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The Papal Human Rights Discourse: The Difference Pope Francis Makes

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ABSTRACT

Religious actors and their political concepts are commonly assumed to be conservative, static, and aligned with the private contemplative world. Popes, however, regularly stand out from this narrative. The article contextualizes the papal human rights discourse since the 1940s and contributes a hitherto neglected perspective to the debate on human rights and religion in the international realm, illustrating that religious ideas and configurations change. The research, partially derived using discourse network analysis software, points out three key findings: First, John Paul II dominates the human rights discourse, which has gained traction since the end of the Second World War. Second, although Francis takes an outside role in the papal discourse, he does not differ in principle from the mainstream trajectory of the papal human rights discourse. Finally, third, from the first evocation of human rights by a pope, there has been a persistent trend stressing both individual and collective human rights. Moreover, the article illustrates that political and religious conceptions of human rights are relational, and even contingent on each other. The results offer ample reason to anticipate future papal political conduct based on the trajectory of the papal human rights discourse.

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I. INTRODUCTION

International relations and human rights scholars show little interest in the papacy, which stands as the leader of the largest transnational religious group, and in the papal human rights discourse. This lack of interest is surprising, given the religious sources of human rights and the fact that religious actors translate their notions of human rights into a secular language and context. In addition, debates on human rights and religion have merged into the realm of international politics and study. Focusing on the papacy as a specific actor, this article contextualizes the papal human rights discourse since the Second World War. The article contributes a hitherto neglected perspective to the debate on human rights and religion in the international realm. The article begins with the difference that Pope Francis makes with his allegedly “giving up on human rights.”¹ In fact, the papal notion of human rights has changed, slowly and by degree, but not in principle. Francis’ embodiment of this discourse, albeit a peculiar and visible one, is an indicator of continuity rather than change.

Past and current papal notions of human rights are not departing from their engagement in the secular human rights discourse. Rather, as this article illustrates, the papal notion of human rights focuses on a collective conceptualization of human rights. Emphasizing environmental rights, for example, is the result of a shifting understanding of the origins of human rights language used by popes who face global political imperatives and their applicability to the debate. This is most notable in Francis’ plea for the common good, which he views as equally as important as human rights. This article demonstrates how Francis is an outlier in the papal human rights discourse, but it also illustrates how he is part of a continuum in this discourse. Notably, specific aspects of the latter point are surprising given the common academic and public assumptions about a break in this continuum and in other regards between the two living pontiffs.²

The article zooms in on the shift in the human rights discourse, using a theoretical and empirical arc. The results offer fertile ground to anticipate the current pope’s future political conduct based on the trajectory of the

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1. Samuel Moyn, *Pope Francis Has Given Up on Human Rights: That’s a Good Thing*, WASH. POST, (17 Sept. 2015), https://www.washingtonpost.com/posteverything/wp/2015/09/17/pope-francis-has-given-up-on-human-rights-thats-a-good-thing/?noredirect=on&utm_term=.26abc26215f3.
 2. Mathison Clore & Erik Voeten, *This Is What Two Popes, Francis and Benedict, Had to Say to the United Nations*, WASH. POST, 25 Sept. 2015, https://www.washingtonpost.com/news/monkey-cage/wp/2015/09/25/this-is-what-two-popes-francis-and-benedict-had-to-say-to-the-united-nations/?utm_term=.0aa31b25e62e; Stephan Faris, *Francis’ New Papal Style: A Comparison with Benedict*, TIME, (19 Mar. 2013), <http://world.time.com/2013/03/19/francis-new-papal-style-a-comparison-with-benedict/>.

papal human rights discourse. More specifically, the results point out the current pope's particular notion of human rights with regard to his corresponding entanglement in the international realm. Not surprisingly, the first result shows that John Paul II dominates the human rights discourse. The second result is that Francis indeed takes an outsider role when it comes to the papal notion of human rights thus far. However, he does not differ in principle from the mainstream discourse or from the discourse's adjustment to concentrating on the individual. Focusing on global environmental issues,³ for example, Francis reinforces the Catholic emphasis on the common good in the human rights discourse rather than introducing a new category. The third and broadest result identifies a pattern in the human rights discourse since Pius XII: the transformation from a traditional notion of human rights (e.g. emphasizing individual freedom in times of totalitarian regimes and a World War) to a notion that emphasizes a universal, progressive view of human rights.

The last result aligns with research on encyclicals, which point out shifting trends in papal communication. These trends are marked by a decline in papal statements that reference traditional "Catholic" issues such as authority, duty, doctrine, etc.⁴ Rather, the popes tend to seek a wider audience than their own institution and constituency, particularly in times when secular institutions lack moral authority.⁵ All changes notwithstanding, the papal human rights discourse has not reached issues of gender and sexuality, one of the most controversial issues when it comes to the pope's and the Catholic Church's track record on human rights. Advocates of gender equality and sexual and reproductive health rights point out that there has not been much progress. Although Pope Francis lamented the Church's obsession with abortion, contraception, and gay marriage, many still accuse the institutional Church of being detached from the real lives of its constituency when it comes to these issues.⁶

The trends in the papal human rights discourse are provocative for international relations and human rights theory. Religious actors and their political views are commonly assumed to be conservative, static, and

3. Christiana Z. Peppard, *Pope Francis and the Fourth Era of the Catholic Church's Engagement with Science*, 71 BULL. ATOMIC SCIENTISTS 31 (2015).

4. Categories such as God, gospel, spirituality, and other broader categories and conceptualizations are more frequent. Michael Zängle, *Trends in Papal Communication: A Content Analysis for Encyclicals from Leo XIII to Pope Francis*, 39 HIST. SOC. RES. 329 (2014).

5. Federica Genovese, *Politics ex Cathedra*, 2 RES. & POL. 1 (2015).

6. Antonio Spadaro S.J., *A Big Heart Open to God: An Interview with Pope Francis*, AMERICA JESUIT R., (30 Sept. 2013), <https://www.americamagazine.org/faith/2013/09/30/big-heart-open-god-interview-pope-francis>; Tina Beattie, *Whose Rights, Which Rights?: The United Nations, the Vatican, Gender and Sexual and Reproductive Rights*, 2 HEYTHROP J. 1080, 1088 (2014).

aligned with the private contemplative world. However, popes regularly stand out from this secularist narrative, as they always engage with politics.⁷ By looking at the papal human rights discourse, this article contributes a contextual understanding of religion in international politics⁸ and illustrates that religious ideas and configurations change in relation to macro-political developments because they are inherently political. As such, they generate creative and hybrid modes of social and political agency, as religious and political concepts are contingent on each other.⁹

The first part of the article contextualizes the papal human rights discourse since Pius XII (1939–1958).¹⁰ The article then evaluates the thesis that Francis makes a difference in the human rights discourse, by using a software-based discourse network analysis. The remainder of the article discusses the generated data and contextualizes it using the theoretical terms derived earlier. The article illustrates the difference of Francis' approach to political problems beyond implicit assumptions. Finally, the article points out that understanding the popes' views on human rights can provide additional insights into the motivations driving particular popes as well as the Catholic Church at large.

