

Human Rights as Means for Peace : the Catholic Understanding of Human Rights and the Catholic Church in Burundi

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BOSTON COLLEGE-SCHOOL OF THEOLOGY AND MINISTRY

S.T.L THESIS

Human Rights as Means for Peace

The Catholic Understanding of Human Rights and the Catholic Church in Burundi

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General Introduction

The modern political history of Burundi is marked by instability and grave violations of human rights. Burundi attained independence on July 1, 1962, inaugurating a political history that would be marked by bloodshed and death. The nationalist leader and independence hero, Prince Louis Rwagasore, was assassinated months before independence (October 13, 1961). Although his party (UPRONA)¹ won the elections leading to national independence, this death left a hole in the political arena, giving way to a political rivalry between those for and against independence, which became later an ethnic conflict between the “Hutu” and “Tutsi.”² In 1965, the first minister, a “Hutu,” was also murdered and the King dissolved the elected government and appointed his son-in-law. His ousting of the government ushered in political turmoil, leading to an attempted coup in 1965, followed by the execution of the suspects without a fair trial. In November 1966, a military coup headed by Chief Army Cap. Michel Micombero abolished the monarchy, initiating the first Republic of Burundi.

Respect for human rights and human dignity did not improve during the next thirty years of military governance. Three time spans are especially pivotal during this political history: 1972, 1983-1987, and 1993-2005. In between, there were some skirmishes as in 1969 and 1988, but these three periods are the most noteworthy in terms of abuse and violations of human rights and dignity.

¹ *Union pour le Progrès National* (Union for National Progress).

² I use these two terms in quotes because they are so abused that it is not easy to circumscribe their meaning in the Burundian context. Generally, they are taken for ethnic identity, but I object to such claims. See Fidèle Ingiyimbere, “Une église par temps de crise: Que peut être le rôle de l’Eglise Catholique aujourd’hui au Burundi?” in *Hekima Review*, 2009, no. 41, pp.68-9.

Although disputed in the past, today observers recognize that there was a “selective genocide” against the Hutu élite in 1972.³ The “*Ikiza*” –as it is called— drew thousands of people away from home into neighboring countries, especially Tanzania, where the last refugees from Burundi only recently became naturalized Tanzanian citizens.⁴ The four years between 1983 and 1987 witnessed the conflict between the Catholic Church in Burundi and the state, which occasioned the expulsion of all missionaries, the imprisonment of some priests and closure of churches and chapels. Masses were banned during weekdays and all religious symbols (like the cross) were uprooted. A period of civil war followed between 1993 and 2005, starting with the assassination of the democratically elected president Melichior Ndadaye, a “Hutu.” With the election in 2005 of the main rebel group CNDD-FDD, there has been a visible improvement in security and respect for human rights. This period of war officially ended with the signing of a peace agreement between the government and the last rebel movement, Palpehutu FNL in 2009.⁵ That it is the reason why I limit this period to 2005.

The media have often repeated the fact that more than 300,000 persons were killed during the thirteen years of civil war and that thousands of others fled in neighboring countries, while others were internally displaced. That is the least one can say. Beyond this, it is evident that the situation was more dramatic, characterized by huge waves of death, crimes and violations of human rights.

³ See René Lemarchand, *Burundi: Ethnocide as Discourse and Practice*. (Cambridge: Woodrow Wilson Center Press and Cambridge University Press, 1994) and Jean-Pierre Chrétien & Jean-François Dupaquier, *Au bord des génocides* (Paris: Karthala, 2007).

⁴ As many of Burundian refugees of 1972 in Tanzania were reluctant to go back in Burundi because of many years spent out of the country and the questions of land for the returnees, Tanzania has naturalized 162.000 of them.

⁵ A refugee named Rémy Gahutu started this movement in the 1980s.

Now, what was the attitude of the Catholic Church in Burundi during these three periods? How did she use human rights discourse to denounce these violations and abuses, and advocate for peace?

