

Christianity and Human Rights

From the Point of View of Human Dignity

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I Introduction

Prestigious naturalists boldly state that ‘philosophy is dead’. It is boldly proclaimed that ‘all gates left open to God are the result of not being sufficiently consistent and coherent. With the “great deprivation of the throne”, the universe has become so interpretable that there is no place for God in it’.¹ If human rights are approached from such a standpoint, they amount to the fulfilment of human supremacy. The origin of human rights can also be found by an approximation method, according to which their roots are to be sought in post-World War II sobriety,² or they can be interpreted on a political basis, as a product of the liberal worldview and an integral part of it (of it alone).

This study rejects these claims, and assumes that human rights are natural and inalienable rights, inseparable from created man, that are nourished by the Christian idea of freedom.³ Rights arise from the dignity of Man as a creature; these rights precede society and are binding on it.⁴ An examination of the relationship between Christianity and human rights must start with human dignity. Rethinking human rights in a Christian spirit has also proved necessary because the fermentation of social processes has rendered uncertain the values that were previously believed to be absolute: ‘The notion of the moral bearer or implementer of values has been replaced by the primacy of the rule sanctioned by the state. . . . In its final stages, law has

¹ Csaba Török cites Stephen Hawking’s thoughts in his paper ‘Az apokalipszis lovasai’, *Vigilia* no 7 (2020), 484–485, 487.

² See the UN Charter or the Universal Declaration of Human Rights ‘on the inherent dignity . . . of all members of the human family’.

³ ‘Freedom is exercised in relationships between human beings. Every human person, created in the image of God, has the natural right to be recognised as a free and responsible being. All owe to each other this duty of respect. The right to the exercise of freedom, especially in moral and religious matters, is an inalienable requirement of the dignity of the human person. This right must be recognized and protected by civil authority within the limits of the common good and public order.’ Catechism of the Catholic Church, 1738.

⁴ Ibid. 1930.

become a formal set of rules, and it is not perfect in this, unlike the purity of logic and mathematics; it has become a case-by-case, value-serving system.’⁵ Personalised legislation is no longer even the subject of disapproval; the merits granted by the law have been accepted.

II Human dignity as merit given by God

A medieval mystic, Johannes Tauler, preached in a sermon: ‘There are, in a sense, three people in man: an animal man, who lives according to his senses; a rational man; and finally the highest, *deiform* man (man in the form of God).’⁶ This paper will approach dignity with the latter in mind. Human dignity is the quintessential human quality. The social teaching of the Catholic Church,⁷ and the Catholic Catechism emphasises, at many points, the right to human dignity, inalienable from all human beings, as the basis of freedom. Clearly, human dignity is greater than the law and different from it. However, if we want to include it in the system of human rights, it is necessary to explore the legal context. Fundamental dogmatics treat human dignity as a ‘mother right’, that is, the source of all other rights. We cannot talk about human rights without human dignity. The concept of man in the legal sense⁸ or the ‘human image’⁹ also starts from the dignity of man; this provides a basis for further thought. However, human dignity is also present in all other fundamental rights, including the dogmatics of fundamental rights: It is the essential content of all other rights. Human dignity is the basis of the fundamental rights system. Human rights can be restricted, but the ultimate (and as such in no sense permissible) limit of a restriction is that it must not violate human dignity. What, then, constitutes human dignity?

In terms of fundamental rights, the dualism of body and soul consists in (the right to) life, which is connected to the body, and human dignity, which is connected to the soul. A distinction can thus be made between rights connected to the biological and social dimensions of man.¹⁰ While human dignity is

⁵ János Zlinszky, ‘Emberi jogok és keresztény etika’, *Iustum Aequum Salutare* no 2 (2009), 127–132, 131.

⁶ Johannes Tauler, *A hazatérés útjelzői* (Budapest: Paulus Hungarus – Kairosz, 2002), 365.

⁷ Compendium of the Social Doctrine of the Church.

⁸ In Hungarian public law, the basic features of the legal concept of man are given in Resolution 64/1991 (XII. 17.) AB, still effective.

⁹ The human image of the Fundamental Law is not that of the isolated individual but of the responsible personality living in society. Resolution 3132/2013 (VII. 2.) AB, Statement of reasons, [95].