Tenures of popes since 1945

Pius XII	1939–1958
John XXIII	1958–1963
Paul VI	1963–1978
John Paul I	1978
John Paul II	1978–2005
Benedict XVI	2005–2013
Francis	2013–Present

II. HUMAN RIGHTS DISCOURSE, RELIGION, AND THE POPES

There is an established, but by no means unanimous, consensus among human rights scholars that religious resources have influenced the compilation

7. MICHAEL P. RICCARDS, *VICARS OF CHRIST: POPES, POWER, AND POLITICS IN THE MODERN WORLD* (1998); Rodney Bruce Hall, *Moral Authority as a Power Resource*, 51 INT'L ORG. 591 (1997).
8. See, e.g., Cecelia Lynch, *A Neo-Weberian Approach to Religion in International Politics*, 1 INT'L THEORY 381 (2009); Cecelia Lynch, *A Neo-Weberian Approach to Studying Religion and Violence*, 43 MILLENNIUM: J. INT'L STUD. 273 (2014).
9. Jonathan C. Agensky, *Recognizing Religion: Politics, History, and the "Long 19th Century,"* 23 EUR. J. INT'L RELATIONS 729 (2017); Abdullahi Ahmed An-Na'im, *The Interdependence of Religion, Secularism, and Human Rights*, 11 COMMON KNOWLEDGE 56 (2005); Samantha May et al., *The Religious as Political and the Political as Religious: Gloabalisation, Post-Secularism and the Shifting Boundaries of the Sacred*, 15 POL. RELIGION IDEOLOGY 331, 346 (2014); Erin K. Wilson, *Beyond Dualism: Expanded Understandings of Religion and Global Justice*, 54 INT'L STUD. Q. 733, 754 (2010).
10. Dates refer to the popes' tenures.

and understanding of modern human rights.¹¹ Not only in regards to abstract religious ideas, but rather religious actors and agents have themselves been at the forefront of this development. Nonetheless, international studies show little interest in the human rights discourse of religious actors.¹² This is surprising, as over the last decades, religious actors have successfully translated their notions of human rights into a secular language and context by participating in the normative discourse of the world of states.¹³ Few studies zoom in on the human rights discourse of the Catholic Church as the single largest transnational religious actor, represented by the prominent figure of the pope. If human rights scholars take an interest in religious actors, such as the pope, they usually merely contend that popes entrench human rights in natural law.¹⁴ Case studies on the Holy See buttress conceptions like these, arguing, for example, that the Holy See pursues conservative religious values in the setting of international conferences.¹⁵ However, these studies rarely pay attention to the development of the papal human rights discourse over time. In particular, the studies lack a contextualization of the different notions of human rights that fuel this discourse.

The following discussion relies on Jack Donnelly's conceptualization of human rights as "a standard of political legitimacy that specifies a set of social and political practices that aim to establish a framework for equal

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11. SAMUEL MOYN, *CHRISTIAN HUMAN RIGHTS* (2015); STEPHEN HOPGOOD, *KEEPERS OF THE FLAME: UNDERSTANDING AMNESTY INTERNATIONAL* (2006); HANS JOAS, *THE SACREDNESS OF THE PERSON: A NEW GENEALOGY OF HUMAN RIGHTS* (Alex Skinner trans., 2013); Ron Cirillo, *Imagining Humane Realism: Moving from Sacred Secularism Toward a Pragmatic Theory of Human Rights*, 11 *POL. THEOLOGY* 227 (2010); Henri Féron, *Human Rights and Faith: A "World-Wide Secular Religion,"*? 7 *ETHICS & GLOBAL POL.* 181 (2014); Man Yee Karen Lee, *Religion, Human Rights and the Role of Culture*, 15 *INT'L J. HUM. RTS.* 887 (2011); Michael Freeman, *The Problem of Secularism in Human Rights Theory*, 26 *HUM. RTS. Q.* 375 (2004). I am aware of the shortcomings of equating "sacred" (the natural or central notion of religion) and "religion" (its worldly occurrence). For matters of simplicity, here I equate those two terms.
 12. If they do, they focus on the church or the religious tradition writ large. See, e.g., J. Bryan Hehir, *Religious Activism for Human Rights: A Christian Case Study*, in *RELIGIOUS HUMAN RIGHTS IN GLOBAL PERSPECTIVE: RELIGIOUS PERSPECTIVES*, 97 (John Witte, Jr. & Johan D. van der Vyver eds., 1996); Canon John Nurser, *The "Ecumenical Movement" Churches, "Global Order," and Human Rights: 1938–1948*, 25 *HUM. RTS. Q.* 841 (2003); JOHN S. NURSER, *FOR ALL PEOPLES AND ALL NATIONS: THE ECUMENICAL CHURCH AND HUMAN RIGHTS* (2005); Esther D. Reed, *Human Rights, the Churches and the Common Good*, 3 *POL. THEOLOGY* 9 (2001); DANIEL H. LEVINE, *POLITICS, RELIGION & SOCIETY IN LATIN AMERICA* (2012); *RELIGIOUS RESPONSES TO VIOLENCE: HUMAN RIGHTS IN LATIN AMERICA PAST AND PRESENT* (Alexander Wilde ed., 2016).
 13. Gregorio Bettiza & Filippo Dionigi, *How Do Religious Norms Diffuse?: Institutional Translation and International Change in a Post-Secular World Society*, 21 *EUR. J. INT'L REL.* 621 (2014); IOANA CISMAS, *RELIGIOUS ACTORS AND INTERNATIONAL LAW* (2014); Lisa Ferrari, *Transnational Advocacy Against Capital Punishment: A Role for the Holy See*, 7 *INT'L J. HUM. RTS.* 28 (2003).
 14. See, e.g., STEPHEN HOPGOOD, *THE ENDTIMES OF HUMAN RIGHTS* 158 (2013).
 15. Palena R. Neale, *The Bodies of Christ as International Bodies: The Holy See, Wom(b)an and the Cairo Conference*, 24 *REV. INT'L STUD.* 101 (1998).

and autonomous individuals, acting separately and collectively, to make for themselves a world worthy of truly human beings.”¹⁶ Ideal-type human rights are rights by virtue of being human: they are natural rights (not created), the same for everyone (equal), and applicable everywhere (universal).¹⁷ Human rights, in this sense, are proclaimed and recognized, not created such as the rights in a domestic juristic system.¹⁸ This article, then, does not follow the concepts of human rights as “examples of social constructions: invented social categories that derive their influence from the extent of a shared understanding within and across communities.”¹⁹ Such a conceptualization confuses human rights’ essence with their function.

A burgeoning branch of literature argues that a principally Western conception of human rights, which puts forward their equal and universal notion, is unresponsive and ill-adapted to global challenges; that there is no basic agreement on “well-being” as the aim of human rights; or that policy interest in and the practice of human rights is a novel phenomenon.²⁰ Put more bluntly, “human rights pessimists”²¹ argue that human rights run out of steam.²² Consequently, they downgrade the political impact of the international human rights discourse. Stephen Hopgood goes even further and argues that, by embedding human rights in global institutions, they turned into “Human Rights.” This embedding, Hopgood argues, led human rights to assume power in their own right, while absorbing some of the institutional power, eventually becoming “Human Rights”²³ that are less concerned with individuals.

What is more, human rights pessimists argue that the institutionalization of human rights as Human Rights, prominently displayed in the establishment

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16. Jack Donnelly, *Human Rights*, in *THE OXFORD HANDBOOKS OF POLITICAL THEORY* 618 (John S. Dryzek et al. eds., 2006).
 17. LYNN HUNT, *INVENTING HUMAN RIGHTS: A HISTORY* (2007).
 18. The Universal Declaration of Human Rights is clear about this point. CHRIS BROWN, INTERNATIONAL SOCIETY, *GLOBAL POLITY: AN INTRODUCTION TO INTERNATIONAL POLITICAL THEORY* 59–60 (2015). Understood this way, universal human rights are not absolute or unchangeable. JACK DONNELLY, *UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE* (3d ed. 2013).
 19. HANS PETER SCHMITZ & KATHRYN SIKKINK, *INTERNATIONAL HUMAN RIGHTS* 827 (Walter Carlsnaes et al. eds., 2d ed. 2012).
 20. HOPGOOD, *THE ENDTIMES OF HUMAN RIGHTS*, *supra* note 14; ERIC A. POSNER, *THE TWILIGHT OF HUMAN RIGHTS LAW* (2014); SAMUEL MOYN, *THE LAST UTOPIA: HUMAN RIGHTS IN HISTORY* (2010).
 21. Geoff Dancy, *Human Rights Pragmatism: Belief, Inquiry, and Action*, 22 *EUR. J. INT’L RELATIONS*, 512 (2015).
 22. David Kennedy even asks if the international human rights regime is itself part of the problem. David Kennedy, *The International Human Rights Movement: Part of the Problem?*, 15 *HARV. HUM. RTS J.* 101 (2002).
 23. HOPGOOD, *THE ENDTIMES OF HUMAN RIGHTS*, *supra* 14, at 172. Nicolas Guilhot portrays this development as an evolution from an emancipatory movement to an industry of experts. NICOLAS GUILHOT, *THE DEMOCRACY MAKERS: HUMAN RIGHTS AND THE POLITICS OF GLOBAL ORDER* (2005). See critically Pamela Beth Harris, *The Humanitarian God in the Political Marketplace*, 7 *HUMANITY: AN INT’L J. HUM. RTS., HUMANITARIANISM, & DEV.* 325 (2016).

