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Ethical foundations of Jacques Maritain's and Michael Novak's conception of human rights

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Abstract
The aim of the contribution is to outline the ethical foundations in Maritain's and Novak's interpretation of human rights in a wider historical context and to assess its meaning for the present, with special regard to our Central European area. The issue of human rights has, in addition to its political aspect, an inherent ethical one. Fundamental human rights relate to the possibility of autonomy of a person as a moral being endowed with reason and striving for a meaningful life. Therefore, these rights have a fundamental role in practical life; however, they have also become an issue of speculative philosophy and theology, where the focus is upon concepts of freedom and reason. Jacques Maritain and Michael Novak were important figures in the advancement of human rights at the international level, with exceptional impacts especially in Central Europe. Both have their roots in Christian humanism, and for both their concept of human relations is derived from Biblical religion and love for one's neighbour. Novak accepts Maritain's concepts of a person and human dignity, and he tries to explain his own concept of democratic capitalism in accordance with it.

Keywords Michael Novak, Jacques Maritain, human rights, Declaration on Religious Freedom *Dignitatis humanae*, natural law, democratic capitalism

The aim of the contribution is to outline the ethical foundations in Maritain's and Novak's interpretation of human rights in a wider historical context and to assess its meaning for the present, with special regard to our Central European area. The issue of human rights has, in addition to its political aspect, an inherently ethical one. Fundamental human rights relate to the possibility of autonomy of a person as a moral being endowed with reason and striving for a meaningful life. Therefore, these rights have a fundamental role in practical life, and they also become questions of speculative areas of philosophy and theology.

Jacques Maritain and Michael Novak were important figures in the advancement of human rights at the international level, with exceptional impacts especially in Central Europe. Experience with the environment of American democracy, however, had a great influence on their understanding of society and human rights. A certain – although not unconditional – alignment with the American environment allowed for a specific synthesis of the Anglo-Saxon model of democracy with the tradition of Catholic thought, bringing into the American environment the European tradition of deep and consistent philosophical reflection.

The significant role played by certain impulses on the part of the Slavic peoples of Central Europe in the second half of the twentieth century in the promotion of freedom and human rights also deserves our attention. Novak, later in his autobiography *Writing from left to right: My journey from liberal to conservative*, remembering the confrontation in negotiations on human rights within the framework of the Helsinki process, attributed great importance precisely to his Slovak (and therefore Slavic) origin (all his four grandparents they came from Slovakia) (Novak, 2013a) in shaping his radical attitude towards the observance of basic human rights in Soviet-occupied Central and Eastern Europe. By family origin, he also felt close to Pope John Paul II, with whom he even had a relationship of personal friendship. (The place of origin of Novak's ancestors in northern Slovakia is in the vicinity of southern Poland, where Karol Wojtyla came from (Novak, 2013a). Novak even expressed his belief that the Polish pope's influence participated in the fall of the totalitarian system (Novak, 2013a, pp. 299–304).

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Historical context of the struggle for human rights in Central Europe and Novak's role in it

Both Maritain and Novak, thanks to their grounding in the Catholic tradition, understand human rights in their moral dimension, not only as a matter of political negotiation. Nevertheless, due to historical circumstances, it was their lot to deal with the side of political negotiations and the search for consensus in a situation of plurality. To understand the context, it should be remembered that the Catholic Church itself only took a clear position in favour of freedom of conscience and respect for plurality during the Second Vatican Council, in the groundbreaking document *Declaration on religious freedom Dignitatis humanae,* 1965. *"Dignitatis humanae"* meant the recognition of the dignity of man and his basic rights, by recognizing the right to freedom of conscience combined with respect for contemporary worldview pluralism. Right from the start, it says that people want to enjoy responsible freedoms out of awareness of their own responsibility, not out of coercion, and they also ask for recognition of the limits of state power (*Dignitatis humanae,* 1983). All people, because they are persons, are endowed with reason and free will and therefore have a responsibility to seek the truth. Nations should regard the right to religious freedom as a civil right. The document points out that in some countries, governmental regimes try to turn citizens away from religion, and, even if the constitution formally recognizes freedom of religion, the government makes it difficult for the citizens to practice religious life (*Dignitatis humanae,* 1983).

