The Protection of Creation and Human Rights

Gyula Bándi

I Baseline

The starting point of the history of Christianity is the description of Creation in the Bible, as well as the subsequent tasks and messages for humanity. All of these are embodied in a Christian traditional order, some elements of which have been explained differently at different times – the change in perception of man's dominion over the created world, which is addressed below, is a good example of this. A Christian-spirited ecumenical European environmental organisation (European Christian Environmental Network) provides a clear summary of all this in its 2005 report:

> The Christian tradition is rich in its description of the human role and responsibility in relation to creation. We are called creatures, stewards, servants, prophets, kings, co-workers. We recognise the damage done by some notions of human dominion and domination in the past. We acknowledge God has given all human beings, created in the image and likeness of God (Genesis 1:28) . . . In the process of handling natural resources and turning them into human goods and services, we are taking of God's gifts in creation and accepting our responsibility for their transformation.[1]

In the Judeo–Christian tradition, the special relationship of humanity with the created world recurs as a fundamental issue.[2]

Christopher Weeramantry, then Vice-President of the International Court of Justice, raised a good example of environmental traditions appearing generally in religious beliefs in his dissenting opinion to the Gabčíkovo–Nagymaros Project judgment,[3] by comparing one of the fundamental principles of contemporary international environmental law with the ideas of another world religion, Buddhism:

> The notion of not causing harm to others and hence *sic utere tuo ut alienum non luedus* was a central notion of Buddhism. It translated well into environmental attitudes. *'Alienum'*

[1] European Christian Environmental Network, *The Churches' Contribution to a Sustainable Europe,* 2005.

[2] For example, a summary of this in the Jewish religion by Josie Lacey, *Environmental Ethics in Judaism,* 2006.

[3] Judgment of the International Court of Justice of 25 September 1997, dispute between Hungary and Slovakia, www.icj-cij.org/en/case/92/judgments.

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> in this context would be extended by Buddhism to future generations as well, and to other component elements of the natural order beyond man himself, for the Buddhist concept of duty had an enormously long reach.[4]

After listing several examples, it concludes: 'Traditional wisdom which inspired these ancient legal systems was able to handle such problems.'[5] The emphasis, unfortunately, is on the word 'was', because today this is far from true: Today the traditional philosophy to which the judge refers seems to be lacking within humanity.

Before embarking on a detailed discussion of the subject, let us highlight one more part of Weeramantry's dissenting opinion, this time referring to an outstandingly important element of the legal order and the practical functioning of society – *traditions:*

> There are some principles of traditional legal systems that can be woven into the fabric of modern environmental law. They are specially pertinent to the concept of sustainable development which was well recognized in those systems. Moreover, several of these systems have particular relevance to this case, in that they relate to the harnessing of streams and rivers and show a concern that these acts of human interference with the course of nature should always be conducted with due regard to the protection of the environment. In the context of environmental wisdom generally, there is much to be derived from ancient civilizations and traditional legal systems in Asia, the Middle East, Africa, Europe, the Americas, the Pacific and Australia – in fact, the whole world. This is a rich source which modern environmental law has left largely untapped.[6]

The most accessible such resource are our own roots of this kind, and it is no wonder that the International Court of Justice itself emphasised in this case: 'Throughout the ages, mankind has, for economic and other reasons, constantly interfered with nature.'[7]

Religious or other expectations and traditions have been decisive in this way throughout human history and have, for the most part, developed a harmonious relationship with nature and the environment – until recently. Although humanity has indeed intervened in the order of nature, its consequences have mostly been experienced locally; they did not affect the overall picture.

II Creation and the Bible

Taking Creation and the Bible as the starting point, arguments can then be built on these. Further details, in addition to the brief summary below, can be found

4 Ibid. Separate opinion of Vice-President Christopher Weeramantry.
5 Ibid.
6 Ibid.
7 Ibid.

in an article by Dinah Shelton, a renowned American professor of human rights; the following quote summarises this well: 'The overall message conveyed by the Bible is that nature is to be respected as part of God's creation, which man has no right to destroy.' [8]

The beginning, for Christians, is undoubtedly the Genesis,[9] which is well-known, and mostly a part of it relating to prehistory, with a description of the days of Creation. Without delving into the details of this, the order of creation deserves attention: (1) Day and night; (2) sky; (3) waters and land, plants; (4) the two lights (sun and moon); (5) living creatures, birds separately; (6) beasts, pets and man, in the image of God. '(1.28) And God blessed them. And God said to them, "Be fruitful and multiply and fill the earth and subdue it, and have dominion over the fish of the sea and over the birds of the heavens and over every living thing that moves on the earth."' Several issues deserve special attention, namely the order of creation and the place of man, and thus the specific duality of man: He is dependent on the previous and parallel elements of Creation, but he has also been given dominion over them. The latter issue has become a stumbling block for many who do not understand the essence of it: For some readers, misunderstanding the word 'domination', the message is that nature must be subjugated and exploited, rather than respected and protected.

Returning to Creation, continuing now with Paradise, it is worth highlighting an important biblical message in response to the above misunderstanding: 'The Lord God took the man and put him in the garden of Eden to work it and keep it' (Genesis 2:15). This is a somewhat more precise reference to the proper meaning of the above concept of domination. Neither working nor taking care can be associated with exploitation or subjugation; on the contrary, it feels like a responsibility, to which papal messages have drawn attention in recent decades. Thus, there can no longer be any doubt that the reference in the Book of Genesis 1:28 to the dominion of man over nature means responsible custody, caring for those entrusted to him.

This was made clear by Pope Saint John Paul II in 1979, speaking at the same time about the wasteful management by man: 'Yet it was the Creator's will that man should communicate with nature as an intelligent and noble "master" and "guardian", and not as a heedless "exploiter" and "destroyer".' [10] Nor is there any doubt in the Book of Genesis, and elsewhere in the Old Testament, that the responsible guardian in question is all mankind, along with all generations and clans. The Lord said to Abraham: 'And all peoples on earth will be blessed through you' (Genenis 12:3).

[8] Dinah L Shelton, 'Nature in the Bible', *GWU Law School Public Law Research Paper* no 371 (2007), 15.

