

Natural law and human rights Catholic proposal towards

a common base of interreligious dialogue

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*Ce n'est ni ma maison, ni celle de mon voisin,
qui constituent le point de rencontre;
celui-ci se trouve à la croisée des chemins, hors les murs,
là ou nos pourrions éventuellement décider de planter
une tente pour le temps présent.¹*

Raimon Panikkar

Abstract

This article studies the proposal of the Catholic Church towards a common base for interreligious dialogue. For the Church, dialogue with other religions can not be based on the commandments of love, as Muslim leaders suggest in their document "A Common Word" (2007), because it is an exclusive idea between Christians and Muslims; that is why the Church presents in several documents the idea of the natural law as a common pillar for all people, believers and non-believers, since God has provided humanity with reason, and this can guide human beings towards common benefit. This article analyzes the natural law as a valid means for interreligious relations.

Keywords:

Resumen

Este artículo estudia la propuesta de la Iglesia Católica hacia una base común para el diálogo interreligioso. Para la Iglesia, el diálogo con otras religiones no puede basarse en los mandamientos del amor, como sugieren los líderes musulmanes en su documento "Una palabra común" (2007), porque es una idea exclusiva entre cristianos y musulmanes; es por eso que la Iglesia presenta en varios documentos la idea de la ley natural como un pilar común para todas las personas, creyentes y no creyentes, ya que Dios ha provisto a la humanidad con la razón, y esto puede guiar a los seres humanos hacia el beneficio común. Este artículo analiza la ley natural como un medio válido para las relaciones interreligiosas.

Palabras clave:

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1 My own translation: "It is not in my house or in my neighbour's house that we are going to find the common point for our encounter, this only can be found where our paths intersect each other, beyond our walls, and in that place we can decide, perhaps, to make a tent for our time." As quoted by Jacques Levrat, *La Force du Dialogue* (Rabat : Editions Marsam, 2003), 14.

Religions are like musical instruments. In order to play together in an orchestra instruments must be tuned to the right tone or pitch. To do that, the first requirement is the desire to be in tune with the other instruments. The second requirement is to find a common reference or tone. This is usually given by the oboe that plays a fixed pitch (A=440 Hz). Then all other instruments will be adjusted according to this common pitch. The task of interreligious dialogue, using this analogy, is to find that common reference to which will allow all religions to play together in peace and in harmony.

We find that the first requirement for tuning religions is already present in Christianity and in Islam. Several important documents like “*Nostra Aetate*” for Christians and “A Common Word between Us and You” (2007) for Muslims are signs of a real desire to find the right pitch. However, we are still searching for the second requirement, the pitch in which the whole orchestra will be tuned. Christians and Muslims are looking for a common base of interreligious dialogue.

In our article called “Muslim proposal towards a common base of interreligious dialogue”, we explained that for Muslim leaders the meaningful peace can be found between Islam and Christianity because both these traditions share the two commandments of love as a common and fundamental belief. This is a revolutionary initiative admired by many Christian leaders. Nevertheless, the Muslim proposal does not give a universal understanding for all beliefs. This is because the Muslim proposal refers to those religions only which share the same principle

of faith (Garcia, 2017). In order to overcome this limit, in this present article, we shall study another proposal for a common universal base of interreligious dialogue which can be more inclusive. The Catholic Church presents in several documents the idea of natural law as a common base for all people, since God has provided humanity with reason which can lead people towards righteous behaviour. Even though natural law has been criticized for several angles, I hold that it is still a valuable means on which one can base our interfaith relations.

During the Second Vatican Council, the Church has made the suggestion that natural law might be used as the common base for interreligious dialogue, as one can read in *Nostra Aetate*: “In her task of promoting unity and love among men, indeed among nations, she considers above all in this declaration what men have in common and what draws them to fellowship” (1, 1965). As far as I know there has not yet been an official document exploring this idea, however one can find some important guidelines presented here and there in some encyclicals and speeches given by the recent popes on the Church’s understanding of natural law and the importance of it for interreligious dialogue.

