

QUINQUAGESIMO ANTE: REFLECTIONS ON *PACEM IN TERRIS* FIFTY YEARS LATER

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Introduction

Beginning on the Feast of Christ the King (Oct. 1942) Archbishop Angelo Roncalli made his annual retreat in Istanbul. The retreat master for the Apostolic delegate to Turkey and Greece was the Jesuit Father Rene Follet, who preached on the image of the perfect bishop according to Isidore of Seville. Roncalli wrote in his diary:

The Bishop must be distinguished by his own understanding, and his adequate explanation to others, of the philosophy of history, even the history that is now, before our eyes, adding pages of blood to pages of political and social disorders. I want to re-read St. Augustine's *City of God*, and draw from his doctrine the necessary material to form my own Judgment ...¹

And so it was here, in Istanbul during the Second World War, while reflecting on the problem of nationalism, and while reflecting on the bishop as an image of the supranationalism of the Church, that Roncalli resolved to re-read St. Augustine's *City of God*. It gave birth to a pattern of themes that would bear fruit exactly twenty years later.

In December 1962 the fourth year of his pontificate – Pope John assembled a drafting committee for a new encyclical, which would be titled *Pacem in terris* (Peace on Earth). He typed the following instructions to Msgr. Pietro Pavan of the Lateran, who headed the team of writers:

Peace is tranquility in the order of things, ordered obedience in fidelity to the eternal law. Order is giving each thing its place. The Peace of mankind is ordered harmony in the home, in the city, in man. Wretched, therefore, is the people that is alienated from God.² These three sentences paraphrase Book XIX of St. Augustine's *City of God*:

¹ John XXIII, *Journey of a Soul*, Trans. Dorothy White (New York: Image Doubleday, 1999), 260–261.

² Peter Hebblethwaite, *Pope John XXIII: Shepherd of the Modern World – The Definitive Biography of Angelo Roncalli* (New York: Image Doubleday, 1987), 470.

“peace is the tranquility of order”.³ They also express Roncalli’s understanding of the perennial task of the bishop, which he derived from his retreat in Istanbul twenty years earlier: namely, to discern the signs of the times according to the deeper patterns of history, and the still deeper principles of order which ought to inform it. As we shall see, peace as tranquility of order is a paradigm of singular importance for his encyclical, especially its teaching on human rights.

In less than one year’s time we will mark the fiftieth anniversary of Pope John XXIII’s encyclical *Pacem in terris: On Establishing Peace in Truth, Justice, Charity, and Liberty*. And because this papal letter remains, to this day, as a kind of magna charta of the Catholic Church’s position on human rights and natural law, it is a good time to begin ruminating on the teaching: first, looking back; then, looking around; and briefly, looking ahead.

Looking Back

Issued on 11 April 1963, *Pacem in terris* reflected an acute sense of its own historical moment, both sacred and secular. In about two months’ time (from October–December 1962), Pope John:

- Convened the Second Vatican Council.
- Wrote an address in French to “all men of good will” only twenty-four hours after American military forces had gone to DEFCON 2 during the Cuban missile crisis.
- Then, having appeared on the cover of *Time Magazine* as the “Man of the Year”, he learned from his physicians of a cancer that would soon kill him.

³ Aug., DCD XIX.13.

The peace of the body then consists in the duly proportioned arrangement of its parts. The peace of the irrational soul is the harmonious repose of the appetites, and that of the rational soul the harmony of knowledge and action. The peace of body and soul is the well-ordered and harmonious life and health of the living creature. Peace between man and God is the well-ordered obedience of faith to eternal law. Peace between man and man is well-ordered concord. Domestic peace is the well-ordered concord between those of the family who rule and those who obey. Civil peace is a similar concord among the citizens. The peace of the celestial city is the perfectly ordered and harmonious enjoyment of God, and of one another in God. The peace of all things is the tranquillity of order. Order is the distribution which allots things equal and unequal, each to its own place. And hence, though the miserable, in so far as they are such, do certainly not enjoy peace, but are severed from that tranquillity of order in which there is no disturbance, nevertheless, inasmuch as they are deservedly and justly miserable, they are by their very misery connected with order.

After receiving the medical report, he set up a drafting committee for the new encyclical. The team of drafters understood they had only weeks or a couple of months, at best, to finish their work.⁴ Published on Holy Thursday, Pope John christened it his “Easter gift”.⁵

So, let us look back.

In the winter of 1962–1963, two issues galvanized the attention of the global commons. The first was the division between two highly armed “blocs”, a division that began in Europe just after the War, but which had rapidly spread to the rest of the world – to the former colonies, where the “cold war” was actually a complex skirmish line of civil wars, revolutions, and from Southeast Asia and to sub-Saharan Africa hot wars by proxies. Interestingly, although Pope John bemoaned the global fear of a nuclear conflagration, calling instead for gradual disarmament and for non-coercive means of resolving disputes (PT §§ 111–116), there is relatively little said in PT about issues of war. Except for the very significant admonition that use of nuclear weapons is not a fit instrument for the vindication of justice (PT §127, and §111), the encyclical does not conduct arguments *within* or *about* the criteria of just war.

The other great issue of the global commons – which, in fact, occupies the far greater part of PT – was the urgent problem of how to achieve political order in an era of very rapid and confusing decolonization. When the

⁴ See Pavan’s letter to Loris Francesco Capovilla, the pope’s personal secretary, dated 23 Nov. 1962. Pavan disclosed his first line of thought, which was “to reestablish the great line of encyclicals in argommento di Leone XIII” (mentioning *Sapientia Christianae*, *Diuturnum*, and *Libertas*, the same trilogy that would become so important for John Paul II). But, Pavan mused, it could be aimed at the entire global situation, teaching not only Catholics, but also other Christians and non-Christians. Documento 1, in Alberto Meloni, *Pacem in terris: Storia dell’ultima enciclica di Papa Giovanni* (Roma: GLF, Editori Laterza, 2010), 103–104. At its inception in Pavan’s mind, therefore, PT would take the great Leonine teachings on the eternal law, together with the changing tides of history, and allow them to resonate with a much wider audience [avrebbe una vasta risonanza in tutto il mondo e in tutti gli ambienti]. Drew Christiansen’s argument that PT is a kind of “Copernican” revolution turning papal teachings out of their scholastic grounding, and that “natural law is turned upside down”, has no basis in either the constitutive history of the document, nor in the encyclical itself, which devotes more attention to Aquinas’s notion of the Eternal Law than any encyclical between Leo XIII and JPII’s *Veritatis splendor*. See Drew Christiansen, S.J., “Commentary on Pacem in terris”, in *Modern Catholic Social Teaching*, Ed. Kenneth Hines, O.F.M. (Washington, D.C.: Georgetown Univ. Press, 2005). 225–226.