[9] In the present study, I quote the Holy Scripture based on the following source: https://tinyurl.com/da7skp5f.

[10] Pope John Paul II, *Redemptor hominis*, 1979, para 15.

A line from the Old Testament echoes this: 'Now choose life, so that you and your children may live' (Deuteronomy 30:19). These messages and quite a few other references make it clear that the creation of man – in fact, the creation of mankind – means the continuity of human generations. *Gaudium et spes* had left no room for doubt about this a decade and a half earlier:

> God intended the earth, with everything contained in it, for the use of all human beings and peoples. Thus, under the leadership of justice and in the company of charity, created goods should be in abundance for all in like manner. . . . In using them, therefore, man should regard the external things that he legitimately possesses not only as his own but also as common in the sense that they should be able to benefit not only him but also others.[11]

Pope Saint John Paul II, commenting in his centenary encyclical re-reading of the *Rerum novarum,*[12] put it even more clearly: 'God gave the earth to the whole human race for the sustenance of all its members, without excluding or favouring anyone. This is the foundation of the universal destination of the earth's goods.'[13]

Turning back to the Book of Genesis, the story of Noah may be taken as further substantiation, because from this it will also be understood that, unlike the arrogant supremacy of man today, no creature was considered superfluous or unnecessary:

> (7:1) The Lord then said to Noah: 'Go into the ark, you and your whole family, because I have found you righteous in this generation. (2) Take with you seven pairs of every kind of clean animal, a male and its mate, and one pair of every kind of unclean animal, a male and its mate, (3) and also seven pairs of every kind of bird, male and female, to keep their various kinds alive throughout the earth.'

Moreover, the Bible in general also gives a number of other important pointers, in connection with the Book of Genesis's message of cultivation and preservation. An example in Deuteronomy conveys this respect and reasonable protection of nature: '(22:6) If you come across a bird's nest beside the road, either in a tree or on the ground, and the mother is sitting on the young or on the eggs, do not take the mother with the young. (7) You may take the young, but be sure to let the mother go, so that it may go well with you and you may have a long life.' Another regarding farming, is from the book of Exodus:

> (23:10) For six years you are to sow your fields and harvest the crops, (11) but during the seventh year let the land lie unploughed and unused. Then the poor among your people may get food from it, and the wild animals may eat what is left. Do the same with your vineyard and your olive grove. (12) Six days do your work, but on the seventh day do not work, so that your ox and your donkey may rest, and so that the slave born in your household and the foreigner living among you may be refreshed.

11 Second Vatican Council, *Gaudium et spes,* 1965, para 69.
12 Pope Leo XIII, *Rerum novarum,* 1891.
13 Pope John Paul II, *Centesimus annus,* 1991, para 31.

The work by Shelton cited above drew my attention to a biblical story that shows how close the created world and its living creatures are to the Creator, occasionally closer than man. This extract is from the story of the donkey of Balaam from the Book of Numbers:

> (22:31) Then the Lord opened Balaam's eyes, and he saw the angel of the Lord standing in the road with his sword drawn. So he bowed low and fell face down. (32) The angel of the Lord asked him, 'Why have you beaten your donkey these three times? I have come here to oppose you because your path is a reckless one before me. (33) The donkey saw me and turned away from me these three times. If it had not turned away, I would certainly have killed you by now, but I would have spared it.'

In a final example from the Book of Job, the Lord tries to reprimand the arrogant man, with these words among many others:

> (38:4) Where were you when I laid the earth's foundation? Tell me, if you understand. . . .
> (33) Do you know the laws of the heavens? Can you set up God's dominion over the earth?
> (34) Can you raise your voice to the clouds and cover yourself with a flood of water? . . .
> (39:26) Does the hawk take flight by your wisdom and spread its wings toward the south?
> (27) Does the eagle soar at your command and build its nest on high?

The Bible, the fundamental guide for Christianity, does not, therefore, give man (humanity) a direct creative role in Creation, but expects us subsequently to take care of the created world, with requirements aimed at preserving the whole of creation, expecting behaviour of Man that is not only for individual gain but for the benefit of humanity as a whole, as a condition for the survival of humanity.

III The message of the Catholic Church on the protection of the environment

The *Rerum novarum* mentioned above, which is now 130 years old, in fact first confronted the church with social problems in a comprehensive manner, bringing it closer to everyday life. It addressed issues such as human nature and rights, the common good and the purpose of goods, solidarity and love, the family, human work, morality and the economy, and the role and responsibilities of political and social communities at all levels; the similarly growing weight on the international community and even the essential issues of peace are also involved. One hundred years later, in the anniversary *Centesimus annus,* Pope Saint John Paul II reminded us that one of the basic values of the original encyclical is that it can be renewed from time to time: '(3) I now wish to propose a "re-reading" of Pope Leo's Encyclical. . . . But this is also an invitation to look around at the "new things".' This exhortation also encourages me to believe we should explore the basics of today's environmental issues in the *Rerum novarum,* since the outstanding significance of the encyclical is

that it seeks to set the church in motion in terms of the issues of society, in particular social issues, property, the economy and work.

New questions and new things are themselves renewed, because this encyclical marked the beginning of something new, and nature, the common good and the common sense intended to govern all this, also the responsible behaviour of man already appeared in it:

> (5) It is the mind, or reason, which is the predominant element in us who are human creatures; it is this which renders a human being human, and distinguishes him essentially from the brute. And on this very account – that man alone among the animal creation is endowed with reason – it must be within his right to possess things not merely for temporary and momentary use, as other living things do, but to have and to hold them in stable and permanent possession; he must have not only things that perish in the use, but those also which, though they have been reduced into use, continue for further use in after time. . . . (21) [T]he blessings of nature and the gifts of grace belong to the whole human race in common.

Obviously, the wording is somewhat different from the ecclesiastical revelations of recent decades, but the point is perceptible: natural goods cannot be expropriated, they are entrusted to the *universal responsibility of man*.

Forty years after the original encyclical, the *Quadragesimo anno*[14] added new elements to the original ideas in it. The best known of these is the *principle of subsidiarity (principium subsidiaritatis),* specifically in the interest of the *common good*. It was this principle that first appeared in the environmental regulation of the European integration, namely in the Single European Act in the title on the environment, in 1987.[15] Point 104 of the encyclical enjoins paying attention to what is good for all mankind, so the idea of the common good is highlighted. After 1931, however, the church became increasingly concerned with other historical issues, and further elaboration on the question of the common good had to wait.