Although the demand for freedom of conscience results from the Christian concept of man (as Novak was also convinced), the issue of freedom of conscience became one of the topics discussed at the Council. An important speech on freedom of conscience was delivered at the Council by the Czech bishop Josef Beran, who himself went through severe persecution from the two totalitarian powers that successively dominated Central Europe in the twentieth century.[2] In his speech, he requested a clear and unreserved declaration of the principle of religious freedom, referring not to personal experience, but to the tragic consequences of the suppression of freedom in the history of the Czech nation (Beran, 1965). He delivered a religious-moral appeal to the honest quest for the truth, and he described the hypocrisy and moral decay that oppression causes if a person is forced to act against his or her conscience. Beran condemned religious oppression in countries controlled by the communist regime, where clergy and many religious laymen were imprisoned. However, he also explicitly condemned the church's suppression of freedom of conscience throughout history, namely the burning of Master John Huss, and also the principle "Cuius region – eius religio", according to which part of the Czech nation was forced to re-Catholicize in the 17th century. At the same time, he wanted the Council to express a demand for the release of priests and laymen sentenced to many years in contemporary Czechoslovakia for reasons of religion (Beran, 1965).

Even though the persecution of Christians behind the Iron Curtain had an obvious influence on the adoption of the Declaration on Religious Freedom, the Second Vatican Council did not explicitly demand that it be stopped and the prisoners released, which was disappointing to many (Preisner, 1993). *Dignitatis humanae* nevertheless marked a turning point. A substantial influence on its adoption is attributed to the American Jesuit John C. Murray, who was an adviser to the Council (Míčka, 2009, p. 211; Preisner, 1993). He derives the right to freedom of thought and freedom of conscience from the dignity of the human person (Preisner, 1993, p.

[2] Bishop Josef Beran (1888–1969) was a Prague archbishop and cardinal who experienced Nazi prison and concentration camps. After the communist coup he was interned in various places in the Czechoslovak Republic (between 1949–1963), and in 1965 he was allowed to go to Rome, but not to return home (Luňáčková, 1970). Thanks to this, he was still able to participate in the Second Vatican Council, while most other Czech bishops were prevented from participating by the state authorities. He delivered his speech on freedom of conscience at the Council on September 20, 1965 (Beran, 1965, p. 207).

902). The assertion of the *Declaration on religious freedom* by the Council is understood by some authors as the beginning of a process that led to democratization in several countries during the following decades. George Weigel called the process a "Catholic human rights revolution" (Weigel, 1996),[3] while Samuel P. Huntington referred to it as "the third wave of democratization", acknowledging the Catholic character of this wave (Huntington, 1991).[4] A significant role is ascribed to the pope John Paul II in this process, especially concerning the disintegration of socialism in the Eastern Central Europe (Weigel, 1991; Míčka, 2009).

Michael Novak was appointed ambassador to the *United Nations Commission on Human Rights* in Geneva[5] in 1981, right after Ronald Reagan became president (Kohutiar, 2010). At that time, the "*Helsinki process*", started in 1972, had already been completed with the signing of the *Final act of the Conference on security and cooperation in Europe* (1975), in which the European socialist states also participated. In the following years, a number of international negotiations followed, the subject of which was, among other things, the control of compliance with human rights, which the Final Act defined, i.e. respect for human rights and freedoms, including freedom of thought, conscience, religion, and belief, etc., but also obligations which "encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development" (Helsinki Final Act, 1975).[6] President Ronald Reagan asked Michael Novak to be his representative again at the Bern meeting in 1986. The topic was "to monitor respect for the rights of free contact between people, which included family reunification, permission to emigrate, return home, cultural, religious and professional contacts and the like" (Kohutiar, 2010). As Novak's family never ceased to be in contact with their relatives in Slovakia, the topic was, for him, a family affair, not simply a matter of foreign policy. Novak opposed disregarding human rights violations anywhere in the world, nevertheless he was the first in the Committee to consistently confront violations of human rights behind the Iron Curtain (Kohutiar, 2010). Novak writes about his dramatic experiences in his autobiography, about an awkward situation when he was the only delegate who refused to compromise and sign an agreement enforced by the Soviets (Novak, 2013a). After non-compliance of the Helsinki Final Act in socialist states was made clear, human rights activists in those countries protested against it. In the chapter *1989: A year that will live in history*, Novak describes the demonstrations that led to the collapse of the totalitarian regime (Novak, 2013a).

[3] "Thus the Council's definition of the right of religious freedom gave birth to a Catholic human rights revolution, which in turn was the principal dynamic driving the Church´s support for what Samuel Huntington has called the "third wave" of democratization. And the results are on display in the recent history of East Asia, Latin America, and East Central Europe" (Weigel, 1996).

[4] Historically, there has been a strong correlation between Western Christianity and democracy. While the Protestant countries had already become mostly democratic, "the third wave of the 1970s and 1980s was overwhelmingly a Catholic wave" (Huntington 1991, p. 76)

[5] In 1955, Geneva hosted the first major international meeting of top statesmen since the outbreak of the Cold War to strengthen security in Europe; after relations between the powers cooled again, negotiations continued through the so-called Helsinki process in the 1970s. Novak participated in the negotiations in Geneva in 1981 and in Bern in 1986 (Novak, 2013a).