⁵ John XXIII, Message of 12 April 1963, AAS 55 [1963], p. 400. When Cardinal Suenens delivered a copy to the United Nations he called it “an open letter to the world”.

U.N. was established in 1945, 750 million people lived in territories that were not self-governing. By 1960, two thirds of the new member states were former colonies. In that very year the General Assembly declared that all peoples have a “right to self-determination”, and decreed that “immediate steps shall be taken, in Trust and Non-Self Governing Territories or all other territories which have not yet gained independence, to transfer all powers to the peoples of those territories”.⁶

This was the problem of the so-called Third World – the peoples who belonged neither to the First World of the West nor to the Second World of the Communist bloc. The third world needed to achieve political and economic development within a wider international order. In many cases, these peoples had *de jure* states, with flags and stamps and currencies, but they barely functioned with respect to the minimal requirements of political and juridical order. Indeed, it was in 1963 that the long American nightmare in Vietnam began. The Republic of South Vietnam was not able to make the transition from being a French colony to being a successful polity.

In both the secular and ecclesiastical press, much attention was given to the policy of *aggiornamento* – a bringing-up-to-date. The controversial issue was not (yet) what was going on theologically at the Vatican Council, but rather political collaboration between Catholics and parties on the Left. For all practical purposes, *aggiornamento* was interpreted as “the opening to the Left”. In the encyclical, the Pope expressed his hope that Catholics might cooperate not only with non-believers but also with adherents of a patently false ideology *insofar as* the cooperation involves “morally lawful aspirations”,⁷ especially collaboration in defense of “man’s natural rights”.⁸ The encyclical did not spell out exactly what this meant politically in any particular country.

While it is quite true that PT was an “open letter to the world”, it was also an important letter to the recently convened Council in Rome. The first meeting of the Council was quickly adjourned for the purpose of electing commissioners who would oversee a new set of schemata. In view of the fact that his earlier encyclical, *Mater et Magistra*, was rather tepidly received, the Pope and Msgr. Pavan “would have to sharpen the message of *Mater et Magistra* so that the Council would pay attention”.⁹ Since the

⁶ Resolution 1514 (XV), 14 Dec. 1960.

⁷ PT §159.

⁸ PT §157.

⁹ Here, quoting E.E.Y. Hales. *Pope John and His Revolution* (New York: Doubleday & Co., 1965), 156. Hales’s point about the implicit message to the Council is certainly suggested by the Pavan letter, *op. cit.*

Council was called not to resolve internal disputes about doctrine, but chiefly in order to facilitate the Church's mission in the world, PT signaled that problems in the global commons needed to be put front and center. Although the theme of *aggiornamento* was prominent in *Humanae salutis*, the bull of indictment convening Vatican II, and in the pope's opening address to the Council, PT truly did sharpen the message, leaving its stamp upon several conciliar documents: *Lumen Gentium* on the Church as a sacrament of unity; the decree *Ad Gentes* on missionary work; the decree *Unitatis Redintegratio* on ecumenism; and even more indelibly on *Gaudium et spes* and *Dignitatis humanae*.¹⁰

The pope and his drafting committee understood that one sentence in particular would have a direct effect on the schemata being drawn by the commissioners: "Also among man's rights is that of being able to worship God in accordance with the right dictates of his own conscience, and to profess his religion both in private and in public". (§ 14) The sentences on the right of religious conscience received more internal discussion and debate than any other theme of the encyclical during its drafting process.¹¹ In order to allow the Council to exercise its full deliberative weight, however, the sentences on religious liberty were written carefully, even somewhat ambiguously.

It was celebrated and criticized both for what it said, for what it didn't say, as well as for what people imagined it must have said or not said. To wit, the doggerel:

By now we know the simple trick;
Of how to read Pope John's encyc.;
To play the game, you choose your snippet;
Of "Peace on Earth" and boldly clip it.¹²

By and large, the politics of the cold war determined the way *Pacem in Terris* was first received.¹³ The New York Times (for the first and the last time)

¹⁰ "It is obvious, in the first instance, that the Pope here offers a shining example of everything that he means by his own word, *aggiornamento*. He situates himself squarely in the year 1963. There is not the slightest bit of nostalgia, nor of lament over the past course of history or over the current situation that history has evoked here on earth". J.C. Murray, "Things Old and New in 'Pacem in Terris'" *America* 107 (April 27, 1963), 612.

¹¹ See Alberto Melloni, ad passim, and the appendices. And Newman's discussion, op. cit., 77-81.

¹² John Cogley, in *America* (18 May 1963). Quoted in Newman, op. cit., 60.

¹³ Catholics should do nothing that compromises morality and religion (§157), that one must not forget the possibility and need for conversion (§158), that fruitful cooperation is not a foregone conclusion but must be discerned according to prudence which

printed a papal encyclical in its entirety. The Catholic world was made more than a little nervous by Pope John's words about "collaboration". After all, in 1963 some 55 million Catholics were behind the Iron Curtain. The first Catholic president, John F. Kennedy was notably restrained in his public comments about this part of the encyclical. Italy had the largest Communist party in western Europe, and so the Christian Democratic Party was not at all pleased with the Pope's remarks. For its part, the Communist government of Czechoslovakia tried to erect a puppet church called "Pacem in Terris".

is itself measured by the principles of natural law and the directives of ecclesiastical authority (§160), and that gradual growth is better than the impetuosity of political revolution (§§161-162).

In many countries, the debate seems in retrospect to have amounted to little more than what we would call political "spin". *National Review* dismissed PT as "a venture in triviality". See Brookhiser, *Right Man Right Place*, 47. There was also philosophical hand-wringing of a more serious nature, chiefly on the question of whether the pope was too lenient on Communists and naïve about the aggressive intentions of the Communist ideology. This, in tandem with PT's seemingly ambiguous and soft position on just war, led important Protestant thinkers like Paul Tillich, Reinhold Niebuhr, and Paul Ramsey to ask whether the encyclical was an exercise in "philosophical anarchism", "natural law optimism", perhaps "breathing a Pelagian, rather than an Augustinian, spirit". These remarks in Paul Ramsey, "Pacem in terris", in *The Just War: Force and Political Responsibility* (Lanham: Rowan & Littlefield Pub., 2002), 70-90; first appearing in *Religion in Life*, Vol. XXXIII Winter 1963-64, 116-135. The latter, on Pelagianism, quoting Reinhold Niebuhr in *Christianity and Crisis* (May 13, 1963, p. 83).