After the end of the war, life began to return to normal, and at the same time, from the 1960s onwards, the worsening environmental burden caused by man had become increasingly perceptible. Although the papal encyclical of the early 1960s was fundamentally about peace, it was also a major first step in the emergence of human rights *(Pacem in terris).*[16] Environmental aspects are just beginning to emerge:

> (2) That a marvellous order predominates in the world of living beings and in the forces of nature, is the plain lesson which the progress of modern research and the discoveries of technology teach us. . . . (55) Among the essential elements of the common good one must certainly include the various characteristics distinctive of each individual people But these by no means constitute the whole of it.

[14] Pope Pius XI, *Quadragesimo anno,* 1931.

[15] Under Article of 130R(4) of the Single European Act: 'The Community shall take action relating to the environment to the extent to which the objectives referred to in Paragraph 1 can be attained better at Community level than at the level of the individual Member States.'

[16] Pope John XXIII, *Pacem in terris,* 1963.

It was not long before the foundations of environmental protection were further strengthened: Two years later, the next pope laid down the basis of the Church's approach in *Gaudium et spes:* '(36) For by the very circumstance of their having been created, all things are endowed with their own stability, truth, goodness, proper laws and order. Man must respect these as he isolates them by the appropriate methods of the individual sciences or arts. . . . When God is forgotten, however, the creature itself grows unintelligible.' Next, the second part of paragraph 69, cited above in connection with the interpretation of the Bible, is reiterated: 'In using them, therefore, man should regard the external things that he legitimately possesses not only as his own but also as common in the sense that they should be able to benefit not only him but also others.'

Man's responsibility for the created world – which can in fact be identified with what we call environmental considerations and even sustainable development today – had become increasingly pronounced. The *Populorum progressio* of 1967[17] saw the further development of the idea that appeared in *Rerum novarum,* in the way that it highlights the limitations and responsibilities of economic development in general. This encyclical presents ideas that can be paralleled with what had already been clearly articulated at the United Nations (UN) Conference on the Human Environment in Stockholm, or at the EEC Summit in Paris, both held in 1972. Among other things, *Populorum progressio* addresses the real meaning of development: '(14) The development we speak of here cannot be restricted to economic growth alone. To be authentic, it must be well rounded; it must foster the development of each man and of the whole man.'[18] According to the Encyclical, '(76) [W]e are not just promoting human well-being; we are also furthering man's spiritual and moral development, and hence we are benefiting the whole human race.' Of course, there is a place for solidarity and peace, so instead of 'prosperity' I prefer the term 'well being'.

Shortly after the above encyclical was issued, a UN conference was held in parallel with the Paris Summit, the Stockholm Conference on the Human Environment, which adopted the Stockholm Declaration. Point 4 of it recognises the special responsibility that man must bear in order to protect the natural environment. And, just for the sake of parallelism, the Hungarian Act II of 1975 on the Protection of the Human Environment, which was directly influenced by the former, deserves to be mentioned. After a short break, the journey that started then was continued

[17] Pope John Paul VI, *Populorum progressio,* 1967.

[18] The Summit of the Heads of State and Government of the Member States, held in Paris in October 1972, states similarly: '(3) Economic expansion is not an end in itself. Its first aim should be to enable disparities in living conditions to be reduced. It must take place with the participation of all the social partners. It should result in an improvement in the quality of life as well as in standards of living. As befits the genius of Europe, particular attention will be given to intangible values and to protecting the environment, so that progress may really be put at the service of mankind' [European Union, 'Statement from the Paris Summit (19 to 21 October 1972), 2].

by Pope Saint John Paul II, in the encyclical *Redemptor hominis,* referring to the dangers of the modern age much more clearly and directly than his predecessors. The fifteenth section entitled 'What modern man is afraid of' considers the relationship between nature and man:

> We seem to be increasingly aware of the fact that the exploitation of the earth, the planet on which we are living, demands rational and honest planning. . . . Man often seems to see no other meaning in his natural environment than what serves for immediate use and consumption. . . . Yet it was the Creator's will that man should communicate with nature as an intelligent and noble 'master' and 'guardian', and not as a heedless 'exploiter' and 'destroyer'.

The key here again is *human dignity,* which is closely related to the recognition of the true value of the environment, the real meaning of development. Man's responsibility is emphasised, which refers back to the apparent contradiction that lies between the messages of biblical domination and guarding, according to some exaggerated interpretations.

The Encyclical *Sollicitudo rei socialis* also provides a definite answer to the real values and content of progress:

> (34) Nor can the moral character of development exclude respect for the beings which constitute the natural world, which the ancient Greeks – alluding precisely to the order which distinguishes it – called the 'cosmos'. . . . The dominion granted to man by the Creator is not an absolute power, nor is it a freedom to 'use and misuse', or to dispose of things as one pleases. The limitation is imposed from the beginning by the Creator himself and expressed symbolically by the prohibition not to 'eat of the fruit of the tree' (cf. Gen 2:16–17).[19]

In 1990, Pope Saint John Paul II launched a series that also conveys an ever deeper environmental content in messages issued on the occasion of the World Day of Peace:[20]

> (7) The most profound and serious indication of the moral implications underlying the ecological problem is the lack of respect for life evident in many of the patterns of environmental pollution. . . . Respect for life, and above all for the dignity of the human person, is the ultimate guiding norm for any sound economic, industrial or scientific progress. . . . (13) Modern society will find no solution to the ecological problem unless it takes a serious look at its life style.

The central question of *Centesimus annus,* mentioned above, is the common good, and environmental values form an undeniable part of this:

> (37) Equally worrying is the ecological question which accompanies the problem of consumerism and which is closely connected to it. . . . Instead of carrying out his role as

[19] Pope John Paul II, *Sollicitudo rei socialis,* 1987.

[20] Pope John Paul II, *Peace with God the Creator, Peace with all of creation,* 1990.

> a co-operator with God in the work of creation, man sets himself up in place of God and thus ends up provoking a rebellion on the part of nature, which is more tyrannized than governed by him. . . . In this regard, humanity today must be conscious of its duties and obligations towards future generations.