[6] *Final Act of the Conference on Security and Cooperation in Europe* (1975), part 7, states as follows: "The participating States will respect human rights and fundamentals freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion. – They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development"

Maritain's concept of human rights and its meaning

Michael Novak made no secret of the fact that he owes his conception of human rights to the foundations provided by the philosophy of Jacques Maritain.[7] Maritain's conception was based on the view of man and society, which he already outlined in the 1930s in the work *Integral humanism* (Maritain, 1967). By "integral humanism" he means a new governance of civilization, which would mean the practical realization of Christianity in the life of man and society. Here, Maritain speaks out against the communist system in the USSR and against Marxist atheism, but also against "bourgeois humanism" or "liberal humanist" ideas, which he considers to be outdated, and he seeks the possibility of realizing a society corresponding to the spirit of Christianity, so that it succeeds in integrating political and economic issues into a social order that would have a more moral character. At the same time, he also criticizes fascism. His "Thomistic attempt to develop a reliable modern philosophy of a healthy political order and his concept of historical cultural development" were criticized from various sides (Želivan, 1967, p. 293),[8] yet he had a great and long-lasting influence. In the 1940s, during his time in the United States,[9] he was more concerned with political philosophy and formulated a number of reflections on the issue of the relationship between man and the state, Christian democracy, etc. In the fifties he formulated his considerations based on the experiences in the USA in his work *Reflections on America* (Maritain, 1958), in which he provided his views of various features of the society, its culture and structure. He admitted a kind of congeniality between some of these features and his views in *Integral humanism* (Maritain, 1967), appreciating especially pluralism, and experience of concrete, existential democracy, as perpetually readjusted way of life.[10] Maritain was not uncritical (e.g. concerning racial problem), but noticed positive trends and was optimistic about functioning of the institutions (Maritain, 1958). Maritain´s reflections of the American system inspired later Novak to articulate the ideal of democratic capitalism (Novak, 1991).

Maritain's influence in the issue of human rights was substantial. In 1947, he delivered a speech to the UNESCO General Assembly in which he presented his project of cooperation between nations that, despite their various ideological disagreements, could come to agreement on a practical level, i.e., accept human rights as practical principles of action, even though their rationale may be based on completely different assumptions (Šprunk, 2007, p. 209). This practical level was then elaborated into concrete rules and prohibitions on which it was possible to agree, even if agreement on theoretical issues that relate to philosophical and religious beliefs about human nature and destiny is not possible. Maritain proposed a key to resolving the dispute between the Anglo-American approach, which is based on the rights of the individual, and the Soviet one, for which the very term individual was unacceptable and did not even allow the question of the relationship between the individual and the state (Novak, 1999). Instead of the concept of the individual, Maritain introduced the concept of a person, who is assumed to already belong to communities of various types, the closest (family) and wider communities, and only within them does he also find his full realization and dignity. The foundations laid by Maritain were subsequently used in the formulation of the *Universal declaration of human*

[7] An apt assessment of Maritain's work and influence is given by William Sweet: "Maritain's most enduring legacy is undoubtedly his moral and political philosophy, and the influence of his work on human rights can be seen, not only in the United Nations Declaration of 1948... Maritain's Christian humanism and personalism have also had a significant influence in the social encyclicals of Pope Paul VI and in the thought of Pope John Paul II. Interestingly, since the end of the Cold War, there has been a revival of Maritain's political ideas in Central and Eastern Europe" (Sweet, 2022).

[8] In the Afterword to the Czech edition in Rome (1967), Karel Vrána writes under the pseudonym Pavel Želivan.

[9] Maritain went to America (Canada and the USA) during the WWII with his wife Raissa, who was Jewish, and he lectured in the USA for many years after the war (Šprunk, 2007).

[10] Rio Preisner was surprised by the predominantly positive appraisal of America given by Maritain in this book, in contrast to Maritain's critical view of Western Europe (Preisner, 1992).

rights (1948), because his concept of person is necessary for inferring the four main principles on which all thirty principles of the Declaration stand: human dignity, freedom, equality, and fraternity. The concept of a person thus contains a vision of a universal society, which, however, is realized in different cultures and places in a different way, including the form of the state (Novak, 1999). Nowadays, however, it is no longer enough to reach consensus on a global level (Šprunk, 2007, p. 209).[11] Even Maritain himself was aware that any declaration of human rights cannot be given once and for all, because any such statement goes hand in hand with moral consciousness in history (Maritain, 2023).