of the International Criminal Court, is more about the politics of the law than the law itself.²⁴ This branch of literature echoes the Realist warning, that by technocratic dreams of establishing world peace, law is in danger of becoming detached from politics.²⁵ More broadly conceived, mainstream human rights research faces criticism not only from “human rights pessimists,” but also from historical accounts. Historical accounts, for instance, point out that the decolonization movement in the 1960s set the foundation for the breakthrough of human rights in mainstream international political conduct. Moreover, those accounts suggest that human rights only gained traction and political relevance since that time, or perhaps even later.²⁶

An intersecting branch of literature focuses on religion and issues of language and the practice of human rights and freedom. Large portions of this literature focus on a Christian setting and perspective and emphasize religious freedom as a human right.²⁷ Critics, however, argue that the prevailing policy trend of promoting religious freedom “operationalizes” religion, although religion, as such, is too unstable a category to be pressed into formal classifications or measurable variables. The desire to quantify and measure religion, the argument goes, reflects a narrow and Western-based understanding of “religion.” The problems that come with the desire to quantify and measure religious “outputs,” are reflected in various “expert” arguments that claim to capture the “true” nature of religion.²⁸ The result is a constant conflict between human rights principles and religious principles, which seems unbridgeable.²⁹

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24. HOPGOOD, THE ENDTIMES OF HUMAN RIGHTS, *supra* 14, at 136; Kirsten Ainley, *The Responsibility to Protect and the International Criminal Court: Counteracting the Crisis*, 91 INT’L AFFAIRS 37 (2015).
 25. HANS J. MORGENTHAU, SCIENTIFIC MAN VS. POWER POLITICS (1946).
 26. STEVEN L.B. JENSEN, THE MAKING OF INTERNATIONAL HUMAN RIGHTS: THE 1960s, DECOLONIZATION, AND THE RECONSTRUCTION OF GLOBAL VALUES (2016); MARK MAZOWER, GOVERNING THE WORLD: THE HISTORY OF AN IDEA, 379 (2012). This is, of course, a simplified review of the human rights literature. A consecutive and unified history of human rights is arguably only theoretically achievable. Dan Edelstein, *Is There a “Modern” Natural Law Theory?: Notes on the History of Human Rights*, 7 HUMAN.: INT’L J. HUM. RTS., HUMANITARIANISM, & DEV. 345, 345–46 (2016).
 27. RELIGION AND THE GLOBAL POLITICS OF HUMAN RIGHTS (Thomas Banchoff & Robert Wuthnow eds., 2011); CHRISTIANITY AND FREEDOM: VOLUME I: HISTORICAL PERSPECTIVES (Timothy Samuel Shah & Allen D. Hertzke eds., 2016); POLITICS OF RELIGIOUS FREEDOM (Winnifred Fallers Sullivan et al. eds., 2015); ELIZABETH SHAKMAN HURD, BEYOND RELIGIOUS FREEDOM: THE NEW GLOBAL POLITICS OF RELIGION (2015); BRIAN J. GRIM & ROGER FINKE, THE PRICE OF FREEDOM DENIED: RELIGIOUS PERSECUTION AND CONFLICT IN THE 21ST CENTURY (2011).
 28. See HURD, *supra* note 27; TIMOTHY FITZGERALD, RELIGION AND POLITICS IN INTERNATIONAL RELATIONS: THE MODERN MYTH (2011); Mona Kanwal Sheikh, *How Does Religion Matter?: Pathways to Religion in International Relations*, 38 REV. INT’L STUD. 365 (2012). For a counter narrative “in defense of religious freedom” see Daniel Philpott & Timothy Samuel Shah, *In Defense of Religious Freedom: New Critics of a Beleaguered Human Right*, 31 J. L. & RELIGION 380 (2016).
 29. Freeman, *supra* note 11, at 376.

The disagreement over which principles are more important led human rights theorists to point out the necessity of a secular approach to human rights.³⁰ However, such an approach assumes “the secular” to be neutral, which is, first, too sweeping and too self-confident of a claim. Second, doing so ignores the research delineated above, which challenges this conventional view of the secular as a neutral sphere. In fact, although topically recognized, international relations, and the social sciences more broadly, often substantively misrecognize religion by ignoring “the relational dimensions of religion and international politics.”³¹ This misrecognizing of religion “encourages neglect of key moments in the production of religious and political identities and practices, as well as the implicit normative position taken by doing so.”³²

Subsequently, the article illustrates that the papal human rights discourse is better understood and contextualized through the criticisms of conventional approaches to human rights, religion, and politics. “Human rights pessimists” often build their arguments on empirical research, focusing on how human rights became Human Rights and how they consequently lack political impact and relevance other than in their own right. Nonetheless, this branch of literature also offers a normative argument that is essential to contextualizing the papal human rights discourse: Pope Francis gives human rights discourse a “spin” away from a liberal notion towards a collective and critical notion, stressing the common good. This move cannot be fully grasped without taking a closer look at the self-understanding of this pope who challenges the privileging of Western agency in papal discourse.³³

A. Popes on Human Rights

Popes have consistently argued in favor of human rights, at least since Pius XII’s Christmas message in 1942, calling for peace amidst the Second World War. Indeed, all popes since the Second World War have stressed the importance of international law and human rights as guarantors of global order and peace.³⁴ Putting human rights front and center in interna-

30. Donnelly, *Human Rights*, *supra* note 16; Paweł Łuków, *A Difficult Legacy: Human Dignity as the Founding Value of Human Rights*, 19 HUM. RTS. REV. 313 (2018).

31. Agensky, *supra* note 9, at 729.

32. *Id.* at 731–32.

33. Massimo Franco, *The First Global Pope*, 55 SURVIVAL 71 (2013); Pasquale Ferrara, *The Concept of Periphery in Pope Francis’ Discourse: A Religious Alternative to Globalization?*, 6 RELIGIONS 42 (2015); AUSTEN IVEREIGH, *THE GREAT REFORMER: FRANCIS AND THE MAKING OF A RADICAL POPE* (2014); MARCO POLITI, *POPE FRANCIS AMONG THE WOLVES: THE INSIDE STORY OF A REVOLUTION* (2015).

34. Pontifical Council for Justice and Peace, *COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH* ¶ 434 (2004). On (conservative) Catholic visions of world order see George Weigel,

tional pronouncements has been a papal priority since Pius XII. In his 1942 Christmas Message, Pius XII framed human rights as natural law, pursued for a Christian cause.³⁵ However, from the time when Francis addressed the General Assembly of the United Nations in 2015, it has been argued that he is “doing away with human rights”³⁶ as set out in the Universal Declaration of Human Rights in 1948. Indeed, the addresses to the United Nations given by Benedict XVI (2008) and Francis (2015), illustrate that Benedict focuses more on human rights.³⁷ Francis, on the other hand, emphasizes the preservation of collective goods, such as the environment.³⁸ There is a trend in the analysis of Holy See pundits, arguing in this vein as well: that when it comes to the advocacy of human rights, Francis sticks to a different view than his predecessors. His references to social justice, structural problems, the periphery, and collective solutions, which individual rights do not solve, capture this difference best.³⁹ Francis consistently emphasizes these issues rather than only referring to individual human rights.