The market, clearly, is not sufficient for managing this task. In the meantime, the UN began efforts to reconcile the aspects of the environment and development, which was the resounding point of the 1992 Conference on Environment and Development which recommended pursuing sustainable development.[21] Although the following encyclical *(Evangelium vitae)*[22] was less concerned with the environment, still we should mention it: '(42) As one called to till and look after the garden of the world (cf. Gen 2:15), man has a specific responsibility towards the environment in which he lives, towards the creation.' The Venice Declaration[23] – in the spirit of ecumenism – was a summary of Pope Saint John Paul II's thoughts to date: 'Respect for creation stems from respect for human life and dignity. . . . The problem is not simply economic and technological; it is moral and spiritual. . . . We have not been entrusted with unlimited power over creation, we are only stewards of the common heritage.' This call for moral renewal also appeared in a later message on the occasion of the World Day of Peace: '(6) As the gift of peace is closely linked to the development of peoples, it is essential to take into account the moral consequences of using the goods of the earth.'[24]

So far, I have presented biblical and Vatican sources according to my own points of view and way of thinking. Obviously, there is a much more authentic and beautifully structured source than mine, which is the Compendium of the social doctrine of the Church,[25] especially the tenth chapter, which deals with environmental protection. The Compendium reviews the attitude of Christianity from the fundamentals upwards, and therefore seeks to strike the right balance in all of this: '(463) A correct understanding of the environment prevents the utilitarian reduction of nature to a mere object to be manipulated and exploited. At the same time, it must not absolutise nature and place it above the dignity of the human person himself.' Furthermore: '(465) The Magisterium underscores human responsibility for the preservation of a sound and healthy environment for all.' '(466) Care for the environment represents a challenge for all of humanity. It is a matter of a common and universal duty, that of respecting a common good.' It also highlights a number of other important elements, emphasising that more than one message is important to us by mentioning 'biodiversity, which must

[21] United Nations, *Rio Declaration on Environment and Development,* 1992.

[22] Pope John Paul II, *Evangelium vitae,* 1995.

[23] Pope John Paul II and His Holiness Ecumenical Patriarch Bartholomew I, *Common Declaration on Environmental Ethics,* 2002.

[24] Pope John Paul II, *Do not be Overcome by Evil but Overcome Evil with Good,* 2005.

[25] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church,* 2004.

be handled with a sense of responsibility and adequately protected, because it constitutes an extraordinary richness for all of humanity'. It also emphasises the responsibility for future generations: '(467) Responsibility for the environment, the common heritage of mankind, extends not only to present needs but also to those of the future.'

Before continuing to cite papal messages, it is definitely worth noting a circular of the Hungarian Episcopal Faculty.[26] This is also the next source in chronological order, and it carries an important message for the Hungarian Church, giving a comprehensive and meaningful summary of what has been said so far:

> (22) Since economic, financial logic dictates political decisions and often our social value judgments, we tend to ignore the indirect costs of economic growth that occur in other areas, in the natural environment, or in the social sector in the long run. . . . (169) Protecting the environment is more than ensuring the dignified living conditions of present and future generations, as man's relationship with God, people, and the created world forms a unity. The protection of the natural environment is nothing more than the public good, that is, the protection and promotion of human dignity.

Pope Benedict XVI was following the long established path when he recalled *Populorum progressio* in his encyclical *Caritas in veritate*:[27]

> (7) [T]he common good. It is the good of 'all of us', made up of individuals, families and intermediate groups who together constitute society. . . . (23) Yet it should be stressed that progress of a merely economic and technological kind is insufficient. . . . (48) Today the subject of development is also closely related to the duties arising from our relationship to the natural environment. . . . (50) At the same time we must recognise our grave duty to hand the earth on to future generations in such a condition that they too can worthily inhabit it and continue to cultivate it.

Perhaps the most important warning is a kind of summary of the above: '(51) The way humanity treats the environment influences the way it treats itself, and vice versa. . . . [T]he decisive issue is the overall moral tenor of society.' Consequently, environmental protection cannot be separated from other problems of humanity; they can only be tackled together.

The World Day of Peace messages continued to return to environmental themes, and even the title of the one from ten years ago is eloquent: 'If you want to cultivate peace, protect creation'[28] whose message is clear:

> (1) Respect for creation is of immense consequence, not least because 'creation is the beginning and the foundation of all God's works', and its preservation has now become essential for the pacific coexistence of mankind. . . . (5) Prudence would thus dictate a profound, long-term review of our model of development, one which would take into consideration the meaning of the economy and its goals with an eye to correcting its malfunctions and

[26] Hungarian Catholic Bishops' Conference, *Our Responsibility for the Created World,* 2008.
[27] Pope Benedict XVI, *Caritas in veritate,* 2009.
[28] Pope Benedict XVI, *If you Want to Cultivate Peace, Protect Creation,* 2010.

> misapplications. . . . (7) The goods of creation belong to humanity as a whole. . . . [T]here is a need to act in accordance with clearly-defined rules, also from the juridical and economic standpoint, while at the same time taking into due account the solidarity we owe to those living in the poorer areas of our world and to future generations.

Suggesting a solution is also not unfamiliar: '(11) It is becoming more and more evident that the issue of environmental degradation challenges us to examine our life-style and the prevailing models of consumption and production, which are often unsustainable from a social, environmental and even economic point of view. . . . We are all responsible for the protection and care of the environment.'

Pope Francis' ecological encyclical *Laudato si'* was five years old last year.[29] The fact that this is the first voluminous encyclical devoted by the Pope to ecology and sustainability as a whole makes it stand out from the preceding Vatican documents. This encyclical borrows its title from the prayer of Francis of Assisi: *'Laudato si', mi' Signore' ('Be blessed, Lord!').* Pope Francis, of course, builds on the thoughts of his predecessors, taking forward their ideas, with some reflection also on the UN Sustainable Development Goals (SDG) document adopted in the same year.[30] The introduction to the Hungarian translation of SDG indicates the commonalities of the two messages: 'This work, this "systemic change", is also increasingly urged by the Christian social teaching of recent decades, most recently in Pope Francis' encyclical beginning with '*Laudato si'*.'