¹⁰ In Hungary, the former non-pecuniary compensation or today’s grievance award also started from the participation in social life becoming more difficult, and it has reached the point where it is a symbolic means of remedying spiritual, self-identity grievances. Hence, the social dimension and spiritual identity of man appear in the ‘language of law’ in a legal institution. It was raised in

rooted in the soul,¹¹ the concept of the soul itself is difficult to deal with by law. By referring to human dignity, a concept is thus implicitly included in the system of human rights that everyone knows, everyone has heard about, and that is the basis and origin of identity, and of religious belief. The system of fundamental rights can therefore also be viewed from this perspective; it can be seen as a system of human rights that is permeated – through human dignity – by the whole of people's humanity. Moreover, without this it could be said that the catalogue of fundamental rights amounts to no more than self-interest.

By asserting that the human rights system is not a set of scattered guarantees, but a unified and cohesive value system, this value system becomes the value system of a person born for freedom and self-realisation, and the value system of a person based on conviction arising from dignity, a man living in faith. A person with religious beliefs should, therefore, not be distanced from the human rights system (as a framework that is foreign to him, because the human rights catalogue is the bible of forces which fracture society) but, on the contrary, should be drawn to it, since it is the foundation of his freedom granted by the Creator; human quality and dignity reside in the depths of human rights. As Géza Kuminetz puts it, '[t]he dignity of the human person is fundamentally determined by the quality of his moral consciousness. Emotional maturity is a kind of prerequisite for this, and its culmination is religious consciousness, although these factors interact mutually and strongly'.¹²

When exploring the framework for the unbridled enforcement of human rights, it is often argued that they are only valid in conjunction with the fulfilment of obligations. In my opinion, the framework is not created by legal obligations of a very different quality from human rights,¹³ but stems from the perception of life of a person taking responsibility for himself, with the conviction that arises from his human dignity. This is what creates the real quality of fundamental rights and human rights, because this is the basis on which the inviolable essence of all fundamental rights really emerges. The catalogue of fundamental rights is thus not merely a set of disparate guarantees, because it is held together by 'human quality'. It is also unfortunate to place the fulfilment of obligations in opposition to this, because a person who does

the American legal literature as early as the late 1800s that mental and emotional suffering could provide a basis for non-pecuniary damages.

¹¹ 'Because of the human soul present in every human being, every human being has a dignity that permeates their whole being; that is, their spiritual (mental), psychological, and physical existence.' János Frivaldszky, 'Emberi élet és méltóság', in Lóránt Csink, Balázs Schanda and András Zs Varga (eds), *A magyar közjog alapintézményei* (Budapest: Pázmány Press, 2020), 501.

¹² Géza Kuminetz, *Egy tomista jog-és állambölcsélet vázlat II. Az emberi önrendelkezés szükségszerű és ünnepélyes aktusa: személyes világnézet (vallás) alkotása. (Kísérlet az emberi jogok egy lehetséges megalapozására)* (Budapest: Szent István Társulat, 2018), 62.

¹³ If we look at constitutional obligations (for example, those of defence, burden-sharing and so on), these say nothing about the basis for exercising rights; therefore, they cannot be preconditions for exercising rights. This seems too schematic.

not fulfil – not only his legal but also his (human) obligations (leaving his sick parents, leaving his children and so on) still has human dignity; in other words, he is also invited. And it may be that, by exercising his human rights, he reaches a point where he is elevated by an act of conviction arising from dignity. Typically, this is when, in a particular situation or due to an event, a strong religious belief rapidly develops, which then accompanies the person on his or her further journey. In this way, freedom of thought, conscientious self-identity or, here, freedom of religion, which is part of the human quality, takes him into the world of freedom and action resulting from dignity.

Approaching the above thoughts from the other direction, it is necessary to define the protection of human dignity. What does human dignity protect? It obviously protects man, the human quality, so it is obvious, for example, that the death penalty as a punishment is forbidden, just as anyone who seeks to take human life is punishable. However, human dignity and its scope of protection entail much more than that. While each right represents different aspects of people's lives,¹⁴ human dignity affects man as a whole. The scope of protection of human dignity appears in its functions, which can be translated into the language of law, but at the same time these functions permeate, complement and presuppose each other.

III Certain public law aspects of the protection of human dignity

Human dignity has three major functions in the system of protection of fundamental rights: protection against humiliation, protection of the personality and protection arising from the belief in equality (against discrimination).