The Catholic Church's understanding of human rights can be an inestimable treasure in the Church's advocacy for peace in Burundi. It is true that, as an idea that developed from the European Enlightenment, the Catholic Church did not initially receive human rights with open arms. This period produced what is called today the first generation of human rights, i.e., civil-political rights, which are freedom-oriented, and the Catholic reaction against the human rights movement of that time staked out a position against basic rights based on freedom, especially freedom of conscience, expression and consequently of religion. One of the clearest examples of the Church's attitude comes from Pope Gregory XVI with his encyclical *Mirari Vos* on liberalism and religious indifferentism.⁶

However, as time passed, the Catholic Church came to recognize the importance of human rights and endorsed them fully and even promoted them as instruments for peace. Leo XIII opened a new era regarding the official position of the Church towards human rights in his renowned encyclical letter on capital and labor, *Rerum Novarum*.⁷ Although his immediate successors, Pius X and Benedict XV, by and large opposed Catholic political involvement, Pius XI's *Quadragesimo Anno* on the reconstruction of the social order confirmed Leo XIII's breakthrough.⁸ The document insists on social justice and on human dignity.⁹ Pius XII, for his

⁶ Gregory XVI, *Mirari Vos*, 1832. On <http://www.papalencyclicals.net/Greg16/g16mirar.htm> (Accessed, November 13, 2009).

⁷ Leo XIII, *Rerum Novarum*, 1891. On http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_1-xiii_enc_15051891_rerum-novarum_en.html (accessed November 13, 2009).

⁸ Pius XI, *Quadragesimo Anno*, 1931. On http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html (Accessed November 13, 2009).

⁹ For example, see respectively no. 57, 58, 71, 74 and no. 83, 101, 136.

part, he engaged the Church on the path of recognizing both civic-political and social-economic rights, based on the notion of “human person,” through his *Christmas messages*.¹⁰ Drew Christiansen, S.J., however, notes that “after the completion of the Universal Declaration [of human rights], Pius failed to offer his encouragement, apparently, because of the lack of firm foundational underpinnings for the asserted rights.”¹¹

With John XXIII’s encyclical *Pacem in Terris*,¹² not only did the Catholic Church fully endorse all generations of human rights, but also human rights were conceived as a means for peace. As the Pope noted, “Peace on Earth...can never be established, never guaranteed, except by the diligent observance of the divinely established order,”¹³ which order includes the “order between men” based on respect of human rights. And at the end of the encyclical-treatise, often called the Catholic Magna Carta of human rights, Pope John XXIII mentions that “unquestionably, the teaching We have given has been inspired by a longing which We feel most keenly, and which We know is shared by all men of good will: that peace may be assured on earth.”¹⁴ In other words, peace on earth is based on respect for human rights, and this would become the motto of his successors. Paul VI states that “Peace is today intrinsically linked with the ideal recognition and effective realization of the Rights of Man. To these fundamental rights there corresponds a fundamental duty, which is Peace,”¹⁵ while for John Paul II, “respect for

¹⁰ Carol J. Vanderburg, *The Christmas Messages: The Contribution of Pius XII to the Catholic Church’s Endorsement of Human Rights and Democracy*. A Dissertation presented to the Faculty of Theology of the Graduate School of Liberal Arts of Duquesne University, April, 2002, p. 196.

¹¹ Drew Christiansen, SJ, “Commentary on *Pacem in Terris*” in Kenneth R. Himes, O.F.M. (ed.), *Modern Catholic Social Teaching: Commentaries and Interpretations* (Washington D.C.: Georgetown University Press, 2005), p. 236.

¹² John XXIII, *Pacem in Terris*, 1963. On http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html (Accessed November 13, 2009).

¹³ *Ibid*, no. 1.

¹⁴ *Ibid*, no. 166.

¹⁵ Paul VI, *The Promotion of Human Rights, the Way to Peace: Message of His Holiness Pope Paul VI for the Celebration of the Day of Peace: 1 January 1969*, §1. On

human right [is] the secret of true peace.”¹⁶ Benedict XVI echoes the same sentiment: “peace is based on respect for the rights of all.”¹⁷

By reading recent papal teachings on human rights and some statements of the Episcopal Conference of Catholic Bishops (CECAB) in Burundi during these three periods, this STL thesis analyzes how the Catholic Church in Burundi used and can still use this Catholic understanding of human rights to advocate for peace. Human rights discourse can be a way of translating the Catholic values of human dignity and human sacredness into secular language. Moreover, as Burundi is a signatory to most of the international instruments on human rights, this discourse becomes as a tool for the Catholic Church in Burundi to denounce the violation and abuse of human rights and to advocate for peace. Hence, the full acknowledgement of human rights by the Universal Church as an instrument for peace should empower the local church –i.e. the Catholic Church in Burundi—to appropriate this language of human rights in order to contribute to public debates, and to voice its concern for peace and human dignity in times of war and civil conflicts. Thus the theoretical and historical inquiry into the Catholic teaching on human rights can help assess the practice of human rights in the local church in places like Burundi. This thesis is an exploration of how the Catholic Church in Burundi used human rights language during these moments of trial –1972, 1983-1987, 1993-2005—and calls on her to continue to use human rights discourse for the sake of human dignity and peace.