The most important question posed in the encyclical is: '(160) What kind of world do we want to leave to those who come after us, to children who are now growing up?' In response, Pope Francis re-reads the narratives of the Bible and then provides a complex overview based on the Judeo–Christian tradition and, in particular, explains that man has a 'supreme responsibility' to the created world, which is the intimate connection between all creatures; and explains the fact that: '(95) The natural environment is a collective good, the patrimony of all humanity and the responsibility of everyone.' At the heart of the encyclical there is a proposal on a comprehensive ecology as a new paradigm of justice: '(139) Nature cannot be regarded as something separate from ourselves or as a mere setting in which we live. . . . We are faced not with two separate crises, one environmental and the other social, but rather with one complex crisis which is both social and environmental.' The Pope calls for *ecological conversion,* where the starting point is 'Towards a new lifestyle' (203–208).

A remarkable parallel unfolds in this regard in the practice of the Constitutional Court of Hungary, which develops the idea of responsibility for present and future generations and responsible custody, in line with the teachings of the Bible, in its most recent resolution on the Forest Act.[31]

[29] Pope Francis, *Laudato si',* 2015.
[30] United Nations, *Transforming our world: the 2030 Agenda for Sustainable Development,* 2015.
[31] Resolution 14/2020. (VII. 6.) AB.

> [21]1. According to Article P(1) of the Fundamental Law '[N]atural resources, in particular arable land, forests and the reserves of water; biodiversity, in particular native plant and animal species; and cultural artefacts, shall form the common heritage of the nation, it shall be the obligation of the State and everyone to protect and maintain them, and to preserve them for future generations.' . . . [22] Article P(1) of the Fundamental Law is based on the constitutional law wording of the concept of *public trust* relating to environmental and natural values, the essence of which is that the state treats the natural and cultural treasures entrusted to it as a kind of trustee for future generations, and allows present generations to use and utilise these treasures to the extent as long as it does not jeopardise the long-term survival of natural and cultural assets as assets to be protected as such. The state must take into account the interests of present and future generations when managing and regulating these treasures. The rule of preservation of natural and cultural resources for future generations in the Hungarian Fundamental Law can thus be considered a part of the newly formed and consolidated universal customary law, and expresses the constitutional commitment to the importance and preservation of environmental, natural and cultural values.

On the occasion of the fifth anniversary of the encyclical, Pope Francis spoke again in his message for the World Day of Peace on 1 January 2020, on the necessity of *ecological conversion:* 'Indeed, natural resources, the many forms of life and the earth itself have been entrusted to us 'to till and keep', also for future generations, through the responsible and active participation of everyone. . . . Ecological conversion . . . must be understood in an integral way.'[32] Thus, the papal encyclicals have been paying increasing attention to the environment since the 1960s, which, after numerous excerpts from documents, World Day of Peace messages, and other minor statements, was completed by 2015 in a self-contained encyclical devoted to ecological content. It goes without saying that all statements have a similar, albeit ever clearer and sharper, content, because their essence is the responsibility of man or humanity, the role of co-heir and guardian, respect for all forms of life, and identification of the common good for the benefit of all, including the environment, as part of the created world, not forgetting human dignity, which cannot be complete without the created world.

It is also becoming increasingly clear that current economic interests and the interests associated with them are misleading humanity. The whole system – we must name it: the so-called consumer society – needs to be changed, as we are in a social and environmental crisis, behind which lies an ethical crisis fomented by the falseness of values and the deformation of our lifestyle. The responsibility is shared by all, but the responsibility of the rich countries and the developed world is greater and encompasses also the basic idea of solidarity. Protecting the created world is by no means a requirement just because of man – although man is obviously the centre of it – but also because regardless of man, reverence for creation appears, which of course has a direct reflexive effect on us. The lifestyle review and change required must be radical, which is what is meant by calling for ecological conversion.

[32] Pope Francis, *Peace as a Journey of Hope,* 2020.

IV The Catholic Church and human rights, especially the right to the environment

This entire book has been devoted to the subject of Christianity and human rights, so it is hardly necessary to present the history of ecclesiastical revelations in this regard, which largely coincided with the emergence of interest in environmental issues. However, we must not forget that the basis of social teaching is certainly the *Rerum novarum,* the outstanding message of which is care for the common good: The state's controllers must work generally and uniformly on a complete system of laws and institutions that results in the well-being of the community and individuals automatically from the system and management of the state itself. This is stated even more clearly later: 'The state has a legitimate duty to promote the common good', and '(29) [T]he state must sacredly protect the rights of all people, be they anyone.' This is a clear recognition of human rights, more than half a century before the international community expressed a similar recognition in the Universal Declaration of Human Rights. In the same encyclical, the protection of creation in the present sense was not articulated so markedly. The reason for this is the central role of man in Creation: '(6) Man is older than the state, so by its very nature it should have had the right to sustain its life before any state formation was formed.' The source of all this is that: '(7) God gave the earth to the whole human race to use and enjoy its fruits.' Thus, the central role of man also requires the protection of rights, since man's rights predate the state and can indeed be traced back to the Creation. One of the fundamental bases in this field is *Pacem in terris:*

> (28) The natural rights of which We have so far been speaking are inextricably bound up with as many duties, all applying to one and the same person. These rights and duties derive their origin, their sustenance, and their indestructibility from the natural law, which in conferring the one imposes the other. . . . (75) There is every indication at the present time that these aims and ideals are giving rise to various demands concerning the juridical organisation of States. The first is this: that a clear and precisely worded charter of fundamental human rights be formulated and incorporated into the State's general constitutions.

In terms of the real values and content of development, the encyclical *Sollicitudo rei socialis* also deserves attention:

> (33) The intrinsic connection between authentic development and respect for human rights once again reveals the moral character of development: the true elevation of man, in conformity with the natural and historical vocation of each individual, is not attained only by exploiting the abundance of goods and services, or by having available perfect infrastructures.