A Protection against humiliation

Perhaps the closest function to the nature of dignity is protection against humiliation. At this point, an unavoidable problem is that the objective standard required by law in order to protect human dignity cannot be developed or is very difficult to develop. The basis of the problem is that human 'sensitivity' varies. What is offensive and humiliating to someone may not cross the stimulus threshold of another. In such a situation, the objectivity required by law can only be ensured by solid aspects, with clear guidelines. Some of these aspects are discussed below.¹⁵

¹⁴ For example, exercising the right of assembly, as a kind of expression of opinion, obviously focuses on the given problem, which is the object of the gathering, while dignity forms the essence, the immanent core of the individual, permeating all the actions of the individual, for example, also when and how to exercise his right of assembly.

¹⁵ See Zsolt Balogh, 'Az emberi méltóság: jogi absztrakció vagy alanyi jog?', *Iustum Aequum Salutare* no 4 (2010), 35–45.

It is certain that human dignity is violated by a regulation or legal practice that dehumanises: It directly or indirectly calls into question the human being, the human quality of the individual (or worse, members of a people or religious group and so on). A dehumanising rule, which questions a man's humanity, is obviously a serious violation of human dignity. Some of the literature on genocide argues that one of the preconditions for genocide is to dehumanise the victims; that is, to doubt and then deny their being human. One typical form it takes is to call the opponent an animal. This leads to the conclusion that, since the opponents are not human, any inhibition can be set aside.¹⁶ It has also been suggested in the Hungarian case law that 'identification with an animal always dehumanises the person concerned, and this may be capable of violating human dignity'.¹⁷ Beyond all this, albeit in a distant context, dehumanising regulation or jurisprudence can be considered to result in a distortion of the 'human image'. Doubting the ideal of a citizen with the freedom of action to take responsibility for his decisions, especially if it affects a particular group, can trigger this harmful process.

The protection against humiliation should include the prohibition of treating humans as objects. According to the ban on instrumentalisation transposed into law from the moral-philosophical works of Immanuel Kant, people cannot be considered tools. The right to human dignity is violated by one who treats persons as mere objects. However, Kant's notion of human dignity, as applied in his work of moral philosophy, and the notion of human dignity used in the philosophical sense of law are somewhat difficult to reconcile. A distinction must be made between obligations arising from virtue and legal obligations, that is to say, morality and legality. In the prohibition of treating man as an object, reference is made to Kant's work, *Groundwork of the Metaphysics of Morals*, more precisely to the lines: 'A human being, however, is not a thing and hence not something that can be used merely as a means, but must in all his actions always be regarded as an end in itself.'¹⁸ The abstract notion of dignity in Kant's moral philosophy can be grasped in humanity, in the existence as a human being, in the fact that human dignity represents the whole of humanity in the person of every human being.

In connection with the ban on instrumentalisation, examples can be cited from the German case law. The decision of the German Federal Constitutional Court on the Air Safety Act was justified by reference to 'objectification'. The court believed that the possibility of shooting down a civilian plane in order to prevent a terrorist attack

¹⁶ See Gáspár Bíró, *Az egyenlő méltóság elvéről. Emberi méltóság korlátok nélkül* (Budapest: Országgyűlés Hivatala, 2009), 70.

¹⁷ This arose in an election case, in Decision Kvk.I.37.441/2014/2 of the Curia. The court added that 'in Hungary, identification with monkeys results in the imagined negative traits of the animal being linked to the candidates (negative campaign), while the campaigning candidate appears in human form'.

¹⁸ Immanuel Kant, *Groundwork of the Metaphysics of Morals*. Ed. and transl. by Mary Gregor (Cambridge: Cambridge University Press, 1997), 34–40, 38.

violates human dignity by degrading innocent passengers to mere objects.¹⁹ An earlier example is the trial of Erich Honecker.²⁰ Here, the Court ruled that the prosecution of Honecker, over eighty and with terminal cancer, could not achieve its legitimate aim, given the imminent occurrence of his death. Continuing the proceedings would result in the suspect being seen as a mere instrument, which violates human dignity.²¹ In the Hungarian legal practice, treatment as an instrument, as an aspect of the violation of human dignity, is not so clearly present, although there are cases in which, in fact, this is the sole issue. According to the concurrent opinion attached to the Constitutional Court resolution abolishing the death penalty itself, 'there is an absolute limit beyond which neither the coercive power of the state nor of other people can extend, that is the core of autonomy, individual self-determination, removed from the provision of everyone else, by which, in the classical wording, man can remain a subject and not become an asset or an object'.²² The prohibition of treatment as an object thus equates to the protection of a person created with human dignity.