http://www.vatican.va/holy_father/paul_vi/messages/peace/documents/hf_p-vi_mes_19681208_ii-world-day-for-peace_en.html (accessed June 15, 2010).

¹⁶ John Paul II, *Respect for Human Rights: The Secret of True Peace: Message of His Holiness Pope John Paul II for the Celebration of the World Day of Peace, 1 January 1999*, no. 1. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_14121998_xxxii-world-day-for-peace_en.html (accessed June 15, 2010).

¹⁷ Benedict XVI, *The Human Family, a Community of Peace: Message for the Celebration of the World Day of Peace, 1 January 2008*, no. 4. On http://www.vatican.va/holy_father/benedict_xvi/messages/peace/documents/hf_ben-xvi_mes_20071208_xli-world-day-peace_en.html (accessed July 13, 2010).

This work will be articulated in three chapters. The first will sketch some of the pivotal historical context, from a socio-political and ecclesial point of view, focusing on the period since the nation's independence. After sketching a brief political history in which the Catholic Church in Burundi evolved, this chapter will pay close attention to the three symbolic dates during which human dignity was violated and peace was disturbed. The second chapter will focus on the current Catholic understanding of human rights as means for peace, looking at the foundation of human rights, the interconnectedness of various rights and their relationship with the common good. The third and final chapter will assess the use of this understanding of rights on the part of the Catholic Church in Burundi to denounce human rights abuses and to advocate for peace during the three crises that shook the country. Through the reading of official declarations by the *Conférence des Evêques Catholiques du Burundi* (CECAB) during these three periods, this chapter will analyze the official position of the Church vis-à-vis the violation of human rights and how it used human rights discourse to advance the cause of peace. The thesis will conclude with some suggestions for the way the Catholic Church in Burundi should appeal to human rights as a basis for peace in the future.

CHAP. I. SETTING THE SCENE IN BURUNDI

Although unknown to the West until the colonization era, the history of Burundi began at the end of the first millennium, between 800-1000, when the first migrants reached the lands that would become Burundi.¹⁸ This was the beginning of a rich political history against which background the presence of the Catholic Church in Burundi unfolds. This chapter sketches a broad picture of the political and ecclesial context of the 1972 “selective genocide,” the church-state conflict under the second republic and the long civil war caused by the assassination of President Melchior Ndadaye.

I.1. Historical and Ecclesial Context

By the time the Berlin Conference (1884-1885) sanctioned African colonization, the kingdom of Burundi had already been in existence for two centuries. Indeed, “sometime towards the end of the 1600s or the start of the 1700s, Ntare created a kingdom which covered most of what is now the Republic of Burundi.”¹⁹ Burundi had established a monarchical regime of four dynastic names (*Ntare, Mwezi, Mutaga, Mwambutasa*), which succeeded each other on a cyclical basis.²⁰ Some historians agree that there was a relative social cohesion, since “the legitimacy of the kingship was never seriously questioned.”²¹ Socially speaking, it was constituted by four categories of people: Ganwa,²² Twa, Tutsi and Hutu.

¹⁸ Ellen K. Eggers, *Historical Dictionary of Burundi* (Lanham, Md. & London: The Scarecrow Press, 1997), p. xxi. David Ress suggests a much earlier date, stating that “the first large movement of modern man into the Burundian hills probably came sometime between 700 and 300 BCE.” See David Ress, *The Burundi Ethnic Massacres 1988* (San Francisco: Mellen Research University Press, 1991), p. 28.

¹⁹ David Ress, *The Burundi Ethnic Massacres 1988*, p. 41. Ellen K. Eggers states that it was in 1675. Ibid.

²⁰ For instance, Ntare II would come after Mwambutsa I, and Ntare III after Mwambutsa II, etc. The last king of Burundi was Ntare V Ndizeye Charles, ousted in 1966 by a bloodless military coup, but he was assassinated during the 1972 massacres, ending any hope for monarchy as all heirs’ princes were dead.