See also, Peter Steinfels, "Pacem in Terris: A Retrospective", for the Vincentian Convocation on January 30, 2003 at St. John's University. Vincentian Center for Church and Society. www.vincenter.org/convocation/steinfels.html. Also worth noting is Steinfels's passing remarks about how the encyclical was kept at arm's length by some elements of the Left.

In two countries, however, the encyclical's bid for more collaboration had significant implications for domestic politics. In Italy, for example, the Church had taken a very strong stance against such collaboration in the elections of 1946 and 1948. The Communist party actively recruited Catholics, arguing that in the practical order there was no necessary contradiction between supporting desirable political policies and reforms and following the faith and morals of the Catholic Church. It is still debated whether PT did more harm than good in the context of Italian politics. See Elisa A. Carrillo, "The Italian Catholic Church and Communism, 1943-1963", *The Catholic Historical Review*, Vol. 77, No. 4 (Oct., 1991), 644-657.

In Czechoslovakia, the high-minded notion of a *modus vivendi* between Catholics and Communists was cynically manipulated by the government. In 1951 the government attempted to create a schismatic church, like the one in China, under the rubric of "The Peace Movement of the Catholic Clergy". Under the chairmanship of an excommunicate priest, Josef Plojhar, the aim of the organization was to reduce Christianity to a Social Gospel, which, not surprisingly, turned out to be congruent with the policies of the

As the strange decade of the 1960s unfolded, the encyclical became a kind of icon of the peace and youth movement, and its actual teaching receded from public view, hardly discussed.

It is all the more necessary for us, a generation later, to look carefully at what the encyclical said about human rights.

Looking Around (in the encyclical)

I shall now leave behind the historical context and the contemporary events surrounding PT, in order to look around in the document itself – particularly its treatment of human or natural rights. And I intend to do so by returning to the Augustinian themes with which we began.

I count some twenty-five discrete rights in sections 11–27. In his preface to these sections, the pope asserts that these are rights which flow inalienably from human nature (PT §9). So far as I can discern, the terms “natural” and “human” rights are used interchangeably.¹⁴

They include the right to life, to bodily integrity, to the means which are necessary and suitable for the proper development of life, including the right to security when otherwise deprived of the means to it through no fault of one’s own; the right to respect for one’s person and reputation, to freedom in seeking truth, and in expressing and communicating one’s opinion, to pursuing art within the limits of morality and the common good, and to being informed truthfully about public events. They include too the right to share in the benefits of culture and, therefore, to both a basic education and a technical training in accordance with the educational development of one’s country; the right to worship God, both privately and publicly, in accordance with one’s conscience; the right to choose freely one’s state in life, including the right to set up a family or to follow a religious vocation; and the prior right of parents to support and educate their

Communist government. Unable to establish ecclesiastical credibility, it was re-established as “Pacem in Terris”. Eventually, the government made it clear that any attack on “Pacem in Terris” is an indirect attack on the socialist system. See Alexander Tomsy, “Pacem in Terris: Between Church and State in Czechoslovakia”. *Religion in Communist Lands* since its first publication in 1973. Keston Institute. 10/3 1982 275–282.

In only a few years, this question of collaboration and compromise would return not as a conflict between the rivals of the Cold War, but as a conflict between Catholics and secularists over public morality. With *Humanae vitae*, legal abortion, and the collapse of the Warsaw Pact, the terms of this debate will become profoundly reconfigured for a new era of liberalism and public reason.

¹⁴ Natural rights (§§12, 13, 20, 28, 30, 1 57); human rights (§§30, 61, 63, 75, 143).

children. They also include the right to free initiative in the economic field, embracing the right to work; the right to satisfactory working conditions, both physical and moral, and taking account of their special requirements in the case of women; the right to carry on economic activities to the degree of responsibility of which one is capable; the right to a just wage and the right to private property. Finally, they include the right of assembly and association, the right of freedom of movement within one's own country and, when there are just reasons for it, the right to emigrate to other countries; the right to take an active part in public affairs [including women] and the right to juridical protection of one's rights.^{15, 16}

This was not a sudden eruption of rights talk in magisterial documents. Of the twenty-five rights, the citations are to St. Paul, Church fathers, Thomas Aquinas, and to the encyclicals of modern popes. Only two of the rights have an aspect of novelty: the right of religious conscience (§14), which is unmistakably an effort to develop reflection on this issue, and rights of women in the contemporary world (§19, but also see §41 and §153).

Our colleague, Mary Ann Glendon, has convincingly argued that the 1948 *Declaration of Human Rights* should be read not merely as a list of rights, but read also according to Rene Cassin's elegantly structured order, which was based upon the portico of a Greek temple.

Explaining the structure of the Declaration for the benefit of persons accustomed to simple lists or "bills" of rights, Rene Cassin compared it to the portico of a temple. The seven clauses of the Preamble are the steps leading up to the entrance. The basic principles of dignity, liberty, equality, and brotherhood, proclaimed in the first two articles, are the foundation blocks for four columns of rights: rights pertaining to individuals as such; rights of individuals in relation to each other and to various groups; spiritual, public and political rights; and, finally, economic, social and cultural rights. Crowning the portico is a pediment consisting of three concluding articles that place rights in the context of limits, duties, and the social and political order in which they are to be realized.¹⁷

¹⁵ Here, I use the very succinct and useful summary by Newman, *op. cit.*, 69-70.

¹⁶ My summary leaves to one side the very important corporate rights: Church, family, nation, as well as a myriad of other groups which enjoy rightful dignity both in themselves and insofar as they stand toward others according to the principle of subsidiarity. Especially important is §52, where the Pope explicitly affirms the right of peoples to choose their own form of government.

¹⁷ Mary Ann Glendon, "The Rule of Law in The Universal Declaration of Human Rights", *Northwestern University Journal of International Human Rights*, Volume 2 (Spring 2004).

A similar approach should be taken when we read PT's doctrine of rights. The interpretive key is to be found in the organization of the encyclical itself. For the encyclical is not organized according to the four principles in the sub-title: truth, justice, love, and liberty. Instead, these principles are interwoven according to *six modes of order*. To my knowledge PT is the only important human rights document that explicitly takes this approach. In doing so, PT integrates justice as rights and justice as right order.