Emphasizing human rights qua human beings has been a papal trait since Pius XI first mentioned human rights in his 1937 encyclical *Mit Brennender Sorge* and certainly since Pius XII, who expanded Catholic teaching on human rights and thus “set the stage for John XXIII.”⁴⁰ John XXIII invoked, perhaps most famously, a human rights language during the Cold War in his (1963) encyclical *Pacem in Terris*, where he described human rights as natural law. During the height of the Cold War, such as amid the Cuban Missile Crisis and its aftermath, the Catholic Church conceptualized human rights as deriving from divine and natural law, pursued for a Christian cause. Accepting a liberal, secular notion of human rights as set out in the Universal Declaration of Human Rights, the Church and chiefly the popes, were successful in adapting the religious language to the secular language of human rights, since the middle of the twentieth century and certainly since

World Order: What Catholics Forgot, FIRST THINGS 31 (2004). The general discourse of the popes on peace is cast in terms of moral categories and human rights. Janne Haaland Matlary, *The Just Peace: The Public and Classical Diplomacy of the Holy See*, 14 CAMBRIDGE REV. INT’L AFF. 80 (2001).

35. This is not to ignore the attempts of popes to separate the idea of human rights from their secular heritage (i.e. in the context of the French Revolution). MOYN, CHRISTIAN HUMAN RIGHTS, *supra* note 11, at 35–36.
36. See Moyn, *Pope Francis has Given Up on Human Rights*, *supra* note 1.
37. Mary Ann Glendon, *Justice and Human Rights: Reflections on the Address of Pope Benedict to the UN*, 19 EUR. J. INT’L L. 925 (2008).
38. See Clore & Voeten *supra* note 2.
39. Moyn, *Pope Francis has Given Up on Human Rights*, *supra* note 1; IVEREIGH, *supra* note 33; Ferrara, *supra* note 33; Roland Flamini, *Peter and Caesar: Is Pope Francis Shifting the Vatican’s Worldview?*, 177 WORLD AFF. 25 (2014); Massimo Franco, *The Possible Revolution of Pope Francis*, 55 SURVIVAL 115 (2013); Roland Flamini, *Pope Francis: Resurrecting Catholicism’s Image?*, 176 WORLD AFF. 25 (2013).
40. Hehir, *supra* note 12, at 102; Raymond F. Cour, *The Political Teaching of Pope Pius XII*, 22 REV. POL. 482 (1960).

the Second Vatican Council.⁴¹ By doing so, they followed a general trend of religious actors who sought to translate religious values into a secular language and setting. The inter-Christian engagement of later popes, such as John XXIII (1958–1963) and Paul VI (1963–1978), in the formulation of the 1948 Universal Declaration of Human Rights is an illustrative example of this trend.⁴² The 1948 declaration introduced a new credo that the Church and the popes could no longer bypass. Consequently, popes, after some reluctance, hailed the 1948 Declaration.⁴³ This is not to ignore the attempts of the Church to separate human rights from their secular heritage stemming from the French Revolution and from more broadly conceived human rights' secular origins.⁴⁴ However, the papal encyclicals that heralded the modern period, *Rerum Novarum* (1891) and *Quadragesimo Anno* (1931), foreshadowed the 1948 declaration by the United Nations.⁴⁵ After the 1948 declaration, the popes frequently referred to the declaration's prominence when talking about human rights.

Tracking the development of papal conceptions of human rights through a discourse network promises a better understanding of their interpretation and incorporation into the papal agenda. At least since the encyclical *Pacem in Terris* and John XXIII's plea to build peace based on the "recognition, respect, safeguarding and promotion"⁴⁶ of human rights, popes proposed the concept of the universal common good pursued, inter alia, by human rights.⁴⁷ In any case, the papal proposal of a common good pursued by human rights is a common perception of the papal human rights talk.⁴⁸

41. Carlo Invernizzi-Accetti, *Catholic Social Doctrine and Human Rights: From Rejection to Endorsement?*, 2 HUMAN.: INT'L J. HUM. RTS, HUMANITARIANISM, & DEV. (2018).

42. NURSER, FOR ALL PEOPLES AND ALL NATIONS, *supra* note 12, at 172–73; FN 45; MARY ANN GLENDON, A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (2001); Drew Christiansen, *Commentary on Pacem in Terris (Peace on Earth)*, in MODERN CATHOLIC SOCIAL TEACHING: COMMENTARIES AND INTERPRETATIONS 226, 236 (Kenneth R. Himes et al., eds., 2005); John Nurser, A Human Rights "Soul" for a Secular World of "Faiths": A Contradiction, or Just a Paradox?, 6 POL. THEOLOGY 51 (2005).

43. Lee, *supra* note 11. The same accounts for the advocacy for social justice and religious freedom. GLOBALIZATION AND CATHOLIC SOCIAL THOUGHT: PRESENT CRISIS, FUTURE HOPE (John A. Coleman & William F. Ryan eds., 2005); CATHOLICISM AND RELIGIOUS FREEDOM: CONTEMPORARY REFLECTIONS ON VATICAN II'S DECLARATION ON RELIGIOUS LIBERTY (Kenneth L. Grasso & Robert P. Hunt eds., 2006).

44. Féron, *supra* note 11, 192–93.

45. See Christiansen, *supra* note 42, at 235.

46. JOHN XXIII, PACEM IN TERRIS: ENCYCLICAL OF POPE JOHN XXIII ON ESTABLISHING UNIVERSAL PEACE IN TRUTH, JUSTICE, CHARITY, AND LIBERTY ¶ 139 (1963). It even has been argued that *Pacem in Terris* is doing away with just war theory. David D. Corey & Josh King, *Pacem in Terris and the Just War Tradition: A Semicentennial Reconsideration*, 12 J. MIL. ETHICS 142 (2013).

47. The encyclical *Pacem in Terris* was published in the aftermath of the Cuban Missile Crisis where the Pope helped to establish a backchannel between the two super powers. ROLAND FLAMINI, POPE, PREMIER, PRESIDENT: THE COLD WAR SUMMIT THAT NEVER WAS (1980).

48. Paolo G. Carozza & Daniel Philpott, *The Catholic Church, Human Rights, and Democracy: Convergence and Conflict with the Modern State*, 15 J. CATHOLIC THOUGHT & CULTURE 15 (2012).

"[P]rotecting fundamental rights of individuals and the rights of peoples in their quest for authentic self-determination" led popes to criticize military interventions.⁴⁹ At the same time, this led them, and in particular John Paul II, to rethink conventional Christian justifications and legitimations for war.⁵⁰ There is nothing original in the case of popes speaking out for or against military interventions. This is evident in their speeches since the end of the Second World War.⁵¹ Pius XII did not remain neutral during the Cold War, eventually invoking the need to protect human rights.⁵² Neither could his successors afford to take a neutral stance in papal diplomacy.⁵³ Eventually, the practice of "naming and shaming," aided by human rights language, became a public discourse that the popes themselves turned to after the Second World War.⁵⁴ Francis seems to change this trend.