Although Maritain acknowledges the need to accommodate pluralism in any justification of human rights, this certainly does not mean a resignation of one's convictions. As his philosophical starting point, Maritain relies on the idea of natural law, which he took from Thomas Aquinas, and develops it in accordance with the needs of the present. The idea of natural law is a legacy of Greek and Christian thought. One would not only have to go back to its beginnings as far as St. Augustine, the church fathers and St. Paul, but even further to Cicero, the Stoics and the great moralists and poets of antiquity, especially Sophocles: "Antigone is the heroine of the natural law… she was obeying a higher commandment…laws that were unwritten, and that had their origin neither today or yesterday, but which live always and forever, and no one knows where they have come from" (Maritain, 2001, p. 26).

I consider the reference to ancient pre-Christian sources (such as the allusion to Sophocles) to be important, because it points out that the idea of natural law did not enter European thought only with the biblical tradition. At the same time, the reference to Antigone points out the problematic relationship between natural law and positive law, which can come into conflict with it (see example in note 13). The idea of natural law is the basis for rights of nations, too (Szaniszló, 2022; Šolcová, 2022).[12]

In *Man and the state* Maritain also formulates a number of ideas about natural law and our knowledge of it (Maritain, 1954). On the one hand, he points out that natural law is not something that can be arrived at by reason alone. It is not possible to formulate it in definitive principles; it is not a summary of rules. Natural law must also be distinguished from its interpretations, which have often been wrong. To Maritain, the moral development of humanity appears as an experiential awareness that proceeds on a different logical basis than theoretical systems. However, philosophy can help or obscure the development of moral consciousness, and therefore he considers the true justification of moral values and norms to be very important (Maritain, 1954, p. 73). Maritain explains the existing agreement in the practical conclusions of morality – even if it happens that we disagree about their ultimate justification – by saying that the systems of moral philosophy are the fruit of rational reflection on ethical givens, which themselves precede rational considerations and represent a "very complicated type of geology of the conscience" (Maritain, 1954, p. 72).

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[11] "In those years, there were not quite sixty countries in the United Nations, compared to today's 185. They still had radically opposed moral visions, though, and these quickly became apparent to the committee in charge of drafting the charter of UNESCO. On this commission the philosopher Jacques Maritain did especially useful work on the particular problem of pluralism. That work was in turn appropriated by those working on the Universal Declaration" (Novak, 1999).

[12] Szaniszló speaks of the vital importance of acceptance of the rights of nations for the good relations in the community of nations. "In this ethical way, the reflection concludes: the rights of the nation are nothing but the human rights cultivated at this particular level of community life" (Szaniszló, 2022, p. 197). As Šolcová explains: "In the post-White Mountain period, it was the natural law doctrine that, from ancient times, primarily defined moral and legal relations between individuals. At the beginning of the modern age, thinkers such as Hugo Grotius (1583–1645), hold the belief that the bearer of natural rights are not only individuals, but also collective subjects. Even later, at the end of the 18th and into the 19th century, mainly due to the influence of Herder, the opinion prevailed that nations (ethnicities) are also some kind of moral individuals too and, as such, holders of natural rights, the thesis of which became the main argument for the national demands at the beginning of the national revival" (Šolcová, 2022, p. 188).

Human rights are also related to natural law: Maritain justifies them with the metaphysical idea of an essence, a substance that is inherent to every human being as a person – a being endowed with a soul and free will. Natural law also applies to things in nature: the specific structure and goal – the way to reach the fullness of one's being – differs among different beings, and those who, unlike humans, do not have free will are not evaluated in the moral dimension. The inner value and dignity of a person is given in the very way of being. Without this assumption, it is difficult to find a theoretical justification for human rights, since these rights cannot be presented as a positivistic fact. "The same natural law which defines our most fundamental duties, and by virtue of which every law is binding, is the law which assigns to us also our fundamental rights" (Maritain, 1954, p. 86).

Insofar as human rights are based on human nature, they are inalienable, admitting no limitations. Such rights include the right to exist, to personal freedom, and the right to strive for the perfection of moral life. The right to property also follows from natural law, but this is no longer valid without limitations, but is valid only in accordance with the conditions for achieving the common good; special forms of the right to private appropriation are determined by positive law and vary according to the type of society and the state of development of the economy. While restricting the right to life or the pursuit of happiness would be harmful in any society, some other rights, such as the right to assembly or free expression, may be restricted to some extent in exceptional circumstances where the common good could be threatened (Maritain, 1954, p. 92).[13] In addition to the categories of natural and positive law, Maritain posits the law of nations, *ius gentium,* which is a kind of common law of a given civilization (also with this idea, Maritain follows Thomas Aquinas, 1954, pp. 89–90).