²¹ René Lemarchand, *Burundi: Ethnocide as Discourse and Practice*. (Cambridge: Woodrow Wilson Center Press and Cambridge University Press, 1994), pp. 1-2. See also Jean-Pierre Chrétien, *Le défi de l’ethnisme. Rwanda et Burundi : 1990-1996* (Paris: Karthala, 1997). Such a view challenges the common belief that there has been an atavistic conflict between “Hutu” and “Tutsi” in Burundi. Léonce Ndarubagiye holds such a view. See Léonce Ndarubagiye, *Burundi: The Origin of Hutu-Tutsi* (Nairobi: Léonce Ndarubagiye, 1996).

²² This group was a princely class formed of the descendent of the reigning dynasty.

The modern political history of Burundi, i.e., its history since colonization, can be subdivided into three periods: the German colony (from 1890 to 1916); the Belgian Protectorate (1916-1962) and Burundi after independence (from 1962 to present). The first period is remembered for the struggle between the Germans and Mwezi IV Gisabo, the king since 1860, who resisted the invaders when they arrived in 1896. The king capitulated in 1903 in what is known today as the Treaty of Kiryama. The Belgian Protectorate, however, marked the history of Burundi in such a way that its ghost still hovers in Burundian memory. With some reason, many observers situate the origin of the political conflicts in post-independent Burundi in this period.

Indeed, the political history of post-independence Burundi is marked by political turmoil, which is usually described as ethnic conflict between “Hutu” and “Tutsi.” While these two groups existed before the European presence in Burundi, they did not have ethnic connotations, as is usually understood in a scientific sense. The two communities share the same language, same culture, same religion and same style of life. Yet, in 1954 a Belgian anthropologist conducted a survey of 879 people from Rwanda and Burundi, and determined that “the two groups were racially distinct,” from their “somatotype measurements.”²³ However, as the same author notes, “by most any other definition one can imagine; whether you look at culture and behavior of Burundians, whether you look at the economy and how the wealth of the lush mountains is shared, whether you look at geography and where various people live, the Burundi—the name they give themselves, whether Hutu or Tutsi, in their common language, Kirundi—look like one homogeneous people.”²⁴ In addition to being a homogeneous people, there was no rigid barrier between them. A Tutsi could become a Hutu, and a Hutu could become a Tutsi as

²³ Röss, *The Burundi Ethnic Massacres 1988*, p. 12.

²⁴ *Ibid.* Other scholars argue that the physical difference might have been due to the evolution over time of diet. See Kristine A. Bentley & Roger Southall, 2005. *An African Peace Process: Mandela South Africa and Burundi* (Cape Town: HSRC Press, 2005).

well, because, as Lemarchand remarks, “status, not ethnic identity, was the principle determinant of rank and privilege.”²⁵

The homogeneity and flexibility in Hutu-Tutsi relationships changed when the colonial authorities interpreted them through the lens of political domination or hierarchy where “the Tutsi were born to rule over...the inferior races surrounding them.”²⁶ The consequence of this understanding was to favor Tutsi and Ganwa in terms of education, which was the new channel to privileges and power derived from the colonial authorities.²⁷ Yet, traditionally in the case of Burundi, Tutsi were not the ruling class. Only the king and the princes –who were neither Tutsi nor Hutu—ruled over the whole country.²⁸ The other classes provided chiefs and sub-chiefs and, until 1929, all social classes were represented in political power. Nonetheless, in 1933, the colonial authority decided to reshape the political scene in Burundi by excluding some groups (Batware and Hutu), while privileging others (Bezi and Tutsi). By 1945, no Hutus were in political positions anymore.²⁹

From these events, new identities for Hutu and Tutsi were forged, creating tension between the two groups which increased and continued through the period after independence.