B. The Difference Pope Francis Makes

Francis steps out of the narratives that employ naming and shaming practices. Instead, he refers to social justice, structural problems, and collective solutions that individual rights, particularly understood as Human Rights, do not solve. He seems uninterested in applying human rights language to global standoffs, no matter if it is in regards to geopolitics or in terms of faith and reason.⁵⁵ His rhetoric, acts, and his personal heritage indicate a novel understanding of a vision of peace.⁵⁶ This understanding of peace is one that "is not simply shedding light on the peripheries, it is rather to re-conceptualizing the world order *from* the vantage point of its numerous

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49. Robert John Araujo, *John Paul II - A Man of God and a Servant of Man: The Pope at the United Nations*, 5 *AVE MARIA L. REV.* 367, 368 (2007).
 50. James L. Heft, *John Paul II and the "Just War" Doctrine: "Make Peace Through Justice and Forgiveness, Not War,"* in *RELIGION, IDENTITY, AND GLOBAL GOVERNANCE: IDEAS, EVIDENCE, AND PRACTICE* 203 (Patrick James ed., 2011).
 51. Michael Walsh, *Catholicism and International Relations: Papal Interventionism*, in *RELIGION AND GLOBAL ORDER* 101 (John L. Esposito & Michael Watson eds., 2000); Matlary, *supra* note 34.
 52. PETER C. KENT, *THE LONELY COLD WAR OF POPE PIUS XII: THE ROMAN CATHOLIC CHURCH AND THE DIVISION OF EUROPE, 1943–1950*, ch. 15 (2002).
 53. *PAPAL DIPLOMACY IN THE MODERN AGE* (Peter C. Kent & John F. Pollard eds., 1994).
 54. *THE POWER OF HUMAN RIGHTS: INTERNATIONAL NORMS AND DOMESTIC CHANGE* (Thomas Risse, et al. eds., 1999); Amanda M. Murdie & David R. Davis, *Shaming and Blaming: Using Events Data to Assess the Impact of Human Rights INGOs*, 56 *INT'L STUD. Q.* 1 (2012).
 55. Gavin Jones & James Mackenzie, *Pope Francis Extends Agenda of Change to Vatican Diplomacy*, REUTERS, (17 May 2015), <https://www.reuters.com/article/us-pope-diplomacy-idUSKBN0O208A20150517>.
 56. Most broadly, the Church's vision of peace emphasises human rights, development, solidarity, and world order. Drew Christiansen, *Catholic Peacemaking, 1991–2005: The Legacy of Pope John Paul II*, 4 *REV. FAITH & INT'L AFF.* 21 (2006).

and diversified peripheries, not confined to a geographical region of the world or as a monopoly of a social category.”⁵⁷

The global trend of enforcing individual human rights protection involves the pursuit of justice partially out of societal contexts.⁵⁸ Francis peels off from the inclinations of this trend, which stresses the importance of human rights and individual accountability. Instead, he focuses on Christian teaching and social justice and addresses collective problems (e.g. the shortage of water or problems of the environment more generally) that are in need of collective solutions. Francis outlines a different approach to achieving the universal common good. So far, this approach is most visible in his encyclical *Laudato si’*. There he addresses “every person living on this planet,”⁵⁹ seeking an inclusive language that reaches out for dialogue.⁶⁰ Francis’ reference to John XXIII’s (1963) encyclical *Pacem in Terris*, which addresses “all men and woman of goodwill,” is thus no coincidence.⁶¹ That encyclical stopped short of addressing “every person” (instead, it addressed all of “good will”).

There is a pattern still to be evaluated in Francis’ words and actions that seeks to establish a paradigm beyond us versus them, East versus West, faith versus reason etc. The Pope’s and the Catholic Church’s mission is aimed at all the others, those at the periphery, at the margins of politics and society. In Francis’ conceptualization of politics, considering the global poor in theology and politics requires defying Euro-centric Western thinking. Francis presents himself as anti-consumerist and anti-materialistic, preaching a code of sacrifice rather than one of consumerism or nihilism.⁶² “If you have a problem with Francis’s message, you have a problem with Christ,” as Faared Zakaria put it.⁶³ Francis’ message of mercy is, in the words of one of his biographers

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57. Ferrara, *supra* note 33, at 54; see also Massimo Franco, *A Latin American Pope in the United States*, 57 SURVIVAL 69 (2015); Samuel Gregg, *Understanding Pope Francis: Argentina, Economic Failure, and the Teología del Pueblo*, 21 INDEP. REV. 361 (2017); Daniel H. Levine, *What Pope Francis Brings to Latin America* (CLALS Working Paper Series No. 11, 2016), <https://lsa.umich.edu/content/dam/polisci-assets/Docs/What%20Pope%20Francis%20Brings.pdf>.
 58. Kirsten Ainley, *Individual Agency and Responsibility for Atrocity, in CONFRONTING EVIL IN INTERNATIONAL RELATIONS: ETHICAL RESPONSES TO PROBLEMS OF MORAL AGENCY* 37 (Renée Jeffery ed., 2008); DAVID KENNEDY, *THE DARK SIDES OF VIRTUE: REASSESSING INTERNATIONAL HUMANITARIANISM* (2004).
 59. POPE FRANCIS, ENCYCLICAL LETTER *LAUDATO SI’* OF THE HOLY FATHER FRANCIS ON CARE FOR OUR COMMON HOME, ¶ 3 (2015).
 60. Anna Rowlands, *Laudato si’: Rethinking Politics*, 16 POL. THEOLOGY 418 (2015).
 61. JOHN XXIII, *PACEM IN TERRIS*: ENCYCLICAL OF POPE JOHN XXIII ON ESTABLISHING UNIVERSAL PEACE IN TRUTH, JUSTICE, CHARITY, AND LIBERTY (1963), http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html.
 62. E.J. Dionne, *The Pope’s Message to the President*, WASH. POST (26 Mar. 2014), https://www.washingtonpost.com/opinions/ej-dionne-the-popes-message-to-the-president/2014/03/26/8e52fd10-b50d-11e3-b899-20667de76985_story.html?noredirect=on&utm_term=.dd13b998c4b0.
 63. Faared Zakaria, *If You Have a Problem with Pope Francis’s Message, You Have a Problem with Christ*, WASH. POST, 24 Sept. 2015, https://www.washingtonpost.com/opinions/the-main-message-of-pope-francis-and-jesus/2015/09/24/997e1e54-62ea-11e5-b38e-06883aacba64_story.html?utm_term=.c0b67272a820.

"the great antidote to the Western obsession with autonomy, for it grounds its hope in God and others, rather than in our own resources."⁶⁴ To conceptualize Francis' pontificate and his approach to human rights and, indeed, global politics, the analytical focus needs to be one not only looking at the periphery but one *from* the periphery.⁶⁵ Such a focus exposes "the broader and deeper notions of exclusion, alienation, and expulsion."⁶⁶ The following section offers a first step at looking from the periphery while mapping the papal human rights discourse. In that way, it uncovers the papal human rights trajectory and the difference Francis makes within its discourse.

C. Sources and Method

The following analysis derives from the qualitative content analysis software *Discourse Network Analyzer* (D.N.A).⁶⁷ The main purpose of this software is to conduct an actor-based analysis of political discourses and extract bipartite and co-occurrence networks. As this article deals with six actors (the popes) and one organization (the papacy), the bipartite and co-occurrence network output displays the papal human rights discourses over time and eventually captures a policy picture based on this particular discourse.

Among the large body of texts produced by the popes, the following analysis of the papal human rights discourse was derived from two main sources and one additional document: (1) the popes' addresses to the General Assembly of the United Nations; (2) the popes' Encyclicals; and (3) Pope Pius XII's (1942) prominent Christmas message.⁶⁸ The latter document is included because it is the first text that brings up "human" (aka "personal") rights, putting their political value front and center. The United Nations General Assembly addresses are included, since the UN is the most obvious forum that an actor can use to promote a message in the global political arena.⁶⁹ What is more, the General Assembly is the stage where Francis first

64. IVEREIGH, *supra* note 33, at 379.

65. R. Tina Catania, *Making Immigrants Visible in Lampedusa: Pope Francis, Migration, and the State*, 70 *ITALIAN STUD.* 465 (2016).

66. Ferrara, *supra* note 33, at 42–43.

67. See the appendix for more details on method, sources, and a code booklet with exemplary statements. The appendix also engages with qualifications of the coded categories. See <http://goo.gl/XfsoEc>.

68. Almost all of them can be accessed online at http://www.vatican.va/holy_father/index.htm. Papal documents are only listed in the reference section if the article cites portions of them. All of the documents are from the Vatican website (www.vatican.va), except Pius XII (1952) encyclical *Orientales Ecclesias* which is accessible only in Italian on the Vatican's website (the English translation is from <https://goo.gl/3vqTv0>) and his (1942) Christmas Message which is not available in English on the Vatican website (the English translation is from <https://goo.gl/KjRh0u>).