The encyclical teaches that peace is richly textured and multi-layered order(s):

1. Order in the universe (§§2-3)
2. Order in freedom and conscience that flows from an individual's participation in the eternal law (§§4-7)
3. Order among individual human persons (§§8-10)

[§§ 11-15 begin list of Rights]

4. Order between members of a political community and its authorities (§§46-79)
5. Order between political communities (§§80-129)
6. Order that ought to obtain between individuals, social groups, and states to a worldwide community. (§§130-145)

In his World Day of Peace Address (2003), marking the fortieth anniversary of *Pacem in Terris*, Pope John Paul II said:

Boldly, but with all humility, I would like to suggest that the Church's fifteen-hundred-year-old teaching on peace as "*tranquillitas ordinis* – the tranquillity of order" as Saint Augustine called it (*De Civitate Dei*, 19, 13), which was brought to a new level of development forty years ago by *Pacem in Terris*, has a deep relevance for the world today, for the leaders of nations as well as for individuals. (WDP, §6)

John Paul is just right, and he brings us back to the Augustinian themes I mentioned earlier. They must be brought back, front and center, not only because the encyclical was designed just so, but also because the over-arching theme of order was ignored, and sometimes outright dismissed, by the generation that first read *Pacem in Terris*. For that generation, *order* summoned all of the boogey-men of their time and place. Politically, it suggested "law and order", the opposite of social and political change. Socially, it suggested authoritarianism, in the church, in the family, and in the wider society. Philosophically, it suggested cosmological order, and nature herself, which speaks an authoritative word apart from, or even contrary to human freedom. Order for that generation usually suggested something imposed, despotic, non-participatory, and dismissive of human freedom and subjectivity.

Almost immediately, the encyclical was read as a declaration of human rights stripped of the broader context of natural, divine, anthropological, political, and legal modes of order.

To take but one example, let us consider Maurice Cardinal Roy's remarks sent to Paul VI in 1973 on the "Occasion of the Tenth Anniversary of the Encyclical *Pacem in Terris*". Cardinal Roy was a distinguished churchman of his time, to say the least. At the time he was the President of the Pontifical Council on Justice and Peace.¹⁸ In a section entitled "A Method for Our Times", the cardinal admits to being somewhat puzzled by John XXIII's theme of order, especially as it relates to cosmological, metaphysical, and anthropological matters. Perhaps he was only playing the Devil's advocate, for an astute churchman would not have asked, in his own voice, whether such principles could have become invalid only ten years later. For whatever reason he asked, "Is this answer still valid, ten years later?"

For today, this idea of nature is very much questioned, if not rejected ... The concept also seems too "essentialist" to people of our time, who challenge, as being a relic of Greek philosophy, the term "Natural Law", which they consider anachronistic, conservative and defensive ... Although the term "nature" does in fact lend itself to serious misunderstandings, the reality intended has lost nothing of its forcefulness when it is replaced by modern synonyms ... Such synonyms are: man, human being, human person, dignity, the rights of man or the rights of peoples, conscience, humaneness (in conduct), the struggle for justice, and, more recently, "the duty of being", the "quality of life". Could they not all be summarized in the concept of "values", which is very much used today?

Admitting that the very first sentence of PT asserts that peace is "diligent observance of the divinely established order", Cardinal Roy observed: "this word jars the modern mentality, as does, even more, the idea that it summons up: a sort of complicated organic scheme or gigantic genealogical tree, in which each being and group has its predetermined place".¹⁹ For Roy, the dialogical imperative was hampered by the traditional vocabulary of the

¹⁸ Pope Paul VI addressed his letter, *Octogesima Adveniens*, on the Eightieth Anniversary of *Rerum Novarum* (May 14, 1971), to Cardinal Roy, who, in turn addressed his thoughts to the pope on the subject of PT. He was the former Archbishop of Quebec, the first President of the Pontifical Council on the Laity, then, and finally the President of the Pontifical Council on the Family.

¹⁹ "Reflections by Cardinal Maurice Roy on the Occasion of the Tenth Anniversary of the Encyclical *Pacem in Terris* of Pope John XXIII" (April 11, 1973), in *The Gospel of Peace and Justice: Catholic Social Teaching since Pope John*, presented by Joseph Gremillion (New York: Orbis Books, 1976), 556-58.

doctrinal content. In other words, PT was too restricted by the outmoded line of encyclicals going back to Leo XIII.

I shall use Cardinal Roy's questions as an occasion, forty years later, to say what is correct about the theme of order in PT. Namely, that justice as rights and justice as right order cannot be in opposition and need to be discussed in tandem.

In the first place, we can recall Thomas Jefferson's much-quoted sentence, written to the Danbury Baptist Association in 1801, fourteen years after the adoption of the Bill of Rights. "Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties".²⁰ Jefferson acknowledges the long recognized tension between *ius* as individual right and *ius* as law – and, by extension, justice as right order and justice as the satisfaction of inherent rights. Jefferson anticipated debates of our own century. On one extreme, is the position that rights are "trumps" with regard to social order, or at the least, to the policies of political authority intended to protect order. On the other extreme is the complaint that what are claimed as natural (or human) rights turn out to be – by virtue of the nature of the claim itself, or by virtue of its exercise, or by virtue of circumstances – contrary to justice as right order. Apart from right order a right is not, as it were, rightful. Therefore, rights are possessed only as implications or conferrals of right social order.

The extreme version of the "right order" position has been explored and criticized by Nicholas Wolterstorff in his recent book, *Justice: rights and wrongs* (2008).²¹ I do not intend to rehearse here his thoughts and arguments at a proper level of detail and complexity. Rather, I want to underscore one point that seems correct, at least with regard to natural rights. "Natural rights [properly understood] are not the rights of asocial beings but the rights of social beings that have not been socially conferred on them...²² Put in just this way,

²⁰ Thomas Jefferson, Letter To Messrs. Nehemiah Dodge and Others, a Committee of the Danbury Baptist Association, in the State of Connecticut (January 1, 1802).

²¹ Nicholas Wolterstorff, *Justice: rights and wrongs* (Princeton: Princeton Univ. Press, 2008), 27. Here, citing Plato's Republic 441d-e. "In such a social order", he writes, "everybody will be doing their 'proper work' ... their 'proper function'".