²⁵ Lemarchand, *Burundi*, p. 10. This fluctuation among social classes was not peculiar to Hutu-Tutsi groups nor was it particular to Burundi only. Once the dynastic line was finished, for example with the enthronement of Ntare II, all the descendents of Ntare I would lose their princely title and become *Bapfasoni*. See Eggers, *Historical Dictionary of Burundi*, p. 46. On the other hand, some Twa could become Tutsi by marrying princesses. See (Gaëtan Sebudandi & Pierre-Olivier Richard, *Le drame burundais. Hantise du pouvoir ou tentation suicidaire* (Paris: Karthala, 1996), p. 148. The same practice was noticed in Kivu Region as Msgr Kanyamacumbi has observed. See Msgr Patien Kanyamacumbi, *Les populations du Kivu et la loi sur la nationalité, vraie et fausse problématique* (Kinshasa: Editions Select Kinshasa, n. d.), pp. 29, 32.

²⁶ A Rychmans in Chrétien, *Le défi de l'ethnisme*, p.14. All the translations from French and Kirundi to English are my own.

²⁷ *Ibid*, p. 13.

²⁸ Fidèle Ingiyimbere, “Une église par temps de crise: Que peut être le rôle de l’Eglise Catholique aujourd’hui au Burundi?” in *Hekima Review*, no. 41, p. 69.

²⁹ Lemarchand, *Burundi*, p. 44. Batware were princes descended from the Ntare dynasty and Bezi were princes from Mwezi dynasty. During Mwezi IV Gisabo, who reigned almost fifty years (1860-1908), a political rivalry erupted between the two groups, because the king wanted regions to place his many sons, and the Batware resisted that policy.

Agreeing with many authors,³⁰ the former colonial Governor recognizes that “since Mwezi, there had not been Tutsi-Hutu crisis in Burundi. It seems that it was borne after the death of Rwagasore,³¹ which went worsening until the genocide of 1972, and has not disappeared today.”³² Indeed, from the death of Rwagasore to the assassination of Melchior Ndadaye, the first democratically-elected Hutu president, the political history of Burundi after independence was marked by skirmishes between the two groups which provoked bloodshed, abuses and violations of human rights.

The history of the Catholic Church in Burundi is embedded in –and even interwoven with—this modern political history of Burundi. According to Jean Perraudin, “the Holy See, in a spirit of conciliation and peace, tried as far as possible, to adapt the religious map to the political one.” And he adds, “it was not up to her to oppose the expansion of European nations, but it was her duty to benefit from the facilities of penetration offered by that expansion for the religious, moral and social good for the local population.”³³ As this White Father acknowledges, evangelization was not against colonization; rather the former was to benefit from the latter.³⁴ This is why the history of the modern Burundian state and the Catholic Church in Burundi are intertwined.

³⁰ See for example. Lemarchand, *ibid*, Sebudandi and Richard, *ibid*, pp. 146, 147, Jean Perraudin, *Chronique de l'église catholique au Burundi après l'indépendance*. Tome I (Bologna: E.M.I. della Coop. Sermis, 1996), pp. 27-31.

³¹ Louis Rwagasore, was the Prince heir, independence hero for Burundi. He was assassinated on October 13, 1961 with the complicity of colonial authorities, after his pro-independence party (Uprona) won the legislative elections of September 18, 1961 and he was appointed prime minister. See Lemarchand, *ibid*, pp. 53-57.

³² Jean-Paul Harroy, *Burundi 1955-1962. Souvenirs d'un combattant d'une guerre perdue* (Bruxelles : Hayez Brussels, 1987), p. 601.

³³ Jean Perraudin, *Naissance d'une église. Histoire du Burundi chrétien*. 2^e édition (Bujumbura: Presse Lavigerie, 1998), p. 20.

³⁴ It is not impossible that this position can be questioned.

It was in 1879 that the first caravan of White Fathers reached the shore of Lake Tanganyika in the West, in the territory of chief Rumonge.³⁵ The local chiefs resisted the Fathers as if they were colonizers. Three years later in 1881, three of the missionaries were killed and they had to leave the place for Ujiji in Tanganyika territory –in contemporary Tanzania.³⁶ The courageous Fathers did not give up, however. In 1882, they sailed to the north of Lake Tanganyika towards Uzige, in search of another mission.³⁷ Rusavya, the chief of the region welcomed them and invited them to build their mission if they wished. They went back to Ujiji with elation, decided to seize that opportunity. In 1884, they came back and found the first station dedicated to St Michael. Unfortunately, that region was also the site of Arabic slave traders and they were not pleased with the installation of the missionaries. Hence, they forced chief Rusavya to expel them and the Fathers had no other choice but to leave. However, this local chief remained sympathetic to the missionaries and repeatedly invited them to return to his region. In 1891, they complied with his demand, but once more, the Arabic slave traders who controlled the other side of Lake Tanganyika refused the permission to sojourn in Rusavya's region, in spite of the letters from their Sultan of Ujiji. The Evangelizers had again to leave this place to the great disappointment and regret of chief Rusavya.³⁸