The next point here, as mentioned earlier, is respect for creation (creatures). As promised, we will not delve too far into the details of the relationship between the Vatican and human rights; it is sufficient and necessary for a complete picture to refer to the first encyclical of Pope Saint John Paul II, *Redemptor hominis,* more precisely to one of its subheadings:

> (17) Human rights: 'letter' or 'spirit'
> The Declaration of Human Rights linked with the setting up of the United Nations Organisation certainly had as its aim not only to depart from the horrible experiences of the last world war but also to create the basis for continual revision of programmes, systems and regimes precisely from this single fundamental point of view, namely the welfare of man-or, let us say, of the person in the community-which must, as a fundamental factor in the common good, constitute the essential criterion for all programmes, systems and regimes. . . .
> The Church has always taught the duty to act for the common good and, in so doing, has likewise educated good citizens for each State. Furthermore, she has always taught that the fundamental duty of power is solicitude for the common good of society; this is what gives power its fundamental rights. Precisely in the name of these premises of the objective ethical order, the rights of power can only be understood on the basis of respect for the objective and inviolable rights of man. The common good that authority in the State serves is brought to full realization only when all the citizens are sure of their rights.

Thus, the *common good* is, on the one hand, what links the issue of the protection of creation and human rights in general and, within that, links it to the role of the state, which in both cases is the postulate. The common good must be implemented primarily by the state, whichever aspect of it is being considered. The other basic connection is *human dignity,* the content of which is expanding and evolving, with some issues already established while others are still emerging – with the environment probably falling within the latter group. Awareness of this relationship thirty years ago necessarily led to the conclusion that was formulated by Pope Saint John Paul II, first in a World Day of Peace message (1990), one of the conclusions of which is quite clear: '(7) Respect for life, and above all for the dignity of the human person, is the ultimate guiding norm for any sound economic, industrial or scientific progress. . . . (9) The right to a safe environment is ever more insistently presented today as a right that must be included in an updated Charter of Human Rights.'

Almost a decade after this message, in 1999, Pope Saint John Paul II devoted *an entire* World Day of Peace message to human rights,[33] taking human dignity as a starting point, continuing with the universality and indivisibility of human rights, and then focusing on some of the human rights that have become increasingly important. These included new components of the right to life, including action against all forms of violence, such as 'mindless damage to the natural environment', as an act of violence, combined with human dignity (point 4). Freedom of religion is, of course, seen as a central issue by the Pope, who then moves on to rights of participation, which, although specifically mentioned here because of their democratic nature, also constitute a fundamental component of environmental protection. In addition to the prohibition of all forms of discrimination, the right to self-fulfilment, solidarity and peace, Paragraph 10 concerns *responsibility for the environment:*

[33] Pope John Paul II, *Respect for Human Rights: The Secret of True Peace,* 1999.

> (10) The promotion of human dignity is linked to the right to a healthy environment, since this right highlights the dynamics of the relationship between the individual and society. A body of international, regional and national norms on the environment is gradually giving legal form to this right. But legislative measures are not sufficient by themselves. . . . The world's present and future depend on the safeguarding of creation, because of the endless interdependence between human beings and their environment. Placing human well-being at the centre of concern for the environment is actually the surest way of safeguarding creation; this in fact stimulates the responsibility of the individual with regard to natural resources and their judicious use.

The last sentence, quoted from the first message, or the conclusions or rather expectations of the separate specific message become particularly important in light of the fact that neither the Universal Declaration nor the European Convention on Human Rights (both of which recently turned seventy years old), made any direct reference to the right to a healthy environment. Despite the many efforts, conferences, working groups and special rapporteurs to date,[34] no substantive progress has been made on international recognition in this connection, although credit should be given to the dissenting opinion of Weeramantry, already referred to:[35]

> Protecting the environment is also an essential part of the current doctrine of human rights, as it is a prerequisite for many human rights, such as the right to health and life. It is hardly necessary to explain this in more detail since damage to the environment may prejudice or undermine all human rights mentioned in the Universal Declaration and other human rights instruments.

Centesimus annus clearly states that '(11) the State has the duty of watching over the common good, and of ensuring that every sector of social life, not excluding the economic one, contributes to achieving that good, while respecting the rightful autonomy of each sector'. Protecting the environment is given a prominent role among the tasks of the state, as this obligation cannot be replaced by anything else:

> (40) It is the task of the State to provide for the defence and preservation of common goods *such as* the natural and human environments, which cannot be safeguarded simply by market forces. . . . [A]ll of society have the duty of defending those collective goods which, among others, constitute the essential framework for the legitimate pursuit of personal goals on the part of each individual.
> Here we find a new limit on the market: there are collective and qualitative needs which cannot be satisfied by market mechanisms. There are important human needs which escape its logic. There are goods which by their very nature cannot and must not be bought or sold.

This text refers to the terrain of the classic role of the state, when the care of a protected interest would not bring any or enough economic benefit, certainly not to a degree that the market would react to it without intervention. However, the task must be performed in order to protect society – in this case, this coincides with

[34] For example, United Nations, *Special Rapporteur on human rights and the environment,* 2020.
[35] Weeramantry in judgment of the International Court of Justice of 25 September 1997 (n 3).

the protection of the environment. The papal assessment is completely correct, as every step of environmental interest, at least in the beginning, seems to be costly, so it is not profitable for the economy. Thus, another solution is required, because the task cannot be postponed.

The third, perhaps least successful, UN Environment Summit and Conference was held in Johannesburg in 2002. The Vatican also spoke up,[36] not forgetting to mention human rights or the right to a clean environment. In this regard, the Rio Declaration ten years earlier[37] provides the appropriate starting point, more precisely its first principle ('[h]uman beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature'), thus emphasising the central role of man. Knowing the ecclesiastical revelations so far, the extended interpretation of human dignity can certainly be best linked to this. 'The promotion of human dignity is linked to the right to development and to the right to a healthy environment, since these rights highlight the dynamics of the relationship between the individual and society; this stimulates the responsibility of the individual towards self, towards others, towards creation, and ultimately towards God.'