²² For, as he correctly says, "Natural rights are not the rights of asocial beings but the rights of social beings that have not been socially conferred on them". *Ibid.*, 33. Indeed, the very structure of a rights claim indicates a claim to a certain order: X owes Y to Z. Unless and until we achieve the correct order of relation between these three factors – the giver, the thing given, and the recipient – justice is not done. This seems true of any right claim, whether the foundation is something endowed or socially conferred.

we can understand that *if* there are natural rights then there is order prior to, and distinct from, the orders we construct or confer. It is a “straw man” to oppose natural rights and right order. Thus, the importance of the word “endowed”. Endowment contains *in nucleo* both rights and right order. In ordinary language and in philosophical parlance, endowment implies order rather than a merely subjective claim or evaluation. Prior to the practical deliberations and policies of a human community stands a good to be recognized, honored. Social efforts to construct and maintain order and rights claims on the part of persons have the same source in an anthropological and moral meaning of “endowment”. The encyclical proposes that they are integrally related. A lack of rightness in one is bound to impair the rightness of the other.

Now, turning to the encyclical, we find that the charter of human rights (§§8-36) stands between two discussions of divinely created order (§§2-7, 37-38), which serve as bookends. The first is a substantive prelude, while the second is a forceful reminder and admonition. In the prelude, the pope speaks of the whole created universe, marked by order, intelligibility and beauty.²³ What emerges “first and foremost” from the progress of scientific discovery, the pope asserts, is the splendor of creation an endowment, making possible discovery. It is the same man, made unto the image and likeness of God, who is a part of a vast created order, and who is capable of appreciating and appropriating that order.

As for order *in* human beings, the pope insists that our participation in divinely established order is more perfect, by virtue of intelligence and a law written in the heart. Human peace, therefore, requires something more than the harmony of physical laws. It requires the tranquility of moral order. The principles of moral order are already reflected, inscribed, instilled in human beings endowed with intellect and will. Everyone can understand, albeit in a rudimentary way, that the true governs reason, and that reason governs the passions. First we are endowed, not merely with random and sporadic powers, but with order.

Wrapping up the encyclical, the pope again quotes St. Augustine:

The world will never be the dwelling place of peace, till peace has found a home in the heart of each and every man, till every man preserves in himself the order ordained by God to be preserved. That is why St. Augustine asks the question: “Does your mind desire the strength to gain the mastery over your passions? Let it submit to a greater power, and it will conquer all beneath it. And peace will be in you—true, sure, most ordered peace. What is that order? God as ruler of the mind; the mind as ruler of the body. Nothing could be more orderly”. §165

Some commentators have suggested that in PT “natural law is turned upside down”, because the pope is swapping out the older scholastic notion of natural order for human moral order.²⁴ This is nonsense, for Pope John is doing nothing other than using Aquinas’s very distinction between how providence is received and participated in nonrational and in rational creatures.²⁵ If anything, these paragraphs are aimed at Marxist materialism and at various species of modern constructivism, neither of which can allow moral order to be endowed in human beings.

PT not only deploys the older scholastic tradition but does so in its strongest terms. In section §38, which concludes the charter of rights, we read:

But such an order – universal, absolute and immutable in its principles – finds its source in the true, personal and transcendent God. He is the first truth, the sovereign good, and as such the deepest source from which human society, if it is to be properly constituted, creative, and worthy of man’s dignity, draws its genuine vitality. [citing PXII 1942 radio] This is what St. Thomas means when he says: “Human reason is the standard which measures the degree of goodness of the human will, and as such it derives from the eternal law, which is divine reason ... Hence it is clear that the goodness of the human will depends much more on the eternal law than on human reason”. [citing S.t. I-II 19.4; and see 9] §38

Consider, this passage as well:²⁶

Governmental authority, therefore, is a postulate of the moral order and derives from God. Consequently, laws and decrees passed in contravention of the moral order, and hence of the divine will, can have no binding force in conscience, since “it is right to obey God rather than men” [citing Acts 5.29]. Indeed, the passing of such laws undermines the very nature of authority and results in shameful abuse.²⁷

²³ Reminiscent of the favorite triad of Augustine: measure, number, order.

²⁴ See Drew Christenson, *op. cit.* See also, Murray, *op. cit.*, at 612. The debate already smoldering over contraception perhaps is being read into the encyclical.

²⁵ S.t. I-II, 91.2 ad 3.

²⁶ Also, “It is generally accepted today that the common good is best safeguarded when personal rights and duties are guaranteed. The chief concern of civil authorities must therefore be to ensure that these rights are recognized, respected, co-ordinated, defended and promoted, and that each individual is enabled to perform his duties more easily”. Both of which are quoted verbatim by JP II in EV: EV §§71-72.

²⁷ As St. Thomas teaches, “In regard to the second proposition, we maintain that human law has the rationale of law in so far as it is in accordance with right reason, and as such it obviously derives from eternal law. A law which is at variance with reason is to that extent unjust and has no longer the rationale of law. It is rather an act of violence”. [citing S.t. 1-11, 93.3 ad 2]. §51.

...Thus any government which refused to recognize human rights or acted in violation of them, would not only fail in its duty; its decrees would be wholly lacking in binding force.^{28, 29}

Interestingly, this is precisely the passage that Dr. Martin L. King, Jr. quoted from St. Thomas in his *Letter From Birmingham Jail* (16 April 1963). The day after PT was issued, eight white Alabama clergymen signed a document entitled “Call for Unity”, affirming the goals of the civil rights movement against legal segregation, but complained about the tactic of civil disobedience. Dr. King countered that one has a moral responsibility not to obey unjust laws, and promptly issued his famous *Letter* five days after Pope John’s encyclical. Whether or not King was influenced by the recent encyclical is not important. For our purposes, the important thing is that King argued for an integral unity of rights and right order. Along one front, he chastised white moderates “more devoted to ‘order’ than to justice”. Partisans of “law and order”, he said, consider order much too narrowly as the absence of conflict. His audience in the spring of 1963 would have readily understood that the use of force to achieve such a narrow notion of “order” at the Berlin Wall and in streets of cities in Alabama did not have the presumption of justice in its favor. The order to which law pertains cannot not found simply in an uncontested result, but in a result compatible with equity and suitable for a common good. Law moves human agents primarily through obligation, and a law that fails to move its citizens through obligation is scarcely distinguishable from force a human community moved to and fro chiefly by force is a disordered community.

²⁸ For “to safeguard the inviolable rights of the human person, and to facilitate the performance of his duties, is the principal duty of every public authority” Thus any government which refused to recognize human rights or acted in violation of them, would not only fail in its duty; its decrees would be wholly lacking in binding force. §§60–61.