Protection against humiliation, and thus of human dignity, should also include the prohibition of the abuse of an individual's vulnerable position by others (exploitation of a vulnerable situation by others). A number of pieces of legislation in the Hungarian legal system incorporate the protection of human dignity into the norm itself. The most striking is the Health Act, which, among patients' rights, also 'regulates' – and in detail – *the right to human dignity*. (This includes, for example, the protection against the sense of shame, reasonable wait and so on – according to the law.)²³ Other rules essentially repeat the constitutional imperative to protect the right to human dignity. The preamble to the Act on Human Genetic Research, Investigations and the Operation of Biobanks states that, during these procedures, the *enhanced protection of human dignity* is justified.²⁴ According to the Social Act, during the placement of homeless persons, special attention must be paid to the *protection of human dignity*.²⁵ Another law, in connection with public purpose fundraising, states that fundraising should not involve the harassment of donors, with the *violation of human dignity*;²⁶ as a further rule, detainees in police custody must be treated with *respect for human dignity*.²⁷ It can be seen, therefore, that human dignity, albeit with different wordings, is reflected in legal rules, in cases where it

¹⁹ BVerfGE 115, 118, (154, 157).

²⁰ Criminal proceedings were instituted against the former secretary general of the German Communist Party for the shooting of people trying to escape to the West.

²¹ BerlVerfGE NJW 1993, 515.

²² See the concurrent opinion by László Sólyom to Resolution 23/1990 (X. 31.) AB.

²³ Section 10 of Act CLIV of 1997 on Healthcare.

²⁴ Preamble to Act XXI of 2008 on the protection of human genetic data, human genetic testing and the rules for the operation of biobanks.

²⁵ Section 94/H (1) of Act III of 1993 on social administration and social welfare benefits.

²⁶ Section 12(1) of Act CLVI of 1997 on public benefit organisations.

²⁷ Section 1(2) of Decree 19/1995 (XII. 13.) BM on the order of police detention facilities.

may be assumed that the individual enters a *vulnerable position* when an unequal communication or other relationship (may) develop(s) between the parties (even more so if one of the parties is the state).

Thus, the legislator itself presupposes an asymmetrical relationship, therefore considered it necessary to enshrine the protection of human dignity with the aim of ‘raising the position of the vulnerable party’, with the objective of eliminating the asymmetry. An example of the violation of dignity (vulnerability, prevention of vulnerability) in a vulnerable situation can also be cited from the practice of the Constitutional Court. As we have seen above, the legal system emphasises the protection of human dignity in these situations as a special guarantee. One of the decisions of the Constitutional Court in connection with camera surveillance applied the notion of human dignity (more specifically, the right to human dignity) directly to the regulation to be judged, in a way that is not at all typical of practice: ‘The statutory condition that the consent of the person concerned to conduct that constitutes a restriction of a fundamental right, even if he or she is observed in an intimate situation, violates a fundamental constitutional right to human dignity.’²⁸

In this context, it may be considered an additional aspect that it is a violation of human dignity if it can be justified on reasonable grounds that the individual has become a victim of a serious insult to the essence of his or her personality. This is the most malleable aspect and, depending on human sensitivity, it is subject to the least objective standards.²⁹ According to the relevant considerations, humiliation should be understood as meaning that in doing so, the person must have a rational justification for feeling that his or her self-esteem has been offended. Adverse circumstances alone cannot be a violation of dignity; only human acts or omissions. Another condition for an act to be classified as humiliation is that there are reasons that can also be understood – and verified – by a third party. The Hungarian legal system also takes such offensive situations into account. Typical forms of conduct that violate the rule of law or violate human dignity in misdemeanour or criminal law are the violation of the right to practice religion, begging by a child or, for example, the abuse of a subordinate in military crimes. It is easy to see that, for example, disrupting a religious ritual is a material violation of the personality of believers.

²⁸ Decision 36/2005 (X. 5.) AB, ABH 2005, 401–402. We believe that the reasoning for this decision has gone astray in dogmatics. Neither before nor after did the Constitutional Court apply the violation of the right to human dignity as a fundamental right directly to the law.