Although the natural order remains unchanged, not only its knowledge but also the possibilities of its fulfilment change. In the Declaration from 1948, not only the "old" but also "new" human rights, which apply to economic and social issues, found their expression (*Universal declaration of human rights*, 1948). The way to build these secondary or "new" rights into society, which relate to ensuring the living conditions of man in his social, economic, and cultural functions, is necessarily problematic: when trying to apply them, various factors collide, e.g., solidarity requires the limitation of private ownership, while justice is understood in diverse ways, etc. Therefore, even in the fulfilment of the same right, followers of different perspectives will approach the matter differently—he considers liberal individualism, communist and personalism. Maritain naturally subscribes to personalism, according to which human dignity requires putting natural goods to such service as to enable the development primarily of specifically human goods, i.e. moral and spiritual goods, human freedom and autonomy. Maritain criticizes the other two perspectives, and he describes the supporters of the liberal-individualist solution as those who "see the mark of human dignity first and foremost in the power of each person to appropriate individually the goods of nature in order to do freely whatever he wants" (Maritain, 1954, p. 97).

Novak's concept of democratic capitalism and its relation to freedom and solidarity

In Maritain's formulation of three perspectives mentioned above, we must classify Michael Novak too as a follower of personalism, despite his consistent leaning towards the market economy model, as formulated especially in the book *The spirit of democratic capitalism*

[13] Maritain admits that under certain circumstances even "unalienable rights" can be limited, if it is necessary from the point of view of the common good – for example, in the case of criminals, so that they do not threaten other people, etc. In this sense, Maritain distinguishes possession right, *which* is *unconditional,* from its *use* (*exercise*)*,* which, to a certain extent, depends on the circumstances according to which it is necessary to evaluate the good in a specific situation. However, these are not defined by natural law, nor can positive law be relied upon, because it can also establish immoral principles, e.g. suppression of minority rights. Maritain cites as an example the fugitive slave law issued in the USA in 1850, according to which helping a fugitive slave is an offense against private property, i.e. here the positive law is opposed to the natural law (Maritain, 1954, pp. 93–94).

(Novak, 1991). This is evidenced by Novak's ethical foundations in philosophy and theology. Novak does not subscribe to capitalism in the sense that the starting point of freedom and activity is an individual separated from the community and focused only on satisfying his own needs and whims. The freedom that Novak proclaims is freedom in the order that Maritain also spoke of.

Novak himself came from a socialist-oriented Catholic environment and was at first a member of the Democratic Party. Only after years of experience in politics did he come closer to the positions of the right. He worked with some figures from the Republican Party, and it was the Republicans who fostered a more radical stance on the issue of promoting human rights at the global level, including the countries of the Eastern Bloc. Over the years, Novak also observed that conservative governments which support free enterprise bring more prosperity to society than those that proclaim social solidarity through government control. Hence, the Republican policy in practice led to a greater economic benefit in the end even for the poorer classes. In contrast, the Democratic policy resulted in the wasting of enormous state costs on various programs, which economically burdened the entire society, when their practical results were minimal: the state is a bad manager. In his biography, Novak mostly clarifies his positions and convincingly explains the changes he underwent. However, from a human rights point of view, his approval of the war in Iraq remains incomprehensible (Novak, 2013a).

His study of the American system inspired Novak to articulate the ideal of democratic capitalism. In the quest for a social-economic system congenial with Christian ethical traditions he refers to Maritain's *Integral humanism* (Maritain, 1967) and especially *Reflections on America* (Maritain, 1958; Novak, 1991). The call for a positive consideration of the American experience in Catholic social thinking permeates all of Novak's work. The American experience should consist in the harmony between the spirit of Christianity and the spirit of freedom, democracy, and human rights. Functioning religious freedom, pluralism, capitalist society, and other American institutions led American Catholics to accept Enlightenment ideas on a different experiential basis from that of Europeans. The American appropriation of the Enlightenment tradition was not hostile to religion. Therefore, throughout its existence, the American Catholic Church has faced with modest success the challenges of theological reflection on the relationship between Catholic and American experience (Míčka, 2009, chapter v).

Novak highly appreciates the contribution of Thomas Aquinas in bringing into the Christian environment Aristotle's doctrine of human nature as being fundamentally good: Thomas does not deny evil and human sinfulness, but nevertheless there is a fundamental confidence in him that what is natural is in accordance with the order given by the Creator – this also includes the human ability to recognize good and act in accordance with it. Novak refers to this positive acceptance of the human as "humanism," to which Maritain also subscribed in his work, *Integral humanism* (Novak, 1998). This trust in human nature opens up the field for understanding human freedom, inseparable from the ability to think and choose. In this context, Novak declares Thomas Aquinas "the first Whig", referring to Friedrich von Hayek's definition of a Whig, according to which a "Whig" is characterized by three traits that unite: devotion to liberty, love of tradition, and a realistic hope for moderate progress (Novak, 1998, p. 179). Friedrich von Hayek also helped Novak arrive at the idea of spontaneous order, on which the idea of democratic capitalism rests (Novak, 2013a, p. 153). Novak developed several fundamental theses, which he connects with the political-ethical direction of thinking or the beliefs of the "Whigs": he places particular emphasis on the fact that true freedom is freedom in order, and that civilized political institutions respect the freedom of a person to think and choose (Novak, 1998). Only in this light can one understand his idea of democratic capitalism, which must maintain strict rules of balance and is based not only on a spontaneous economic

order, but also on a necessary moral order, especially on a recognized connection between freedom and justice.