The Compendium of the Social Doctrine of the Church may not dispense with discussing the issue of human rights as a priority. This takes place in Part IV of Chapter III, according to the premise of which: '(152) The movement towards the identification and proclamation of human rights is one of the most significant attempts to respond effectively to the inescapable demands of human dignity.' Although it is beyond the mandate of this article to discuss the Church and human rights in general, one more thought must be highlighted before moving on to its environmental aspects, and this is the importance of *a unified approach to human rights:* '(154) Human rights are to be defended not only individually but also as a whole: protecting them only partially would imply a kind of failure to recognise them.' An accompanying idea also strongly determines the general attitude towards environmental issues: '(156) Inextricably connected to the topic of rights is the issue of the duties falling to men and women, which is given appropriate emphasis in the interventions of the Magisterium.'

In the Compendium's chapter on the environment, the emphasis on the importance of legal regulation in general, while naturally far from being exclusive, primarily deserves special attention: '(468) Responsibility for the environment should also find adequate expression on a juridical level.' The Compendium introduces human rights conclusions in this way and outlines a process that has unfortunately not yet been completed:

[36] Intervention by the Holy See at the World Summit on Sustainable Development (Johannesburg, South Africa, 26 August – 4 September), Address of HE Msgr Renato R Martino, 2 September 2002.

[37] United Nations, *Rio Declaration on Environment and Development,* 1992.

> (468) The juridical content of *'the right to a safe and healthy natural environment'* is gradually taking form, stimulated by the concern shown by public opinion to disciplining the use of created goods according to the demands of the common good and a common desire to punish those who pollute. But juridical measures by themselves are not sufficient. They must be accompanied by a growing sense of responsibility as well as an effective change of mentality and lifestyle.

So papal statements – certainly before the Compendium, and we can safely say that even after its adoption – are markedly prevalent. It is worth mentioning the wording itself, in the way it is determined, because in this the encyclicals and messages do not take a position so clearly in each and every case. A safe environment refers to an obvious connection with peace, while a healthy one is a generally accepted quality.

In the context of the above-mentioned references in *Caritas in veritate* to the protection of the environment and the protection of future generations, and the warning of the Compendium, Pope Benedict XVI's most important message in the same encyclical is not surprising: '(43) An overemphasis on rights leads to a disregard for duties. Duties set a limit on rights because they point to the anthropological and ethical framework of which rights are a part, in this way ensuring that they do not become licence.' According to a continuation of the message not yet quoted here, '(48) [c]onsequently, projects for integral human development [need to be open to] *solidarity and inter-generational justice,* while taking into account a variety of contexts: ecological, juridical, economic, political and cultural'. It hardly needs to be spelled out that a right only makes sense if it is accompanied by the obligations of others, and of these the obligations of the international community and the state will be paramount. Of course, this does not mean that the state alone has obligations, as the earlier quotations in the encyclical clearly show the formula – the way that we treat the environment is a sign of how we treat others – that it is everyone's duty. Therefore, first *the obligations and requirements* must be established in the field of environmental values, as we do not have time to wait for them to appear on their own.

The obligor's side is also emphasised in the encyclical *Laudato si':* '(67) We are not God. The earth was here before us and it has been given to us. . . . This implies a relationship of mutual responsibility between human beings and nature. Each community can take from the bounty of the earth whatever it needs for subsistence, but it also has the duty to protect the earth and to ensure its fruitfulness for coming generations.' The starting point here is *the common good:* '(159) The notion of the common good also extends to future generations' from which, and from the basic requirements for its protection, we can also deduce human rights: '(157) Underlying the principle of the common good is respect for the human person as such, endowed with basic and inalienable rights ordered to his or her integral development. . . . Society as a whole, and the state in particular, are obliged to defend and promote the common good.' There is therefore a direct reference to fundamental rights in general and to their broad relationship matrix.

Closely related to all this is the importance of the completeness of human life and an interpretation of development that is not exclusively economic in scope but which focuses on the quality of life (politics and economy in dialogue for human fulfilment).

Finally, I would like to draw attention to two more Vatican statements, both of which are linked to the seventieth anniversary of the Universal Declaration of Human Rights. In chronological order, the first is Pope Francis's New Year's greeting to diplomats accredited to the Holy See.[38] On the occasion of this anniversary, the Pope states, primarily representing the general opinion of the Holy See on human rights, that human rights are essential to the reality of man's central role, to the image of God and his likeness. Then he notes the *changes* in the human rights catalogue, the appearance of *'new rights',* including the right to health, or the relationship between the right to life and peace. The speech then turns to the duty to care for our land, of which our obligations when interacting with nature are a part. On the topic of climate change, it then focuses on the rights of future generations.

The other statement, also on an anniversary, comes from the Secretary of State for Relations with the Vatican,[39] and in this he sees *responsibility for the environment* as an integral part of peace, with the support of the poorest nations, as 'an essential part of the promotion and protection of human rights'. The phrase 'Everything is connected', is cited from Pope Francis's encyclical *Laudato si',* so responsibility for the environment is also linked to the exercise of rights. *Integrative ecology* appears in the same place as an obvious consequence of this correlation, which, although somewhat different from the traditional system of human rights as understood in the strict sense, is closely linked to the promotion of all human rights. These two speeches do not represent exactly the same concept; the first suggests a little more strongly that the catalogue of human rights is in need of expansion, and that environmental rights will necessarily be included in this, while the second emphasises the role of environmental protection. It is noteworthy that this parallel approach is also applied by the Fundamental Law of Hungary, in which Article XX considers the protection of the environment as a means of achieving physical and mental health, while Article XXI gives a more comprehensive, clear wording of the right to a healthy environment.

It should also be remembered that, as in all cases when discussing the right to the environment, *sub-areas* might appear, which demand an independent role, and rightly so.[40] Among these, *the right to water* plays a prominent role, because its

[38] Pope Francis, *Address of His Holiness Pope Francis to the Members of the Diplomatic Corps Accredited to the Holy See for the Traditional Exchange of New Year Greetings,* 2018.

[39] Intervention of the Secretary for Relations with States at the Council of Europe for the celebration of the 70th anniversary of the Universal Declaration of the Rights of Man, 2018.

[40] We can read about this in many places, for example, Linda Hajjar Leib, *Human Rights and the Environment: Philosophical, Theoretical and Legal Perspectives* (The Hague: Martinus Nijhoff, 2011).

direct connection to human life is beyond dispute. Regarding other topics, such as biodiversity, their role in human life may be less obvious to many, but the necessity of water cannot be questioned. As such, it is no wonder – especially bearing in mind the ecclesiastical approach that particularly supports disadvantaged people in developing countries or even financially disadvantaged people and groups of people – that access to an adequate, quality water supply is also given a central place in this thinking.