²⁹ Individual sensitivity and insult to the essence of an individual’s personality may arise in many ways. Thus with regard to religious identity, for example, András Koltay in his study draws attention to the fact that in her parallel reasoning for the second Lautsi decision, Judge Ann Power considered that mere ‘grievance’ and ‘feeling offended’ by unwanted communication do not reach the level against which the court can provide redress for an individual who feels offended. András Koltay, ‘Európa és a feszület jele. A Lautsi and Others v Italy ügy alapvető kérdéseiről’, in Levente Tattay, Anett Pogácsás and Sarolta Molnár (eds), *Pro vita et scientia. Ünnepi kötet Jobbágyi Gábor 65. születésnapja alkalmából* (Budapest: Szent István Társulat, 2012), 124–150, 128.

B Personality protection

Human dignity in the world of the law entails the protection of the individual. Constitutional law, civil law and criminal law all include a large number of (legal) institutions for the protection of the individual. Constitutional and civil law instruments may exhibit similarities to each other, although they concern different legal aspects. Constitutional law reflects the protection of the personality arising from human dignity through three major groups of rights: rights to self-identity, fundamental rights related to the right to self-determination and privacy rights. These rights and the other rights arising from them presuppose and complement each other, and newer and newer rights can be derived in the field of protection in order to protect personality.

The right to self-identity is sometimes identified with the right to the integrity of the personality, or the right to moral integrity, in other words as a form of prohibition – the prohibition of physically or morally breaking one's personality. Obviously, no one is permitted to force others to abandon their personality and put them in a position to be at variance with their identity. Religious self-identity, and religious, conscientious belief are inextricably linked to self-identity. The choice (and where appropriate, change) of a religious or conscientious belief is an absolute right that cannot be affected by anyone.³⁰ Another part of self-identity is belonging to a national or ethnic minority and the freedom to confess and disclose it. When one invokes the protection (infringement) of one's identity, the reality of the cause of conscience cannot be examined: Human dignity is inviolable. In the world of law, the traditional means of protecting identity are non-pecuniary damages,³¹ and today it is the grievance award, the current legal institution. If mental and identity damage is suffered, the victim does not sue for ten or one hundred forints because they need this amount, but for the court to establish that a violation has occurred and for the symbolic compensation to express that the damage to identity cannot be financially compensated (mental, self-identity damage does not end with a financial contribution just as the violation of human dignity cannot be remedied with material goods: the two are not compatible).

The legal institution thus clearly has a moral value-creating function, in addition to the legal recognition of the protection of the individual. Finally, it should be noted that the protection of identity must be dynamic; that is, it must take into account the development of the personality, or the change of personality. Like self-identity, freedom of self-determination embraces the whole of the personality. At the same time, the human dignity that shines in self-identity is inviolable from the outside, but the freedom of self-determination, also known as action, may be subjected to limitations to a high degree. Restrictions may be placed primarily for the protection of the rights of other(s), and may also be restricted with regard to an individual's

³⁰ The 'intimacy' of this is very well expressed by János Pilinszky's poem *Zsoltár*, the last stanza of which reads: 'And one who falls over a cushion / does not feel alone: / He is really not alone.'

³¹ See Decision 34/1992 (VI. 1.) AB.

danger to himself.³² Thus, freedom of action is not an unlimited right. While I am free to decide how I shape my life, it can only happen while respecting different frameworks. The legal framework applies to everyone, but other frameworks also exist: Moral frameworks, frameworks set up by religious norms, by different community norms that apply to themselves, and so on. The different frameworks can even be called sanction limits, because if the individual – exercising his freedom of self-determination – crosses them, the different systems (for example, the legal system) will not remain indifferent.

Within the framework of self-determination, it is important to stress that the guarantee of human rights and the freedom granted by human rights – through self-determination – also includes the freedom not to exercise a right, that is, the waiver of a right. This brings us back to the frameworks set up by the various systems: Through the waiver of a right, the rules of a system of religious or moral norms are observed, where appropriate. A good life is achieved if these different frameworks of self-determination are in harmony with a person's self-identity, and adherence to the rules is not the result of coercion but of internal conviction. The free development of personality, or self-realisation, takes place through self-determination, which is also inseparable from human dignity.