Novak considers democracy and respect for natural human rights to be an intrinsic part of authentic Catholic tradition (Novak, 1991, p. 23). However, neither the ancient nor the medieval tradition knew capitalism, which is why capitalism seems hard to understand for Catholic thought. Moreover, capitalism has been associated with Protestantism, with its individualism and utilitarianism, while Catholicism is characterized by personalism, communal feeling, and "solidarism", leading to the search for a third way between capitalism and socialism with its egalitarian demagoguery.

A certain misunderstanding is caused by the very term "capitalism", under which many readers imagine the system of the 19th century, or in general a system in which no safeguards are in place against the exploitation of wage labour. Leo XIII already stood against such a system, and its abuse in fomenting class hatred, in his encyclical *Rerum novarum* from 1891 (Leo XIII, 1891). Subsequent encyclicals followed it – 40 years later the encyclical of Pope Pius XI *Quadragesimo anno* (Pius XI, 1931) and later *Laborem exercens* of John Paul II (John Paul II, 1981), which Novak invokes in his criticism of socialism (Novak, 1991, chapter xiv, 2 – The Bias Against Democratic Capitalism). In connection with encyclical *Centesimus annus* (John Paul II, 1991), Novak became embroiled in a controversy regarding the alleged discrepancy between it and his own position on capitalism (Whitemore, 2001, p. 221). However, John Paul II interprets in it the previous encyclicals as well as his own teaching from a moral point of view, pointing out only certain general aspects, not giving any precise implementation instructions. The term "capitalism" is in it interpreted explicitly in the sense that it admits of being interpreted according to Novak's meaning: That is, "capitalism" can also be understood as a designation for a system of a free or market economy, an "entrepreneurial economy", although these latter terms are considered more appropriate for the system with "strong juridical framework which places it at the service of human freedom in its totality, and which sees it as a particular aspect of that freedom" (John Paul II, 1991, iv, 42). At the root of the problem is probably the traditional idea that "capitalism" is necessarily associated with an individualistic, selfish, even greedy attitude towards the world, which suppresses solidarity.

While the tradition of social teachings by the Popes John Paul II and Benedict XVI highly appreciates economic freedom, creativity and international business exchange, Novak has to cope with the critique of "capitalism" in the exhortation *Evangelii Gaudium* by Pope Francis (Francis, 2013). Novak indicates that this critique is partly exaggerated by the leftist mass media and also marked by the Argentinian experience of the Pope (Míčka, 2014). Novak's article titled *Agreeing with Pope Francis* demonstrates some differences between the original Spanish sentences and the English translation, and on the other hand the different meaning of the term "capitalism" used by the Pope under the influence of his Argentinian background[14] (Novak, 2013b). After the visit of Pope Francis to the U.S. Novak appreciates his kindness and tender care for the poor, and he also notices his continuity with the teaching of John Paul II[15] (Novak & Adams, 2015).

[14] Novak explains: "The single word 'capitalism' has a number of very different meanings, based on very different experiences…" (Novak, 2013b, ¶ 19). The Argentinian situation had been specific: "As the 20th century began, Argentina was ranked among the top 15 industrial nations, and more and more of its wealth was springing from modern inventions rather than farmland. Then a destructive form of political economy, just then spreading like a disease from Europe — a populist fascism with tight government control over the economy — dramatically slowed Argentina's economic and political progress. Instability in the rule of law undermined economic creativity..." (Novak, 2013b, ¶ 17).