In his encyclical *Veritatis Splendor*, John Paul II stated that: “the moral order, as established by the natural law, is in principle accessible to human reason... such investigation is well-suited to meeting the demands of dialogue and cooperation with non-Christians and non-believers” (74, 1993). This pope insisted furthermore on this idea in two different speeches: “The natural law itself offers a basis for dialogue with persons

who come from another cultural orientation or formation in the search for the common good” (Address to the congregation for the doctrine of the faith, 6 de August 2002-1); and,

I want to encourage your reflection on the natural moral law and natural rights with the hope that from your discussion will come fresh zeal for establishing the true good of the human being and a just and peaceful social order. It is always by returning to the deep roots of human dignity and of the true good of the human being, and by building on the foundation of what exists as everlasting and essential in man, that a fruitful dialogue can take place with men of every culture in order to build a society inspired by the values of justice and brotherhood (Address to the participants in the general assembly of the pontifical academy for life, 27 February, 2002-2).

Pope Benedict XVI’s approach to interreligious dialogue develops the same elements of his predecessor (Gross, 2007). This Pope champions the idea of searching a common base for interreligious dialogue in natural law in his message on the World Day of Peace 2007: “today too, recognition and respect for natural law represents the foundation for a dialogue between the followers of the different religions and between believers and no believers”.

In 2009, Pope Benedict XVI insists yet again on this idea in his encyclical *Caritas in Veritate* he affirms:

In all cultures there are examples of ethical convergence, some isolated, some

interrelated, as an expression of the one human nature, willed by the Creator; the tradition of ethical wisdom knows this as the natural law common quest for truth, goodness and God. Thus adherence to the law etched on human hearts is the precondition for all constructive social cooperation. common quest for truth, goodness and God. Thus adherence to the law etched on human hearts is the precondition for all constructive social cooperation.

Pope Francis as well in his meeting with the member of the general assembly of the United Nations organization in 2015 affirms the importance of natural law for humanity:

The defence of the environment and the fight against exclusion demand that we recognize a moral law written into human nature itself, one which includes the natural difference between man and woman (cf. *Laudato Si*, 155), and absolute respect for life in all its stages and dimensions (cf. *ibid.*, 123, 136).

With these and other words, the popes are orientating us towards that which could act as a common base for interreligious dialogue. In this article, we shall analyse how the Catholic perspective of natural law in its concrete expression of Human Rights can act as a common universal ground for interreligious dialogue. First, it is necessary to understand natural law theory itself. Then, we shall explore how we can deduce human rights from natural law. Finally, we shall evaluate the contribution of this Catholic approach for interreligious dialogue.

Catholic Proposal

Natural law has been explained from a variety of angles throughout human history (See Aristotle and John Locke). For sake of brevity, we focus our attention in the Catholic understanding of natural law. The Catechism of the Catholic Church (1994) understands it as follow:

Man participates in the wisdom and goodness of the Creator who gives him mastery over his acts and the ability to govern himself with a view to the true and the good. The natural law expresses the original moral sense which enables man to discern by reason the good and the evil, the truth and the lie (No. 1954).

This law is universal because it is a series of common principles related to human beings, which are not affected, by conditions of life, cultures or circumstances. This law, in principle, is also immutable and remains valid throughout human history, since it is part of the essence of human beings (Ibid., No. 1956-1958).

This understanding of natural law by the Catholic Church summarized here goes back to the most influential writer of natural law in the Christian era, Thomas Aquinas. In order to go deeper in the analysis of the Catholic perspective on natural law, it is necessary, according to Jacques Maritain (2001), to distinguish between the ontological element and the epistemological element of natural law.

Ontological element of natural law

For the ontological analysis of natural law, according to Maritain, it is necessary to take for

granted that all human beings share a common human nature. What we share in common is that we are gifted with intelligence and therefore have the capacity to understand not only what we are doing but also the purpose and consequences of our actions. Based on these presuppositions Maritain explains that all human beings possess ends which necessarily correspond to their nature. These are the same for all. Using an analogy of something created by human hands, this scholar explains that, for instance, all pianos have as their end the production of musical sounds. If there is a piano, which does not produce the right kind of sounds, it must be tuned or discarded as worthless. Everything produced by human industry, like pianos, has its own “natural law,” that is related to its purpose and normal way of functioning. The same applies for natural beings. For example, a plant, a cat, a rabbit each has its own natural law, that is, “the proper way in which, by reason of its specific structure and specific ends, it should achieve fullness of being either in its growth or in its behaviour.” (Maritain, 2001, p. 28). However, because natural beings do not enjoy free will, their natural law is part of tendencies and regulations of their nature.