69. Alan Chong & Jodok Troy, *A Universal Sacred Mission and the Universal Secular Organization: The Holy See and the United Nations*, 12 *POL. RELIGION, & IDEOLOGY* 335 (2011); *THE VATICAN IN THE FAMILY OF NATIONS: DIPLOMATIC ACTIONS OF THE HOLY SEE AT THE UN AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA* (Silvano M. Tomasi ed., 2017).

and most prominently shifted the papal focus away from individual human rights, unlike what his predecessors did at the same forum.⁷⁰ Four popes have addressed the General Assembly since 1965: Paul VI (1965), John Paul II (1979 and 1995), Benedict XVI (2008), and Francis (2015). Pius XII, the first pope to see the installation of the United Nations, and John XXIII did not address this forum. These two popes did not deliver such addresses, as it was not until 1964 that the Holy See became a permanent observer at the United Nations.⁷¹ The encyclicals since Pius XII are included because they are the most pragmatic documents popes produce and stand behind.⁷² Finally, the 1942 Christmas Message of Pius XII marked a crucial moment in the human rights discourse of the Church.⁷³ Given the prominence of Pope Pius XII and the introduction of human rights in the public discourse during his term, the timeframe of the analysis begins with his tenure (1939, which is also the year he published his first encyclical). The analysis leads up to 2015, the year of Francis' address to the United Nations General Assembly.

It is important to note several caveats before proceeding. John Paul II was the only pope in tenure (1978–2005) during the transition from the Cold War to the post-Cold War era. Furthermore, he was himself from the Eastern Bloc and was thus keen on pointing out the human rights abuses committed by atheist communist regimes. Not surprisingly, the analysis shows that he referenced human rights more than the rest of the popes. The sum and frequency of the references also have to do with the length of his pontificate. In terms of the quantity of encyclicals, Pius XII is over-represented. He is also the only pope whose tenure overlapped with the Second World War. Moreover, the analysis does not measure whether or not the Church's rhetorical turn to human rights and dignity is linked to the Church's conversion of "personalism" (i.e. positing ultimate reality and value in human and divine personhood).⁷⁴ That is not to say that the categories chosen for the analysis do not address this issue. The categories were chosen based on the criteria that specific terms or synonyms be included, such as "humans" and "rights" or "rights of humans" in instances where the unequivocal phrase "human

70. Clore & Voeten, *supra* note 2.

71. Moreover, Pius XII refused to contact the political regimes of the time altogether. Hehir, *supra* note 12, at 115.

72. Not included is John Paul I whose pontificate lasted barely three months in which he neither addressed the United Nations nor published an encyclical.

73. JOHN POLLARD, *THE PAPACY IN THE AGE OF TOTALITARIANISM, 1914–1958*, 334–35 (2014); Hehir, *supra* note 12, at 102–3; MOYN, *CHRISTIAN HUMAN RIGHTS*, *supra* note 11, at 52.

74. Samuel Moyn, *Personalism, Community, and the Origins of Human Rights*, in *HUMAN RIGHTS IN THE TWENTIETH CENTURY* 85 (Stefan-Ludwig Hoffmann ed., 2011); Jean Bethke Elshtain, *Persons, Politics, and a Catholic Understanding of Human Rights*, in *CHRISTIANITY AND HUMAN RIGHTS: INFLUENCES AND ISSUES* (Frances S. Adeney & Arvind Sharma eds., 2007); *Personalism*, *STANFORD ENCYCLOPEDIA PHILOSOPHY* (2018), <https://plato.stanford.edu/archives/sum2018/entries/personalism/>.

rights" was not used.⁷⁵ Finally, given the broad approach to human rights in this article, the generational notion of the development of human rights is a conceptually useful one, albeit a contested one, to illustrate how the papal human rights discourse unfolded over time.⁷⁶ The generational notion of human rights argues that the human rights discourse developed in three broad generations, first emphasising political, then socioeconomical, and then collective human rights.

III. THE HUMAN RIGHTS DISCOURSE OF THE POPES

The visualized discourse network in Graph 1 illustrates the weightings of and connections between the categories and statements on human rights by the popes. At the time of the analysis, Francis had had few opportunities to refer to human rights (Σ ten statements). Nevertheless, he is the one most distant from the categories mainly used by his predecessors. He is also the one most distant from the dominant discourse set by John Paul II. Other than his famous call for the "rights of the environment," Francis refers to the categories of "essential human needs," "human dignity," "social and international order," and "material inequality/economic opportunities." Francis' distance from the mainstream discourse buttresses the thesis of his exceptionality. Although few statements from Francis are available as yet, he stands out in the papal human rights discourse, particularly by reinforcing the category of "rights of the environment," originally introduced by Benedict XVI.⁷⁷

Benedict XVI (Σ nineteen statements) stands out in this picture as well. He is often associated with having a conservative mindset, which is supposed to result in a conservative notion of human rights. This, however, is not the case, as his statements correspond, for example, to the categories of "spiritual goods/religious freedom" and "social and international order." He also referred, before Francis, to the "rights of the environment," and also to "material inequality/economic opportunities." Those categories are usually associated with a liberal political agenda. Although preceding Francis and often framed in a conservative theological and political light, Benedict XVI stands out as corresponding to rather liberal invocations of human rights. Indicative are his statements that correspond to the "rights of the environment" and "human rights and material inequality/economic opportunities."

75. Other variations of these terms (e.g. "basic rights of man") are on equal terms with "human rights." See the appendix for more information.

76. Patrick Macklem, *Human Rights in International Law: Three Generations or One?*, 3 LONDON REV. INT'L L. 61 (2015).

77. Benedict XVI, *THE LISTENING HEART: REFLECTIONS ON THE FOUNDATIONS OF LAW: VISIT TO THE BUNDESTAG, ADDRESS OF HIS HOLINESS BENEDICT XVI* (2011). Engagement with the environment and climate change has a long tradition in statements of popes. *Die Päpste, der Umweltschutz und der Klimawandel*, KATHPRESS (15 June 2015), http://www.iupax.at/fileadmin/documents/presse/die_ppste_der_umweltschutz_und_der_klimawandel.pdf.

As Graph 1 illustrates, John Paul II dominates the papal human rights discourse, not least because he is overrepresented in the sum of his statements (Σ ninety-eight statements, referring to all categories). Most obviously he stresses the categories of “social and international order;” “human dignity;” “freedom/peace;” and “spiritual goods/religious freedom.” His statements also reflect a medium scaled emphasis on the “UDHR” and “material inequality/economic opportunities.” Followed by the Second

Graph 1. “The Human Rights Discourse of the Popes”

Vatican Council (1962–1965) and being installed as the first pope from the Eastern Bloc, John Paul II set out to dominate the human rights discourse, overshadowing the popes before and after him. This certainly was not least due to his personal political agenda to oppose the human rights violations of the atheist Eastern Bloc.

John XXIII (Σ ten statements) is often portrayed as the first pope to systematically address human rights in papal documents. His statements frequently correspond to the category of “social and international order” but rarely to others. This comes as a small surprise. After all, it was John XXIII who explicitly turned to the human rights language in the context of the Cuban Missile Crisis and its aftermath. The statements of his predecessor, Paul VI (Σ twelve statements), correspond more with various categories of the human rights discourse as set out by Pius XII, although focusing mainly on the issue of “human dignity.”

The statements of Pius XII, the first pope examined here, mainly correspond to the categories associated with a traditional framing and view of human rights: “freedom/peace;” “spiritual goods/religious freedom;” “social and international order;” and, above all else, “human dignity.” This last category, “human dignity,” is, after all, assumed to be the most important for a pope, justifying the very existence of human rights in a political discourse.