[15] "In another strain of continuity with John Paul II, Francis, in his address to the U.S. Congress, repeated his high praise for business as a noble enterprise, wealth creation as a necessary step to the distribution of wealth, and the

When it comes to the theoretical foundations of human rights, Novak remains faithful to Maritain's legacy, only placing more emphasis on the economic side of human activity, which, although not the ultimate meaning of life, nevertheless has great moral significance. Maritain was also aware that there is a difference between natural law, such as private property and the possibility of economic activity and, at the same time, developing human abilities, and secondary rights (so-called "welfare rights"), which assume assistance from society and depend not only on the degree of its solidarity, but also on its economic prosperity—and therefore it necessarily corresponds to local conditions. Novak does not diminish the importance of solidarity or the effort to eliminate poverty. But he opposes those prejudices against capitalism which prevent economic development and thus keep people in poverty and oppression. He points out that when the poor are supported by a system in such a way that it is difficult for them to gain access to work, the system deprives them of motivation (Novak 1991). One might advert to this point even today, in relation to the question of unconditional income. A regular supply of money in itself does not give the impetus to create a meaningful life project. On the other hand, any meaningful work, not only in science or art, but in any field that preserves human dignity (which excludes slave labour), gives persons a sense of their own usefulness and importance. An adequate reward for it includes also a form of recognition and social confirmation that one's abilities were well used.

Conclusion

The ethical foundations of the concept of human rights in Maritain and Novak are based on the philosophy and theology of Thomas Aquinas (and to a certain extent also Aristotle), from which they draw the idea of natural law and human nature in general. Human rights and obligations flow from natural law, and human nature itself is the basis for the recognition of a person's inalienable rights. A common feature of Maritain's and Novak's ethical starting point is the connection of the European Catholic tradition with the experience of American political and economic life and its democratic order, on which Novak also built his vision of democratic capitalism. Maritain tried to outline the ideal of the practical realization of Christianity in the life of man and society much earlier in his work on *Integral humanism*. Thanks to a thorough study of economic processes and the functioning of American society, Novak arrives at an ideal that is more in line with the development of society in the last decades of the 20th century. Novak was already aware when formulating the ideal of democratic capitalism that its achievement was a difficult goal to meet. In contrast, socialism cannot be democratic in principle, due to the central planning of the economy, which gives too much power to the state. Novak does not deny the necessity of a certain degree of planning; however, he insists that ownership is a human right and also a necessary condition for initiative, creativity, diligence, and responsibility for property (Novak, 1991).

Especially from the point of view of Central Europe, we have to remember Novak's involvement in the Helsinki process as a member of the United States delegation in monitoring compliance with human rights, defined in the *Final act of the Conference on security and cooperation in Europe.* His uncompromising stance made it possible to create a movement for respecting human rights and freedoms in a number of countries ruled by a totalitarian system, which eventually led to the disintegration of this system. Novak thus contributed to the establishment of a more dynamic society in our area, which is based on human rights and also allows freedom in the sphere of economic activity. However, as Novak predicted, such a society will face problems for a long time, because establishing a functional spontaneous order cannot

importance of learning of the habits and virtues required for the moral and financial independence of mature, healthy human citizens" (Novak & Adams, 2015, ¶ 5).

be created with the stroke of a pen: its creation requires a longer development in which not only political and economic, but also moral prerequisites are met (Novak, 2013a).

References

BERAN, J. (1965): Kardinál Beran mluví na koncilu [Cardinal Beran speaks at the Council]. In: *Nový život* [*New life*], 17(11), pp. 207–208.

DIGNITATIS HUMANAE (1983): Prohlášení „Dignitatis humanae" o náboženské svobodě [Declaration on religious freedom Dignitas humanae]. In: *Druhý vatikánský sněm: Dokumenty* [*Documents of the second Vatican council*]. Rome: Křesťanská akademie, pp. 407–425.

FRANCIS, Pope (2013): *Evangelii Gaudium: Apostolic Exhortation.* [online] [Retrieved October 12, 2023]. Available at: https://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html

HELSINKI FINAL ACT (1975): *Final Act of the Conference on Security and Cooperation in Europe*. [online] [Retrieved May 22, 2023] Available at: https://www.refworld.org/docid/3dde4f9b4.html

HUNTINGTON, S. P. (1991): *The third wave: Democratization in the late twentieth century*. Oklahoma: University Press.

JOHN PAUL II (1981): *Laborem exercens: encyclical letter*. [online] [Retrieved October 6, 2023] Available at: https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens.html

JOHN PAUL II (1991): *Centesimus annus: encyclical letter.* [online] [Retrieved April 29**,** 2023] Available at: https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html

KOHUTIAR, J. (2010): *Michael Novak and the struggle for human rights*. [online] [Retrieved April 28**,** 2023] Available at: https://www.michaelnovak.net/news/2020/3/1/michael-novak-and-the-struggle-for-human-rights

LEO XIII (1891): *Rerum novarum: Encyclical of Pope Leo XIII. on Capital and Labor.* [online] [Retrieved July 23**,** 2023] Available at: https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html

LUŇÁČKOVÁ, M. (1970): *Velká mše* [*The high mass*]. Rome: Křesťanská akademie.

MARITAIN, J. (1954): *Man and the state.* London: Hollis & Carter.