In the case of human beings who are gifted with intelligence and who can determine their own ends, it is required that each and every one of us regulates himself or herself according to the ends necessarily demanded from us by our nature. Human nature has natural dispositions which can be discovered by human reason and according to which the human will must act in order to adjust itself to the essential and necessary ends appropriate to human beings (Ibid.,

p.27). It is like the piano above that needs tuning in order to be a true piano. We need as well to tune ourselves according to our humanity. It is of great importance to understand that for human beings the natural law is necessarily a moral one, because we are free, and “because human behaviour pertains to a particular, privileged order which is irreducible to the general order of the cosmos and tends to a final end superior to the immanent common good of the universe” (Ibid., p. 29). This unwritten law is nothing else than the natural law.

Yet, for the Catholic Church, the concept of natural law, in its ontological aspect, reaches its full sense only when the meaning of the eternal law is established. Eternal law is, for Aquinas, the reality that God is the first cause of being, activating and governing all beings. Thus, eternal law is “nothing other than the exemplar of divine wisdom insofar as this wisdom directs all the actions and movements of things” (Aquinas, 1963, I-II, 1, 93).

It is evident, according to Aquinas, that human beings have recourse to the eternal law by searching natural law. This is because:

Law is a measure and a rule, and hence is found in him who rules, and also in that which is measured and ruled, for a thing is ruled and measured insofar as it participates in the measure and rule existing in the one who rules. Now, since all things are ruled and measured by the eternal law, we must conclude that they participate in this law insofar as they derive from it the inclinations through

which they tend naturally toward their proper operations and ends (Ibid., I-II, 2, 91).

For Aquinas, all human beings by their rational capacity can participate in the eternal reason through acknowledging the natural law. So the first basic aspect of natural law is the ontological element which is the normality of functioning which is grounded, as a participation of the eternal law, in the hearts of all human beings (Rm 2: 14-15).

Epistemological element of natural law

The epistemological aspect of the natural law is also fundamental. This is because the law comes with force when it is known and expressed in the assertions of practical reason. For Aquinas it is possible to derive knowledge of the natural law from the knowledge of our human inclinations. Because natural law is not a law produced by human beings, we can know and express the natural law with greater or lesser difficulty, and in differing degrees, running the risk of being mistaken or just inaccurate. Maritain explains that even if for some cultures, as Montaigne remarked, incest and thievery were considered righteous actions, it does not prove anything against natural law, since “the mistakes of certain primitive peoples, for whom the stars were holes in the tent which covered the world, prove nothing against astronomy” (Maritain, 2001, p. 32)

For Maritain, human knowledge of natural law increases gradually during the development of the moral conscience. However this knowledge remains imperfect and it will continue to develop

and to become more purified throughout our entire existence. Human beings, according to this scholar, will know the natural law completely only when the Gospel has penetrated to the very depth of human hearts and only then, “natural law will appear in its flower and its perfection” (Ibid., p. 33)

The way that human reason discovers the regulations of natural law is not by means of an abstract operation or part of a theoretical reflection, as if we are working out the result of a mathematical equation. The unique mode, for Aquinas, in which reason can acknowledge natural law, is by means of rational knowledge through inclinations. In other words, although we use our reason and reflect, as we do in mathematics, we incorporate the deeper “non-rational” human elements, like our inclinations, desires, emotions, values etc., into our reflections. That means that human beings, through the use of their reason, can discover what might be the best for them in order to reach the purpose to which their nature inclines. It is necessary to know, first, what it is that God, as the creator, has ordained human nature to be inclined towards. Aquinas identifies three sets of natural inclinations, which are central to the concept of human essence: “First, there is in human beings an inclination or disposition based upon the aspect of human nature which is shared with all living things; this is that everything according to its own nature tends to preserve its own being.... Second, there are in human beings inclinations or dispositions towards more restricted goods, which are based upon the fact that human nature has common properties with other animals.... Third, there is in human

beings an inclination or disposition to know the true propositions about God and concerning those necessities required for living in a human society” (Aquinas, 1963, I-II. 94 a. 2).