Graph 2 provides an additional visualization of the papal human rights discourse. It offers more room for interpretation, and opens up projections for the future papal human rights discourse. A coordinate system placed over Graph 1, displaying four Quadrants (clockwise, starting from top left), illustrates a two-fold view. First, it systematizes the popes’ notions of human rights from conservative (e.g. human rights as notions of order and the rights of nations rather than individuals) to progressive (e.g. rights of the environment) and from particular (e.g. human rights qua human dignity) to universal (e.g. spiritual goods; economic opportunities; appreciation of the UDHR). Second, in combination with Graph 1, Graph 2 illustrates a broad and significant timeframe in the development of the human rights discourse and the various papal notions of human rights. In sum, this illustration indicates a development of a universal notion of human rights stressed by the popes, which comes close to what the “third generation” of human rights emphasizes.⁷⁸

When first referring to human rights, Pius XII (Quadrant II) took a traditional attitude in the context of a world of nation states. He placed equal emphasis on the various notions of human rights at that time. Likewise, in Quadrant I, Paul VI displays a traditional understanding of human rights. This is obviously seen in his references to the “rights of nations” as well as in

78. As indicated in the introduction, this is without a notable change in the discourse about gender rights.

Graph 2. Cartography of pope's human rights notions

his references to the traditional religious notion of human rights as deriving from human dignity. His successor, John XXIII, who initiated the Second Vatican Council, took a vocal stand on human rights. This is most visible in his emphasis on the right of religious freedom as a programmatic and basic Catholic mission.⁷⁹ As the only one decidedly remaining in Quadrant IV, John XXIII illustrates the continuation of the movement from a conservative notion of human rights towards a progressive one. Although he emphasizes the importance of human rights for social and international order, he refers to them in a context of essential human needs. This indicates the beginning of the trend of framing human rights as universal, existing in a diverse world, as outlined in the Universal Declaration of Human Rights.⁸⁰

John XXIII's successor, John Paul II, is not clearly assigned to one of the Quadrants. He dominates the overall human rights discourse and distributes equal emphasis to almost all categories. This is largely due to his background and the time of his tenure: he engaged in policy seeking to challenge communism, eventually even helping to bring it down.⁸¹ John Paul II, as expected,

79. Second Vatican Council, PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD: GAUDIUM ET SPES ¶ 26 (1965).

80. Nurser, *A Human Rights "Soul" for a Secular World of "Faiths,"* *supra* note 42.

81. GEORGE WEIGEL, *THE FINAL REVOLUTION: THE RESISTANCE CHURCH AND THE COLLAPSE OF COMMUNISM* (1992); Derek S. Jeffreys, *John Paul II and Participation in International Politics*, in *THE POLITICAL PAPACY: JOHN PAUL II, BENEDICT XVI, AND THEIR INFLUENCE* 69 (Chester Gillis ed., 2006).

frequently refers to human rights as guarantees for freedom and peace. He also points out the origins of human rights as advancing from the concept of human dignity.⁸² This is most obvious in his engagement with the United Nations. He refers to the UN as an organization that guarantees international peace and security “by protecting fundamental rights of individuals and the rights of peoples in their quest for authentic self-determination.”⁸³ In doing so, John Paul II did seek a superior political role, departing from a formal impartiality with regard to politics.⁸⁴ John Paul II’s notion of human rights sets a subsequent trend, emphasizing their relevance for material well-being and economic prosperity. After all, he set out to promulgate an integrated notion of civil-political and economic-social rights.⁸⁵

Although John Paul II’s *Centesimus Annus*’ emphasis is slightly similar to the “right of environment,” it still remains within the context of the “common good,” which is attributed to the responsibility of the state.⁸⁶ Benedict XVI continued this path, but also addressed different issues such as the rights of the environment, pointing out that human rights cannot be separated from environmental issues. As pope and professor of theology, Benedict stands as the pope most intensively trying to unite faith and reason.⁸⁷ It is thus obvious that, from his secluded position in Quadrant III, he viewed the notion of human rights as based on spiritual goods and consequently campaigned for the importance of religious freedom. Based on such a notion of human rights, Benedict not least sought to distinguish his community of faith from others.

Francis, although often said to be more radical than his predecessors, continues to follow the trends in the human rights discourse that his predecessors set. Although it is not possible to assign him to a specific quadrant, he is best placed in the progressive camp where he occupies a middle ground in the discourse. Imagining the development in the time period and the scale of the notion of human rights in political terms, it thus comes as no surprise that Francis joins a notion of human rights that emphasizes context and essential human needs (i.e. also material needs). This conceptualization, then, reinforces the argument presented in the introduction that Francis underpins the traditional Catholic emphasis on the “common good.” Thomas Aquinas prominently invoked this Catholic emphasis and popes and Catholic social

82. HERMÍNIO RICO, JOHN PAUL II AND THE LEGACY OF DIGNITATIS HUMANAE (2002).

83. Araujo, *supra* note 49, at 368; Robert John Araujo & John A. Lucal, *A Forerunner for International Organizations: The Holy See and the Community of Christendom—With Special Emphasis on the Medieval Papacy*, 20 J. L. & RELIGION 305, 319 (2004).

84. FRANK J. COPPA, THE PAPACY IN THE MODERN WORLD: A POLITICAL HISTORY 243–4 (2014).

85. Meghan J. Clark, *Integrating Human Rights: Participation in John Paul II, Catholic Social Thought and Amartya Sen*, 8 POL. THEOLOGY 299 (2007).

86. JOHN PAUL II, ENCYCLICAL LETTER OF JOHN PAUL II ON THE HUNDREDTH ANNIVERSARY OF RERUM NOVARUM ¶ 40 (1991).

87. GEORGE WEIGEL, GOD’S CHOICE: POPE BENEDICT XVI AND THE FUTURE OF THE CATHOLIC CHURCH (2005); JAMES V. SCHALL, THE REGENSBURG LECTURE (2007).

teaching (since Pope Leo XXIII's encyclical *Rerum Novarum*) have ever since turned to this view. Francis' notion of the common good and human rights indicate what political theology and political philosophy only reluctantly accept that "both individual and collective rights" are "components of the common good," hence "concern for individual benefit cannot be separated from consideration of the common good."⁸⁸

Francis' orthodox theological stand has led him to reach back to the dignity of the human person as the source of human rights. This view makes him not much different from his predecessors who sought to frame human rights as deriving from human dignity grounded in natural law.⁸⁹ Francis' political agenda, on the other hand, has eventually led him to explicitly stress the rights of the environment, which is detached from any particular and explicit notion of human rights. In other words, there exists an emerging tradition of popes referring to the environment and nature, however, this was often not previously addressed as an explicit right of nature or of the environment, which can and should be invoked. Finally, Francis emphasizes the slight differences between his community of faith and others without resorting to a tapering of the differences.

IV. CONCLUSION

The various nuances of the papacy are representative of their time and varying political contexts, as individual popes adjusted the human rights discourse to global developments. Popes have done so during the Second World War and a world of nation states; during the great power rivalry of the Cold War; during major changes in the international political system such as the end of the Cold War; and during new global challenges such as international terrorism and changes in the environment. Facing the horrors of two World Wars, Pius XII set out with a judicial notion of human rights, stressing individual human rights, and his successors followed him in this emphasis. However, it was over two decades later, spurred on by several critical moments in the Cold War, when human rights again became a prominent discursive feature of the papal public engagement. During the time of the Cold War, the leader of the Church began to seek a wider audience than his own institution and constituency, particularly in times when secular institutions lacked moral authority.⁹⁰ Seen from a critical perspective, the development of the papal human rights discourse, like the mere secular human rights discourse, is also a consequence of other utopias failing (such

88. Reed, *supra* note 12, at 20.

89. HOPGOOD, *THE ENDTIMES OF HUMAN RIGHTS*, *supra* note 14, at 158.

90. Genovese, *supra* note 5.

as those of socialism and anti-colonialism)⁹¹ and a “human rights discourse [that] has become the moral language of cultural modernity.”⁹²

The research presented in this article bolsters the theses of John Paul II dominating the human rights discourse; the relative outsider role taken by Francis; and the general trend in the human rights discourse that emphasizes a move toward progressive and universal notions of human rights. We will likely experience a continuing rhetorical emphasis on progressive and universal human rights by Francis. This emphasis is one of validating human rights, not as Human Rights implanted in Western institutions and agency, but as human rights embedded in issues of social justice. The caveats still existing are the lack of gender rights empowerment; the question of how the discourse affects theological doctrine; and the question of how institutionally controversial Francis’ course will remain. Looking at the development of the papal human rights discourse, however, anticipates that the next popes will likely continue the path established thus far.