The principle of human dignity also protects privacy through the protection of personality. The protection of privacy is an indisputable human need, and its legal protection is also nourished by this 'ancient need'. The development of the legal protection of the private sphere is primarily the result of developments in American law, and European legal systems have subsequently adopted it.³³ However, regardless of the timing of its appearance in this form, the right to be left alone has been present throughout history. Nevertheless, in terms of the scope of protection of human dignity, there are no definable edges of the right to privacy, as privacy is protected by a system of self-identity, self-determination and even human rights. A sure foundation, then, is human dignity, which is present in all rights, and in this presence the rights presuppose and complement each other. However, an examination of rights related to privacy reveals the rights to a good reputation, to privacy, family life, freedom of home or freedom of contact with individuals, as

³² This is a complex area which requires thorough research into when and to what extent the state or others can protect the individual from self-harming activities. In extreme cases, for example, participating in suicide or drug abuse are punishable. At the same time, there was no longer such a clear and lengthy social debate on the permissibility of sterilisation and the conditions for its permissibility. The Catholic Church made a stand for a ban on it. However, it is also self-harming to smoke or drink alcohol, where action against this is already assessed differently. In all these issues, the limitation and limitability of self-determination, its limits – the marginalisation of the individual against the community have to be assessed.

³³ The starting point for the definition of privacy is linked to the names of Samuel D Warren and Louis D Brandeis, whose work 'The Right to Privacy' was published in 1890 (*Harvard Law Review* 4, no 5 [1890], 193–220).

well as the right to control the information related to us, that is, the protection of personal data.³⁴

Every human being is unique and unrepeatable – which stems from human dignity – and as such, a personality also has infinite components, with different priorities for each personality. The law captures only the most characteristic of these, but as we have outlined above, these ‘legitimised’ and named components also presuppose each other and cling to each other, and can be substituted for each other. The socio-legal imprint of the equal dignity of all human beings is a system of named rights that is never closed and must always be receptive to more and more acceptable components. Therefore, the system of personality protection has never been a closed one. Of course, the element(s) of identity which are inseparable from the essence of personality – one of which is religious identity – will always remain the central core of personality protection.

C Equality

In addition to the functions of protecting human dignity from humiliation and personal protection, it is also crucial to recognise its role in ensuring equality. Human dignity and the equality of all people go hand in hand. Equality means equality in dignity which shows the essence of man. Based on the equality of the created man, the value of human lives is the same. ‘Created in the image of the one God and equally endowed with rational souls, all men have the same nature and the same origin. . . . The equality of men rests essentially on their dignity as persons and the rights that flow from it’ – states the Catechism of the Catholic Church,³⁵ and a similar wording can be found elsewhere: ‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights.’³⁶ Although of later and less esteemed provenance, it is also worth recalling the following passage: ‘The right to equal dignity, in unity with the right to life, ensures that there is no legal distinction between the value of human lives. His human dignity and life are inviolable to everyone who is human, regardless of his physical and mental development or condition, and also how much of his human potential he has realised and why that much.’³⁷

The equality function of human dignity is the essence of dignity; the identity of the value of human lives cannot be asserted without equality in dignity. In addition to equality in dignity, people are, of course, different. These essential differences are emphasised; these are the so-called protected characteristics. Discussions of equality or the other side of it, the ban on discrimination – whether they concern constitutions, international human rights instruments or other non-legal declarations of equality – always result

³⁴ See the Fundamental Law of Hungary, s VI(1).

³⁵ Catechism of the Catholic Church, 1934, 1935.

³⁶ Declaration of Independence of the United States of America (1776).

³⁷ Following Decision 23/1990 (X. 31.) AB; Decision 64/1991 (XII. 17.) AB.

in a shorter or longer list that in particular highlights the aspects according to which discrimination is prohibited. The shortest list is the prohibition of discrimination based on sex, race, colour, social status, language, religion or political opinion.

This separate list doubles the legal protection afforded, as, for example, equality between men and women is re-established as a rule in the prohibition of gender discrimination, or, for example, the prohibition of religious discrimination (that is, the fact that everyone is free to practice their religion) is enshrined separately in religious freedom. Without analysing the candidate 'protected characteristics' separately, it is worth touching upon equality between men and women. In our view, this equality is at the heart of Christianity. Whether in the Synoptic Gospels or the Gospel of John, the mention of women and men as equals appears as a natural thing, although it was not at all natural at the time.³⁸ Not only in death, but also in dignity, everyone is equal – so what is professed about human dignity has a message for all ages.