MARITAIN, J. (1958): *Reflections on America*. New York: Charles Scribner's & Sons.

MARITAIN, J. (1967): *Integrální humanismus* [*Integral humanism*]. Rome: Křesťanská akademie.

MARITAIN, J. (2001): *Natural Law: Reflections on theory and practice*, edited and introduced by W. Sweet. South Bend, IN: St. Augustine's Press.

MARITAIN, J. (2023): Human rights and natural law. In: *The UNESCO Courier*. [online] [Retrieved April 20**,** 2023] Available at: https://courier.unesco.org/en/articles/human-rights-and-natural-law

MÍČKA, R. (2009): *Michael Novak a jeho projekt teologie demokratického kapitalismu* [*Michael Novak and his project of theology of democratic capitalism*.]. Brno: L. Marek.

MÍČKA, R. (2014): *Znovu jsme se ujali dědictví otců… Konzervativní politický katolicismus v USA na pozadí komparace Michaela Novaka a Patricka Buchanana* [*We are firmly holding the inheritance of our fathers… Michael Novak and Patrick Buchanan as major representatives of contemporary American political Catholicism*]. Brno: CDK.

NOVAK, M. (1991): *The spirit of democratic capitalism.* London: The IEA Health and Welfare Unit.

NOVAK, M. (1998): *Filosofie svobody* [*Hemisphere of Liberty*] Prague: Vyšehrad.

NOVAK, M. (1999): Human dignity, human rights. In: *First Things*. 97 (November 1999), pp. 39–42. [online] [Retrieved April 20, 2023] Available at: https://www.firstthings.com/article/1999/11/human-dignity-human-rights
NOVAK, M. (2013a): *Writing from left to right: My journey from liberal to conservative*. New York: Image.
NOVAK, M. (2013b): Agreeing with Pope Francis: The exhortation looks very different read through the lens of Argentine experience. In: *National Review*, December 7, 2013. [online] [Retrieved September 17, 2023] Available at: https://www.nationalreview.com/2013/12/agreeing-pope-francis-michael-novak/
NOVAK, M. & ADAMS, P. (2015): Saint Francis in America. In: *National Review*, October 2. [online] [Retrieved September 17, 2023] Available at: https://www.nationalreview.com/2015/10/pope-francis-america-assessment-michael-novak/
PIUS XI (1931): *Quadragesimo anno: encyclical letter*. [online] [Retrieved October 6, 2023]. Available at: https://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html
PREISNER, R. (1992): *Americana: Zpráva o velmoci* (*I)* [*Americana: Report on Superpower (I.)*]. Brno: Atlantis.
PREISNER, R. (1993): *Americana: Zpráva o velmoci* (*II)* [*Americana: Report on Superpower (II)*]. Brno: Atlantis.
SWEET, W. (2022): Jacques Maritain. In: *The Stanford Encyclopedia of Philosophy* (Summer 2022 Edition), Edward N. Zalta (ed.), [online] [Retrieved July 28, 2023] Available at: https://plato.stanford.edu/archives/sum2022/entries/maritain/
SZANISZLÓ, I.-M. V. (2022): The question of the ethical issues of the nation in the community of nations: Inspiration of the Polish Pope John Paul II. In: *Ethics & Bioethics (in Central Europe)*, 12(3–4), pp. 190–198.
ŠOLCOVÁ. K. (2022): The vice of nationality and virtue of patriotism in 17th century Czech Lands. In: *Ethics & Bioethics (in Central Europe),* 12(3–4), pp. 183–189.
ŠPRUNK, K. (2007): Doslov [Afterword]. In: J. Maritain: *Člověk a stát* [*Man and the state*]. Prague: Triáda, pp. 195–201.
United Nations (1948): *Universal Declaration of Human Rights*. [online] [Retrieved October 5, 2023]. Available at: https://www.un.org/en/about-us/universal-declaration-of-human-rights
WEIGEL, G. (1991): *Freedom and its discontents: Catholicism confronts modernity.* Washington: Ethics and Public Policy Center.
WEIGEL, G. (1996): The Catholic human rights revolution. In: *"Crisis"* magazine (July/August issue). Notre Dame: Washington D.C [online] [Retrieved July 28, 2023] Available at: https://www.ewtn.com/catholicism/library/catholic-human-rights-revolution-10324
WHITEMORE, T. D. (2001): John Paul II, Michael Novak, and the differences between them. In: *Annual of the Society of Christian Ethics*, 21, pp. 215–232.
ŽELIVAN, P. (1967): Doslov [Afterword]. In: J. Maritain: *Integrální humanismus* [*Integral Humanism*]. Rome: Křesťanská akademie, pp. 289–296.