²⁹ We shouldn’t overlook the bracing passages quoted from St. Augustine:

And just as individual men may not pursue their own private interests in a way that is unfair and detrimental to others, so too it would be criminal in a State to aim at improving itself by the use of methods which involve other nations in injury and unjust oppression. There is a saying of St. Augustine which has particular relevance in this context: “Take away justice, and what are kingdoms but mighty bands of robbers” §98 [*De civitate Dei*, lib. IV, c. 4; PL 41. 11 5; cf. Pius XII’s broadcast message, Christmas 1939, AAS 32 (1940) 5–13].

Striking yet another Augustinian theme, in *Mater et Magistra*, having cited the *Confessions*, on the inquietude of the human heart, PT includes this admonitory sentence: “Separated from God a man is but a monster, in himself and toward others; for the right ordering of human society presupposes the right ordering of man’s conscience with God, who is Himself the source of all justice, truth and love”. §215.

Dr. King therefore carefully defended rights as having their foundation in law, and in so doing he avoided the trap of putting rights and right order into opposition. Indeed, it is quite telling that in the *Letter* Dr. King was not anxious about a list of rights so much as a spectacle of disorders. Among these that he mentions: the corruption of individual and corporate conscience – and especially of the churches – the use of brutal and arbitrary police powers, the refusal to allow peaceful public assembly, the refusal of political representation at the voting booth, and, finally, the appalling history of using human law to compel both public officials and private citizens to treat one another chiefly on the basis of skin pigmentation, thus reducing PT's second and third modes of order to the first one. Racial segregation is nothing other than government decree compelling citizens, (3rd order), to ignore the endowment that constitutes human beings (2nd order), and to take as normative the endowments which characterize physical nature (1st order). One hardly needs to appeal to a subjective right in order to see that the putative “order” of the law of segregation is a disorder.

It was not my purpose to claim that Dr. King wrote a philosophical treatise, nor that he set out in any conscious way to respond to Pope John's PT. Pope John's encyclical, for that matter, hardly counts as a philosophical treatise. Even so, the convergence of the two letters (issued only a week apart) expose that it is nonsense to think that either presented some new understanding of natural law, much less that they subordinated natural law to subjective rights. Each letter summarized a common moral teaching, inherited, in its Christian form, by the Pope and Dr. King alike. Each shared the conviction that authentic rights claims and right order are co-implicates rather than opposites, and that the nucleus of both is the anthropological endowment. Doesn't this indicate that, circa the spring of 1963, the common moral teaching could not easily be dismissed (*pace* Cardinal Roy) as an antique relic that “jars the modern mentality”. Quite to contrary, these two letters – arguably the two most revered statements on natural law of the 1960s – were delivered and received without the need of technical philosophical or lawyerly argument. I will come back to this point in the conclusion.

Right order requires respect for the nature of human fellowship. The social principle is one human life participating in that of another, according to various kinds of common good: the family, voluntary societies, the nation state, to a family of peoples.³⁰ The term “common good” is used forty six

³⁰ “And so, dearest sons and brothers, we must think of human society as being primarily a spiritual reality. By its means enlightened men can share their knowledge of

times in PT. “Now the order which prevails in human society is wholly incorporeal in nature. Its foundation is truth, and it must be brought into effect by justice. It needs to be animated and perfected by men’s love for one another, and, while preserving freedom intact, it must make for an equilibrium in society which is increasingly more human in character”. (§37) Just as the dignity of a human person is reducible neither to the forces of nature nor the constructions of human art, but rather is *open to reality as a whole*, so too human societies are not reducible to the elemental forces of race, class, historical determinism.

Just as the human person is open to reality as a whole, so too are human societies open to wider orders – to a global order, and to a fully transcendent happiness.³¹

We must bear in mind that of its very nature civil authority exists, not to confine men within the frontiers of their own nations, but primarily to protect the common good of the State, which certainly cannot be divorced from the common good of the entire human family. (§98)

Here, indeed, we reach one of the most controversial teaching of the encyclical – both then and now. Namely, the need for an authority that has “structure and efficacy” for realizing a global tranquility of order in the human family. (§136)

Our sobriety and dubiety about the immediate prospects for such an order today should not cause us to impatiently dismiss the principle. It must be discerned, as Archbishop Minnerath says, *travers l’épaisseur de l’histoire humaine* (through the thickness of human history). The principle is not imposed from the outside, but is detected within other experiences and principles with which we are familiar. The human person is open to reality as a whole. He is not imprisoned either by physical forces or by his own art. Human rights flow from this anthropological principle. And so does the social principle. No true or valid society can pretend to order a human

the truth, can claim their rights and fulfill their duties, receive encouragement in their aspirations for the goods of the spirit, share their enjoyment of all the wholesome pleasures of the world, and strive continually to pass on to others all that is best in themselves and to make their own the spiritual riches of others. It is these spiritual values which exert a guiding influence on culture, economics, social institutions, political movements and forms, laws, and all the other components which go to make up the external community of men and its continual development”. §36.

³¹ Even if there were an authority competent for ruling a global family, man’s perfection would not stop there.

person exclusively to itself. Marriages, families, voluntary societies, nation states, and so forth, would be grotesque prisons if they made their particular membership the finality of human life. (It was precisely this upon which Roncalli meditated when he considered the problem nationalism during his retreat in October 1942). We need to notice that the expanding modes of order continue to track the anthropological principle. Man is open to a universal order – this is his endowment. Therefore, rightful liberties and responsibilities do not begin or stop at the gates of the family or the state.

The human person is capable of plural memberships without prejudice to the others. That one society is not the whole of human sociability is not a defect in man, but an excellence. PT therefore asserts that it is “a postulate of the moral order” that there be authority adequate to coordinating and maintaining the common good. (§136) Since human action increasingly pushes beyond the confines of the nation state and treaties between states, there is need of a module of government to protect the rights and right order of that common good.