Every one of these dispositions tend towards an end, and each end is good because it comes from God who is good. Therefore, “there are as many goods as there are ends, and there are as many ends as there are dispositional properties to be developed in an essence” (Lisska, 1996, p. 97). Thus, human beings can know the common good by knowing the dispositions that are written in their human nature. The knowledge of each inclination leads human beings to a judgment, not reached through concepts, but to a judgement, which is the expression of the found conformity between reason and the tendencies to which human beings, are inclined (Maritain, 2001). However, this knowledge does not come naturally with human existence. It is the result of a historically progressive awareness shaped by the inclinations of the human nature. It was originally expressed as the most basic commandments around which the most ancient communities formed their societies. For example, the Decalogue can be seen as the shaped the community of Israel. For the Catholic Church the result of this knowledge can be found today in the Universal Declaration of the human rights of 1948 (UDHR).

Natural law and human rights

Popes John XXIII, John Paul II, Benedict XVI and Francis recognize that the UDHR is a contemporary expression of the natural law. These popes have presented the intrinsic relation

between natural law and human rights and its importance for today's society. For instance, Benedict XVI writes in his "Apostolic Journey to the United States of America and visit to the United Nations Organization Headquarters" (2008):

Human rights are increasingly being presented as the common language and the ethical substratum of international relations. At the same time, the universality, indivisibility and interdependence of human rights all serve as guarantees safeguarding human dignity. It is evident, though, that the rights recognized and expounded in the *Declaration* apply to everyone by virtue of the common origin of the person, who remains the high-point of God's creative design for the world and for history. They are based on the natural law inscribed on human hearts and present in different cultures and civilizations. Removing human rights from this context would mean restricting their range and yielding to a relativistic conception, according to which the meaning and interpretation of rights could vary and their universality would be denied in the name of different cultural, political, social and even religious outlooks. This great variety of viewpoints must not be allowed to obscure the fact that not only rights are universal, but so too is the human person, the subject of those rights.

Some philosophers like Jacques Maritain (2001), John Finnis (2005) and Anthony Lisska (1996)

support the Catholic understanding of human rights based on natural law. Lisska, in an important study, shows us how the theory of human rights can be derived from Aquinas' explanation of natural law. This study is valuable because it helps to remove the doubts that human rights are based on Christian values and they are, consequently, a way to promote Western imperialism in other cultures like some Muslims argue (1995).

Lisska suggests that human rights are the result of human reason in the way that Aquinas understood it. Although Aquinas does not speak about rights in the modern political sense; it is possible, for Lisska (1996), to draw a consistent theory of rights based on the set of dispositions that make up the human nature. This is because dispositions establish duties, and duties determine rights. This derivation is supported by Finnis (2005) who suggests that the concept of rights comes from the concept of duties, and duties are based upon dispositions which define a human nature. As a concrete example one might look at a human nature that discovers itself to be so wonderful that it demands respect (a deep inclination). When this is granted to itself it becomes my duty to respect the other and from there it becomes the other's right to be respected with dignity.

For Aquinas the sets of natural dispositions are fundamental to the understanding of the human essence. The dispositions, as we have seen, can be gathered into three major groups: living, sensitive, and rational. From these dispositions one can derive a set of duties. These duties are obligations that one has towards oneself and

others. Lisska (1996) clarifies this with the following examples: a person has the duty to protect his/her existence, which comes from the natural disposition “to continue in existence” (p. 235). A person also has a duty to protect the integrity of his/her bodily composition, since it is derived from the disposition to have sensation and perceptions. A person also has the duty to search after truth, because he/she has the natural disposition to know the true propositions. Human rights can be understood as a way to protect our human duties, which comes from our human dispositions. As Lisska explains it: “the theoretical derivation of human rights is from the basic set of duties which in turn are derived from the set of dispositional properties which determine the content of a human essence” (Ibid, p. 239).