Equality mediated by human dignity also acquires a special meaning through the prohibition of discrimination. 'On coming into the world, man is not equipped with everything he needs for developing his bodily and spiritual life. He needs others. Differences appear tied to age, physical abilities, intellectual or moral aptitudes, the benefits derived from social commerce and the distribution of wealth. The 'talents' are not distributed equally!³⁹ As treating non-equals as equals results in even greater inequalities, there is still a need for a legal distinction to be drawn. However, this distinction must be adapted to the situation of the individual, and to social reality. Just as the requirement of equality reflects justice, so drawing the necessary distinctions is a basic expectation that it reflects social justice. Eliminating glaring inequalities and helping the poor are at the heart of Christianity;⁴⁰ the Catholic Church consistently proclaims that extraordinarily large economic and social inequalities between members or peoples of a human family cause scandal and are contrary to social justice, equity, the dignity of the human person and social and international peace.

Equality stemming from human dignity demands fairness in the distribution of goods. In the language of law or even according to the social teachings of the church,⁴¹ it presupposes the creation of rights to create a worthy life for everyone. In the language of law: 'The right to social security includes the provision by the State of a minimum standard of living to be provided by all social benefits, which is essential for the realisation of the right to human dignity.'⁴² According to Church teaching:

³⁸ In addition to the twelve disciples, there were many women with Jesus who, along with the later apostles, were among Jesus' closest disciples (for example, Luke 8:1–3; Matthew 27:55). The main figure of many stories or parables was a woman, for example, the Samaritan woman (John 3:22–36). In the same way, women appear in the actions of the apostles, where they prayed with the apostles (Acts 1:14) and so on.

³⁹ Catechism of the Catholic Church, 1936.

⁴⁰ See, for example, the story of the rich young man (Mark 10:17).

⁴¹ Among the social encyclicals, we can refer to the encyclical *Rerum novarum* of Pope Leo XIII (1891) as an 'ancient source'.

⁴² Resolution 32/1998 (VI. 25.) AB.

But first we must speak of man's rights. Man has the right to live. He has the right to bodily integrity and to the means necessary for the proper development of life, particularly food, clothing, shelter, medical care, rest and, finally, the necessary social services. In consequence, he has the right to be looked after in the event of ill-health; disability stemming from his work; widowhood; old age; enforced unemployment; or whenever, through no fault of his own, he is deprived of the means of livelihood.⁴³

Thus, not only do freedoms grow out of human dignity but the world of social rights is rooted in human dignity. In my opinion, considerations that produce only a catalogue of classical freedoms under human rights are mistaken. It is precisely from the equality function of human dignity that second-generation rights arise, and the enforcement of these rights (entitlements) is more important in some places. Classical freedoms and social rights presuppose each other, if only because of their common foundation, the 'realisation' of human dignity. Enforcing the prohibition of discrimination by no means achieves equality. The proportional distribution of wealth must be the primary goal of a state-organised society. This is the only way to express the value that people living in a community are not isolated individuals, who need only take responsibility for themselves, as mentioned earlier but, just as importantly, they must take responsibility for each other. There are several levels of this, and different expectations can be set according to the nature of the communities. It is not enough just to contribute to social redistribution systems, but it is incumbent on everybody to take part personally, even actively, in making social security a reality for all. Solidarity or, in other words, fraternity, also follows from the idea that man is a person with dignity. It is not about aid, but about the self-restraint of those who are rich in material goods and the provision of opportunities for those in need to help themselves. Since this problem is global, global measures are also required to solve it. Christianity has been living with this problem for thousands of years and offers a solution in every age.⁴⁴

IV Closing thoughts

The author is in a difficult position when writing about the relationship between Christianity and human rights. He is in a difficult position because, although he is on solid ground when using the language of law alone, whether it is about human rights in general or in relation to individual rights, with known standards and an established conceptual culture, when one has to step out of this conceptual culture and draw on other disciplines to shape one's thoughts into an acceptable form, the soil becomes precarious. In any case, this essay provided an opportunity, albeit on an experimental level, to combine legal knowledge with fascinating ideas and books that are lovely reads in private life. I hope that, despite the uncertain ground, the reader will have found an idea or a reference, on the basis of which he will remember this article favourably.

⁴³ Pope John XXIII, *Pacem in terris*, 1963, 11.

⁴⁴ With very instructive findings, solutions are required recently by Pope Benedict XVI's encyclical *Caritas in veritate*, 2009.

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