Looking Ahead: Signs of the Times

It might come as a surprise, but John XXIII did not use *signa temporum* or “signs of the times” in PT.³² He did, however, use it in the Apostolic Constitution *Humanae salutis* – the bull of indiction calling the Second Vatican Council (25 Dec. 1961). The context and purpose of the scriptural source deserves attention. The scriptural pericope, of course, is Mt. 16.1-5:

And there came to him the Pharisees and Sadducees tempting; and they asked him to show them a sign from heaven. But he answered and said to them: When it is evening, you say, It will be fair weather, for the sky

³² *Gaudium et spes*, at §4, uses it without reference to PT. As it happened, *signa dei tempi* was inserted as a section heading (above PT §126). It is not in the autograph, AAS 55 (1963). In §126 [English trans. numbering], the pope speaks of “more and more, men today are convinced that ...” The section headings appear to come from an earlier Italian draft. (See Melloni’s table of drafts, at 134–219). Eager to quickly issue polyglot translations (based upon the Italian not the Latin typical), the Vatican Press inserted the “signs of the times” heading after each of the four parts of PT. See Jeremiah Newman, *Principles of Peace: A Commentary on John XXIII’s Pacem in Terris* (Oxford, Catholic Social Guild, 1964), 51. Thus, *signa temporum* was detached from its original context in Mt. 16.3. Rather than the richly ambiguous and the pointedly admonitory meanings of both the scripture and Pope John’s use of it in 1961, the phrase seemed to be an empty placeholder for organizing pronouncements about current affairs. In this case, journalistic convenience obscured important dimensions of the encyclical: not only the scriptural source of *signa temporum* but also the structural organization of the six facets of order.

is red. And in the morning: Today there will be a storm, for the sky is red and lowering. You know then how to discern the face of the sky: and can you not know the signs of the times? A wicked and adulterous generation seeketh after a sign: and a sign shall not be given it, but the sign of Jonas the prophet. And he left them, and went away. And when his disciples came over the water, they had forgotten to take bread.

In the bull of indiction for the council, Pope John uses this strange Matthean pericope to do two things. First and foremost, Christ's admonition was meant to situate the ecumenical council. This Apostolic Constitution, after all, was written for the bishops. "Signs of the times" in this respect should be taken in an immediately theological sense. It pertains to the mission of the Church, sowing the seeds of the Gospel in a particular time. Indeed, the last sentence of the pericope is a wonderfully ambiguous report about the disciples themselves at verses 5-9. In the second place, the pericope was intended to situate more broadly the dialogue between the Church and the world. Accordingly, the pope emphasized that the atrocities of war, the ruin of minds by ideologies, the fear and anxieties which attend scientific technologies, were not without "warning signs". Because these warning signs had been confirmed in experience of this very generation, he proposed that the Church's mission in the contemporary world had reached a moment of teaching and learning "by experience".³³ By *experience*, he did not mean a pontifical commentary on current events; nor did he suggest that current events presented much more than a "murky haze" needing discernment. Rather he meant to remind the bishops that a common experience can facilitate inquiry into, and appropriation, of the principles governing a work to-be-done.³⁴

In his opening allocution to the Second Vatican Council, Pope John once again reminded the bishops that "history is the teacher of life".³⁵ A

³³ *Humanae salutis* (25 Dec. 1961): AAS 54 (1962), 6-7.

³⁴ Admonitory signs in PT: "But one of the principal imperatives of the common good is the recognition of the moral order and the unfailing observance of its precepts". "A firmly established order between political communities must be founded on the unshakable and unmoving rock of the moral law, that law which is revealed in the order of nature by the Creator Himself, and engraved indelibly on men's hearts ... Its principles are beacon lights to guide the policies of men and nations. They are also warning lights – providential signs – which men must heed if their laborious efforts to establish a new order are not to encounter perilous storms and shipwreck" [*qui quidem ex eius monitoriis, saltaribus providisque signis...*] §85, quoting Pius XII broadcast message, Christmas 1941, AAS 34 (1942) 16.

³⁵ *Gaudet Mater* (October II, 1962), *Sacrosanctum Oecumenicum Concilium Vatican II, Constitutiones, Decreta, Declarationes* (Vatican City: Libreria Editrice Vaticana, 1993), 858.

common historical experience can have a useful winnowing effect for interlocutors of good will. Some options are recognized almost immediately as dead ends, while others remain what William James called “live options”. Thus, discerning the “signs of the times” helps one to know where, *in medias res*, a dialogue ought to begin. For Pope John, the experience of the post-war generation provided an opportune moment for setting forth natural law principles governing peace as tranquility of order. The pathologies of totalitarian states were in full evidence; western Europe was still being rebuilt from the devastation of the war; the Cuban missile crisis had made everyone aware of the need for at least some limits to use of lethal force, even in defense of a good cause; and the rapid pace of decolonization made it imperative that the new polities be founded on the four principles comprising the encyclical’s subtitle.

PT is both dialogical and doctrinal. It is the first papal encyclical to treat natural law in general terms for a general audience – for men of good will – and even more significantly for the express purpose of instigating collaboration along a wide front of moral, social, and political issues. Importantly, it assumes that the things-to-be-done are already, though inchoately and incompletely, under way. The Pope takes note of contemporary *desiderata* – what men want and hope to achieve regarding justice and peace. The word “value” (valor) is not in the encyclical.³⁶ Instead, we find *animorum appetitiones* and other such phrases to indicate what people are trying to accomplish (§§79, 159). In this respect, we are reminded of Jacques Maritain’s comment on the drafts in process for a U.N. Declaration of the Rights of Man: “the perspectives open to men, both on the planes of history and of philosophy, are wider and richer than before”.³⁷ Both assent and consent (truth and feasibility of agreement) sometimes are more favorable under certain conditions of shared experience.

I propose that this is the way we ought to interpret Pope John’s use of *signa temporum*. It should be understood in light of his notes during the 1942 retreat when he wrote: “The Bishop must be distinguished by his own understanding, and his adequate explanation to others, of the philosophy of history, even the history that is now, before our eyes, adding pages of blood to pages of political and social disorders. I want to re-read St. Augustine’s *City*

³⁶ The *valori* were superimposed, first in Italian, as headings for newspapers, and through this venue entered into other translations.

³⁷ Jacques Maritain, “Introduction” to the UNESCO document, *Human Rights: Comments and Interpretations* (1948).

of God, and draw from his doctrine the necessary material to form my own judgment". As is so often the case, the end was in the beginning.

While I do not insist that my interpretation is the only valid one, it has the virtue of following the rather bright thread of Roncalli's interest in St. Augustine. It corresponds to the actual organization of the encyclical and the theme of "tranquility of order". It also moderates a tendency from fifty years ago to retreat from doctrinal content and to reduce "signs of the times" to a kind of weather vane of dialogue.