Even if Pope Francis incarnates the broad trend of the papacy of turning to a human rights language, Francis’ more collective approach, including “common” arguments regarding the environment, for example, places him as a friendly critic of more individualistic conceptions of human rights. Despite Francis’ widespread and persistent popularity within the Church and outside of the Church, his take on human rights also harbors potential political trenches between this papacy and its constituency and admirers. In particular, the latter are increasingly modern and post-secular and potentially more drawn towards an individualist conception of (human rights).⁹³

No matter if the next pope continues to follow this path or sets new trends, the papacy will remain a vast and wide reaching network for communication and representation, used for transferring human, material, and ideological resources and disseminating ideas. The pope does not only represent theological ideas. Francis certainly is an unusual pope and his theological, social, and political emphasis on the peripheries of society has become a widely recognized and permeating element of his papacy. However, he is also the leader of the Church and represents a political force, embedded in international society and diplomacy.⁹⁴ While calling out for human rights and human dignity, he remained, for example, while visiting Myanmar, much of a traditional diplomat, and avoided using the word “Rohingya.” There are thus practical consequences yet to come from

91. See MOYN, *supra* note 20.

92. R. Scott Appleby, *Serving Two Masters? Affirming Religious Belief and Human Rights in a Pluralistic World*, in *THE SACRED AND THE SOVEREIGN: RELIGION AND INTERNATIONAL POLITICS* 170, 189 (John D. Carlson & Erik C. Owens eds., 2003).

93. JAMES CHAPPEL, *CATHOLIC MODERN: THE CHALLENGE OF TOTALITARIANISM AND THE REMAKING OF THE CHURCH* (2018); MICHELE DILLON, *POSTSECULAR CATHOLICISM: RELEVANCE AND RENEWAL* (2018).

94. Jodok Troy, “*The Pope’s Own Hand Outstretched*”: *Holy See Diplomacy as a Hybrid Mode of Diplomatic Agency*, 20 *BRIT. J. POL. & INT’L REL.* (2018).

global interactions and the human rights discourse. The Church remains important and powerful, not only because of its moral authority, which has been its traditional power source, but also because the Church has access to a vast network in civil society around the globe and today's challenges inevitably involve the Church.⁹⁵

As the article illustrates, there is a vast trajectory of human rights discourse that pre-dates Francis, and which might gain even more traction because of the current pope. Understanding the popes' views on human rights then, can bring added insight to the rationale driving particular popes and the Catholic Church at large. This insight can be helpful when working with the Church in humanitarianism and development, or when conducting negotiations over international declarations. Future research thus should look closely at the Holy See's micro practices and investigate how they are influenced by their principals' discourse.

95. CHAPPEL, *supra* note 93.

APPENDIX. THE PAPAL HUMAN RIGHTS DISCOURSE: THE DIFFERENCE POPE FRANCIS MAKES

Categories and Code Book

The analysis is based on the discourse of particular categories (referring to *human rights*) of different actors (the six *popes*) of one organization (the *papacy*). Overall, the data set compiles 81 texts. The statements in the data set are coded (as a "statement") attributed to use of the following:

- (1) a person (i.e. the name of the pope who made the statement in the respective text);
- (2) an organization (i.e. the papacy);
- (3) a category (see below);
- (4) an agreement ("yes" or "no") with the above provided statement.

All statements are coded with "yes" since there is no obvious instance where a pope explicitly disagrees with one of his predecessors.

The D.N.A. illustrates the development of a policy picture of the papal human rights discourse rather than illustrating a partite or bipartite coalition between different actors. The categories are chosen inductively on the basis of the five addresses to the United Nations General Assembly. This is a prominent forum for the popes' messages and where popes put forward key statements relating to political issues important in the context of human rights. The encyclicals do so as well, but, among political issues, they are also meant to transport intra-Church issues on matters of faith.

Code book

No.	Category	Example statement	Σ statements (156)
1	Human dignity	Basic rights and duties of man, his dignity, his liberty	24
2	Universal Declaration of Human Rights	This document is a milestone	14
3	Social and international order	Injustice first attacks human rights and thereby destroys the organic unity of the social order and it then affects ... international relations	36
4	Universal human rights	There are indeed universal human rights	7
5	Essential human needs	These rights concern the satisfaction of man's essential needs	7
6	Spiritual goods and religious freedom	Spiritual values are pre-eminent	22
7	Freedom and peace	Freedom is the measure of man's dignity and greatness	21

8	Material inequality and economic opportunities	This distribution is frequently unjust both within individual societies and on the planet	16
9	Rights of nations	Are nothing but human rights fostered at the specific level of community life.	6
10	Rights of the environment	A true "right of the environment" does exist.	3

Human dignity statements are coded where "human dignity" is the basis for an obvious right (not necessarily explicitly labeled as "right").⁹⁶ Although various encyclicals speak of "sacredness" as another term for the dignity of human life, they rarely jump from this assumption to a human "right." This category is also coded with statements referring to human dignity, where it is pointed out as the source of human rights. *Universal Declaration of Human Rights* (UDHR) statements are coded where popes explicitly refer to the UDHR. Statements on *social and international order* are coded with this category where popes refer to human rights as important for social domestic order or the stabilization of international order. It is in the context of "order" that I include any notion of human rights referring to a notion not only as rights but also as duties. *Universal human rights* statements are coded where there is an explicit naming of or referring to human rights as universal in application. *Essential human needs* statements are coded where this term corresponds to the usage of the term "common good." This is not to be understood as opposed to individual human rights and freedom, but rather as principal to them. *Spiritual goods/religious freedom* statements are coded where referring to the importance of spiritual goods (e.g. praying) for the sustainability of human rights, referring to spiritual goods as a human right, or referring to religious freedom as a human right. Contrary to the mainstream advocacy literature on pursuing religious freedom, I argue for a traditional and conservative notion of this category. This is chiefly because where it is used, the notion of religious freedom is one of pursuing religious freedom for Christians. It is thus not a typical liberal category which would likely be characterized by a more plural and expansionist conceptualization of the right of religious freedom. *Freedom/peace* statements are coded where they refer either to the importance of human rights for achieving and sustaining freedom or referring to the importance of human rights for conditions of peace. *Material inequality/economic opportunities* statements are coded where material and/or economic equality is explicitly named as a human right, where inequality also means administrative (e.g. bureaucratic challenges) inequality, and where it refers to human rights as opposed to the

96. It can perhaps best be understood by turning to the analogy of the first article in the constitution of the Federal Republic of Germany: "Human dignity shall be inviolable."

unequal distribution of capital. *Rights of nations* statements are coded where there is an explicit mentioning of the rights of nations and/or sovereignties. This category is introduced given the assumption that the support of the Holy See to the United Nations was always accompanied by a conservative understanding of international order that attributes rights primarily to nations and states rather than to individuals. Finally, *Rights of the environment* statements are coded where a right of nature is explicitly named.

Some documents out of a total of eighty-one are not coded since no appropriate statement in congruence with one of the categories could be identified. Pius XII only mentions human (or personal) rights in three of his forty-one encyclicals: (1945) *Communium Interpretes Dolorum*; (1950) *Summi Maeroris*; (1954) *Ad Caeli Reginam*. John XXIII only addresses human rights issues in (1961) *Mater et Magistra*; and in (1963) *Pacem in Terris*. Pope Paul VI's (1965) *Mysterium Fidei* (1967) *Sacerdotalis Caelibatus*; (1968) *Humanae Vitae*; John Paul II's (1998) *Fides et Ratio*; (2003) *Ecclesia de Eucharistia*; Benedict XVI's (2005) *Deus Caritas Est*; (2007) *Spe Salvi*; and Francis' first encyclical (2013) *Lumen Fidei* do not address the issue of human rights.

Graph 1 was created using the software program *Gephi*.