From the analysis of the derivation of rights proposed by Lisska, one can conclude that human rights are what they are due to the dispositions that human beings have. This is essential because it clarifies that human rights does not depend on or come from any government or political party or religion. These rights come naturally with the human essence and, consequently, they must be respected. Thus, the objective foundation of human rights is the natural law theory itself, and, probably, my sketching of Lisska’s theory can be a way to understand this intrinsic relation between them from a Catholic perspective.

Natural law and Interreligious dialogue

Human rights are derived from natural law, and, as a result, they are universal and immanent to

human nature. These rights are not based on a theology or a sacred text, but in the capacity of human beings to govern themselves. All people, believers from any religious tradition or non-believers alike, can participate in this a dialogue because it is not exclusive to some religions, but, on the contrary, it is open to every rational creature. This Catholic proposal is not against or in contradiction with the Muslim proposal of “A Common Word.” This is because human rights are an integral expression of our love for God and neighbours. However, the Catholic proposal goes beyond “A Common Word between Muslims and Christians” by universalizing the base for interreligious dialogue.

Natural law as common base directs interreligious dialogue towards the respect of human dignity and in pursuit of the common good. It means that the base of interreligious dialogue is not only the act of sharing the content between the participants involved in the dialogue, but the base is also the goal of interreligious dialogue. Furthermore, because natural law is not a law worked out and written down by human hands once for all (like mathematics might be), it has to be discovered ever anew. As said above, the natural law has been in a process of discovery since the beginning of our human experience. We need to continue this process of refinement as our humanity is continually being confronted by new situations. Therefore, we need each other to continue this process since the human implementation of natural law needs to be constantly improved upon by means of human reason. However, human reason at its best does not work alone. It is not a singular activity but works “in dialogue” with others. Therefore,

the process of discovery and implementation needs others. Moreover, it needs it because we interdependent on each other.

One of the advantages of the Catholic proposal of natural law as a common base for interfaith encounters is that this idea is not far away from the Muslim tradition, as the Hanafi Jursit, Imam Sarakhsi who died in 1090 put it:

Upon creating human beings, God graciously bestowed upon them intelligence and the capability to carry responsibilities and rights. This was to make them ready for duties and rights determined by God. Then He granted them the right to inviolability, freedom, and property to let them continue their lives so that they can perform the duties they have shouldered. Then these rights to carry responsibility and enjoy rights, freedom, and property exist with a human being when he is born. The insane/child and the sane/adult are the same concerning these rights. This is how the proper personhood is given to him when he is born for God to charge him the rights and duties when he is born. In this regard, the insane/child and sane/adult are equal. (As quoted by Abdal Hakim Murad (2008) in "Human Dignity and Mutual Respect".

Muslims can support the idea of an interreligious dialogue based on the universal language of human reason. This is because Islam considers itself pre-eminently the religion of reason which comes from a reasonable God, and because the reason (لقلع, 'aql) has always been the faculty granted to human beings by God (Nusseibeh,

2016). However, there are fractions of Islam that regard human rights as a way of imposing Christian values in other religions (An-Na'im, A.A., and Henkin, L. 2000).

On the other hand, the Church is aware of the many arguments of today's society against natural law. Pope John Paul II discusses some of them in his encyclical *Veritatis Splendor*, some people see a conflict in the relationship between freedom and law, others argue that moral laws are merely biological laws, others again disagree as to the universality and immutability of the natural law and some even question "the existence of objective norms of morality" (No. 46, 47 and 51). Nevertheless, the Church believes that her understanding of natural law can lead humanity towards a greater harmony among peoples and cultures.

Returning to the analogy of the orchestra, we might say that like the instruments have to be tuned to the right tune in order to fulfil its purpose, human beings need to search for the correct reference in which all people will live in peace. Although there are many proposals of a common base between religions and the difficulties to accept one of them, the task of today's interreligious dialogue is still to find the right pitch.

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