In his paper for this Plenary, Msgr. Minnerath makes the interesting point that in PT the order of nature is not only essential but also existential – *la nature dans PT n'est pas seulement essentielle; elle est aussi existentielle*. This seems exactly right.³⁸ My guess is that this double dimension arises from Pope John's early and abiding interest in Augustine's theology of history and Thomas's doctrine of natural law as participation in the eternal law. In any case, the scheme of order, signs, and interpretations is very prominent in Augustine. Consider the following passage in the *Confessions*:

Is not this appearance of the universe evident to all whose senses are not deranged: Then why does it not give the same answer to all? Animals, small and great, see it, but cannot ask the question. They are not gifted with reason to sit in judgment on the evidence brought in by the senses. But men can ask the question, so that the invisible things of God are clearly seen, being understood by the things that are made; but by loving these things, they become subject to them, and subjects cannot judge. And these things will only answer the questions of those who are prepared to judge ... They look just the same to both, but to one man they say nothing and to the other they speak. Oh it would be truer to say that they speak to everyone, but are only understood by those who compare the voice which comes to them from outside with the truth that is within. (Conf. X.6)

Across the ocean of human affairs, things change, along with the signs and interpretations. The cultural and social *signa temporum* are not always favorable, and human persons are not always favorable to reckoning with the signs they see. The decades from 1945–1965 provided a crucible of shared experience, generating palpable expectations for political liberty, a common order of rights, and economic development. In the ordinary course of things, moral consensus tied to such moments does not last very long. We

³⁸ Indeed, this is the language of *Humanae salutis ... inter tot taetricas caligines*, amid the gloomy mists.

have good reasons to think that this accounts for Pope John's sense of urgency when he summoned the council and issued instructions to his team of writers shortly before his death.

In 1988, Cardinal Joseph Ratzinger traveled to England to give the annual Fischer Lecture for the Catholic Chaplaincy at Cambridge University. With a paper entitled "Consumer Materialism and Christian Hope", he came prepared to speak about the "characteristic signs of the times". The most troubling sign, he averred, is that "what is moral has lost its evidence".³⁹ "What was first of all common to all of pre-modern mankind, however, lies really along the self-same line: the conviction that in man's being there lies an imperative, the conviction that man does not devise morality itself by calculating expediencies; rather he comes upon it in the being of things".⁴⁰

The key point is reached at the conclusion of the Cardinal's prepared remarks. Referring to wisdom traditions in general, he proposed that "Morality is not man's prison; it is rather the divine in him".⁴¹ This conviction implies that the whole man is open to reality as a whole. Were this not true, the order of nature would amount to a mere aggregation of "details", and man's own interpretation of these details would amount to partial constructions of his own subjectivity – or, what is more likely, the constructions of social, political, and legal forces. Morality, then, would be a "prison". Perhaps we should go even further to say that whatever is "divine" in man would demand that the individual be emancipated from this prison of mere partialities, which can force but only pretend to bind his conduct. Thus, for the modern person, "morality has lost its evidence". He can "see through" all things but not "see".⁴²

And so we have two prelates, both devotees of Augustine with strong interest in the theology of history, interpreting the signs under quite different historical skies. In the spring of 1963 Pope John and Dr. King could communicate a perennial moral logic because persons of "good will" were

³⁹ Cardinal Joseph Ratzinger, "Consumer Materialism and Christian Hope", *Teachers of the Faith: Speeches and Lectures by Catholic Bishops*, Foreword by Cardinal Cormac Murphy-O'Connor, ed. Tom Horwood (Catholic Bishop's Conference of England and Wales, 2002), 78–94.

⁴⁰ *Id.*, 87. The Cardinal's speech is an important documentary antecedent to the International Theological Commission's report, *The Search for a Universal Ethics: A New Look at Natural Law* (2008). This document is notable for its serious attempt to re-adapt the dialogical to the doctrinal facets of natural law and human rights.

⁴¹ *Id.*, 92.

⁴² *Id.* 90. Quoting C.S. Lewis.

disposed in their own action and hopes to secure a certain order of rights. They taught what people were already trying to see and understand.

Perhaps the first sign of a changing historical sky was three years later, when in 1966 the U.N. could reach no moral consensus on a Covenant of Rights, and so it issued two: one on Civil and Political Rights, another on Cultural and Economic Rights. The problem was not so much different lists of human rights, but different orders that could not be integrated into a single, complex scheme. Rene Cassin's model of the portico had not been fully accomplished in history, but his vision had the mark of unity and coherence. After 1966 it became easier to imagine at least two different temples, having different foundations, steps, columns, and pediments. Perhaps there are more. Can there be tranquility of order if human goods, aspirations, and rights are arrayed in such different orders? It is one thing to have a diversity of political regimes – forms of government – but quite another thing to have different temples, which is to say different normativities.

In whichever temple of rights, there is little consensus reflecting what PT proposed as the first two modes of order: order in creation and order in human beings. While PT was under no illusions concerning the problems of clarifying and instantiating the fifth and six orders (between nations and then with respect to a still-to-be-determined global authority), the first two were of a different status. For in these, we are dealing with endowments to be discovered and honored. This constitutes the anthropological and moral foundation of human rights, which came to be perceived as a “prison”. One way out of that “prison” is to leave PT's first two modes of order to private opinion. Perhaps the human rights project can continue, but its foundation can be no deeper than the fourth order, between citizens and their government. Thus, the foundations will appear to be the changeable policies and legal instruments of governments.

In his Address to the U.N. General Assembly in 2008, Pope Benedict returned to this problem. Speaking of the 1948 Declaration, he said:

However, the results still have not been as high as the hopes. Certain countries have challenged the universality of these rights, judged to be too western, inspiring a search for a more inclusive formulation. Moreover, a certain propensity towards multiplying more human rights according to the disordered desires of the consumerist individual or from sectarian demands rather than the objective requirements of the common good of humanity have, in no small way, contributed to devaluing them. Disconnected from the moral sense of values, which transcend particular interests, the multiplication of procedures and juridical regulations can only wind up in a quagmire,

which in the end only serves the interests of the most powerful. Above all, this reveals a tendency to reinterpret human rights, separating them from the ethical and rational dimension – which constitutes their foundation and end – in favor of a pure utilitarian legalism. “Today”, he concluded, “efforts need to be redoubled in the face of pressure to reinterpret the foundations of the *Declaration* and to compromise its inner unity”.⁴³

This would seem to be a different historical sky, requiring a new dialogical tactic rather than a new teaching. Nonetheless, fifty years later we have good reason to appreciate the encyclical’s bid to present rights and right order as integrally related. In this sense, PT was prescient, for it underscored the very issue that would become the stumbling block.

⁴³ Benedict XVI, Discourse of April 18, 2008 before the General Assembly of the United Nations (AAS 100 [2008]), p. 335.