*. Herder.
- Schwarke, C. (2007). Menschenwürde. In A. Franz, W. Baum, & K. Kreuzer (Eds.), *Lexikon philosophischer Grundbegriffe der Theologie* (pp.265-267). Herder.
- Singer, P. (2009), *40th-anniversary Edition. Animal Liberation. The definitive classic of the Animal movement*. Open Road.
- Švanda, P. (2001). Zkušenost ideje lidských práv v současnosti. In J. Hanuš (Ed.), *Lidská práva* (pp.103-116). CDK.
- The Holy See (1965a, December 7.). *Declaration on Religious Freedom Dignitatis Humanae on the Right of the Person and Communities to Social and Civil Freedom in Matters Religious Promulgated by His Holiness Pope Paul VI*. Retrieved September 30, 2023, from https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html
- The Holy See (1965b, December 7.). *Pastoral Constitution on the Church in the Modern World GAUDIUM ET SPES Promulgated by His Holiness Pope Paul VI. on December 7, 1965*. Retrieved September 30, 2023 from http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html
- Tödt, H., E. (1982). Menschenrechte-Grundrechte. In F. Böckle, F.-X. Kaufmann, K. Rahner, & B. Welte (Eds.), *Christlicher Glaube in moderner Gesellschaft. Volume 27* (pp. 9-54). Herder.
- Zoidl, C. (2009). 1989-2009. 20 Jahre nach dem Wunder der Wende: Sind die christlichen Fundamente Europas Geschichte? Resolution zum Sportbesinnungstag 2009. *Nachrichten der Diözese Eisenstadt, 2009*(3), 14-16.