Two examples of the right to water of many may suffice to illustrate this, without going into details. One of them is the intervention from the Pontifical Council for Truth and Peace at the 2003 World Water Forum.[41] Of particular note is the assertion that: 'Water has a central place in the practices and beliefs of many religions of the world' (Section I). With regard to ethical considerations surrounding water, there can be no doubt that '[t]his principle of the universal destination of the goods of creation confirms that people and countries, including future generations, have the right to fundamental access to those goods which are necessary for their development. Water is such a common good of humankind' (Section II). This is further developed later: 'Sufficient and safe drinking water is a precondition for the realisation of other human rights' (Section VI). This leads to the idea that the truth of this seems so natural to everyone in general that it is liable to be overlooked as a right – even though access to water is clearly not at all self-evident in the lives of many millions of people. 'There is a growing movement to formally adopt a human right to water.' This is also indispensable because of *human dignity,* since '[w]ater is an essential commodity for life. . . . Therefore the right to water is thus an inalienable right'. In 2007, on the World Day of Water, Pope Benedict XVI also spoke in connection with the right to water.[42] He affirmed that '[a]ccess to water is in fact one of the inalienable rights of every human being, because it is a prerequisite for the realisation of the majority of the other human rights, such as the rights to life, to food and to health'. With this and the rest, he is in fact repeating what has been said before, making clear the continuity of the Vatican's position.

V Summary and conclusions

Recognition of the central role of man, and thus indisputably his rights, is at the root of Christian teachings. It is no wonder, then, that an emphasis on the prominent role of human rights appeared much earlier in church statements than in international politics. The protection of the environment and nature, inherent

[41] Note Prepared by the Pontifical Council for Justice and Peace, *A Contribution of the Delegation of the Holy See on the Occasion of the Third World Water Forum (Kyoto, 16–23 March 2003).*

[42] Pope Benedict XVI, *Message of the Holy Father Benedict XVI, signed by Cardinal Tarcisio Bertone to the Director General of FAO on the occasion of the celebration of World Water Day 2007.*

in which is the protection of Creation, is in any case an integral part of the basic teachings of Christianity, and throughout the scriptures and beyond, starting from the Book of Genesis onward. In today's concepts of the Catholic Church, it is one component of the social teaching of the Church. Although we have drawn almost entirely on the teachings of the Catholic Church above, as conveyed most fully, in a unified system, and clearly by the popes and the Vatican, and consequently available for study, we can safely say that the conclusions of all Christian religions as a whole are fundamentally consistent. Man, then, is a co-heir in Creation, but has increasingly forgotten the responsibilities that come with it, and as an oppressor ('rogue possessor') rather than a careful master of the environment around him, destroys and ravages, damages and even consumes it during use. At the same time, there can be no doubt that rights can only be invoked by those who respect the rights of others and thus live up to their obligations.

Such a general view of Christianity *as a basis of natural law* appears even in the reference list of the Hungarian Constitutional Court, since the need for the interpretation of the right to the environment to be based on general ethical grounds cannot be disputed by anyone. This is best related to the resolution related to the amendment of the Water Act (better known as the 'well drilling case'), where these moral considerations also serve as a direct argument.

> [36] Pope Francis discussed the natural law foundations of biodiversity conservation in his encyclical beginning with *Laudato si'*: 'Each year sees the disappearance of thousands of plant and animal species which we will never know, which our children will never see, because they have been lost for ever. The great majority become extinct for reasons related to human activity.' The encyclical categorically states: 'We have no such right.' The protection of life on earth for our descendants is not only a natural obligation but also a 'fundamental issue of justice' and is most closely linked to the issue of human dignity and the purpose of human life itself (Pope Francis: Encyclical *Laudato si'*). Patriarch Bartholomew speaks directly of 'a crime against nature' in connection with human acts that destroy 'the biological diversity of God's created world' (ecological vision and initiatives of Ecumenical Patriarch Bartholomew).[43]

The Catholic Church – and Christianity in general – is trying to get humanity back on track in parallel with the proliferation of environmental crisis phenomena, which must involve a fundamental change in the current way of life, economic order, consumer society, especially ethical renewal. It is undeniable that neither the economy nor technology is enough to solve the environmental crisis. This ethical renewal may be called either an ecological renewal or an ecological conversion.

What is undoubtedly the basis of the connection with human rights is the common good and human dignity. The common good, which is good for all people and societies and not just a few, is hardly achievable without the values of Creation, without respect for and mercy of created goods and living beings, as the common good is far from material (it is enough to recall the difference between achieving

[43] Resolution 28/2017 (X.25.) AB.

well-being or welfare) but presupposes a much more complete set of values. Human dignity also includes respect and the protection of the environment and nature from the outset, all the more so because the recognition of the content components of human dignity and their relative importance and internal proportions change over time, but there has never been any doubt that it encompasses all the conditions necessary for the completeness of human life.

The completeness of human dignity is also reflected in human rights, and human rights cannot be enforced without the protection of environmental values – for instance, water as a fundamental condition of life in connection with the right to water. Enforcement of the right to a healthy environment is the basis of other human rights. From here, it is a short step to extend human rights in this direction, which often appear with 'healthy' as an adjective. It is vital to highlight the obligor's side of the rights equation in this field, since, as explained in detail in Article P of the Fundamental Law of Hungary and the recent case law of the Hungarian Constitutional Court, ensuring the proper quality of life for present and future generations is the duty of the state and of all citizens. Within this, the state – and, of course, above all the international community, which is a community of states – is subject to a special responsibility. As Benedict XVI put it: 'She must above all protect mankind from self-destruction.'[44]

For Christianity, and thus for the Catholic Church, the recognition of the right to the environment as a human right, based on the protection of creation and the central role of man as part of the common good and human dignity and as an indispensable condition for both, reminds man or humanity of his own responsibility in this area. In closing, I refer again to the idea of *Caritas in veritate:* '(51) The way humanity treats the environment influences the way it treats itself, and vice versa.'

[44] *Caritas in veritate,* para 51.

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