The failure to enter into Burundi from the West did not discourage the zeal of the missionaries. Thus, in 1896, they undertook another evangelical expedition; but this time, they entered by the East. As they penetrated the inner country, the local chiefs were not eager to receive them. They then decided to go to the German station of Ujiji, so that they might join

³⁵ Thérèse M.L. Musaniwabo, *La première évangélisation du Burundi sous le règne de Mwezi-Gisabo et sous la conduite de Monseigneur Gerboin, 1879-1912* (Louvain-la-Neuve: n. e. 1985), p. 2.

³⁶ Jean Perraudin, *Naissance d'une église*, pp. 52-58.

³⁷ Uzige would become Usumbura the colonial capital of Urundi-Rwanda, and later, Bujumbura, the current capital city of Burundi.

³⁸ *Ibid*, pp. 63-69.

again Uzige. In one week, the missionaries in company with German authority arrived at Kajaga in Usumbura. In 1898, while the mission was flourishing in spite of the death of one missionary, Msgr Gerboin, the first bishop of Burundi, enjoined them to abandon the station and to retreat to Misugi, the recently founded station in the East.³⁹

Misugi was founded by Msgr Gerboin himself while looking for the missionaries who went back to Uzige after being chased by local chiefs in 1896. After months of searching, he found that they were back in Usumbura, and that is how they were called back to Misugi in 1898. By that time, the Fathers surveyed the area, visited the surrounding countryside and had discovered that Muyaga, some miles away from Misugi, was much preferable for a first mission. They consulted their bishop, Msgr Gerboin, who was rather inclined to maintain Misugi. However, he conceded to the proposal, and on May 25, 1898, they left Misugi for Muyaga in the same East region.⁴⁰

Muyaga became the first established and stable mission and the first cross was blessed by Msgr Gerboin in 1896. From this start, mission stations mushroomed. When Msgr Gerboin died in 1912, there had been six foundations.⁴¹ Msgr Gerboin was replaced by Msgr Léonard as bishop of Unyambembe Vicariate. But, during the same year, Pope Pius X attached Burundi and Rwanda to the Kivu vicariate under the leadership of Msgr Hirsh for ten years. During this period, there were no new foundations. In 1922, however, Pope Pius XI instilled new zest by creating the Vicariate of Burundi with Msgr Gorju as its shepherd. “Great was the joy of the Christian community,” Musaniwabo remarks, “after forty-three years of ordeals and sacrifices,

³⁹ Ibid, pp. 76-85.

⁴⁰ Ibid, pp. 86-88. Thérèse M. Ludovic Musaniwabo has consecrated a whole book on the evangelisation of Burundi under Msgr Gerboin (1879-1912). See Musaniwabo, *ibid*.

⁴¹ Ibid, pp. 233-35.

and being recognized as daughter of Burundi and constituted into local church, able to assume herself her growth.”⁴²

Indeed, the church grew under Msgr Gorju. Already one year after he arrived in Burundi (1923), three foundations were created. Two others were added in 1927, inaugurating a series of many others that Msgr Gorju would erect. When he resigned in 1936, he had founded eleven stations, invited two missionary congregations of nuns (White Sisters –founded by the same Founder of White Fathers, Cardinal Lavigerie—; and Sisters of Our Lady), and founded one local congregation of nuns (BeneTereziya). He also had twelve native priests and 828 catechists.⁴³

Msgr Gorju was replaced by Msgr Grauls. From 1937 to 1949, Msgr Grauls was the only bishop of Burundi. He continued the foundations, attracted new missionary congregations and encouraged those already present on the ground. He assisted the creation of a new local congregation for Brothers (BeneYozefu), and empowered the native clergy by entrusting them with parishes and stations. He created secondary schools for boys and girls and initiated the written press. The church was also very much involved in charitable works, especially medical care. The church grew so much that in 1949, it was divided into two apostolic Vicariates: Gitega in the Center and Ngozi in the North of Burundi.⁴⁴ Msgr Grauls assumed the Vicariate of Gitega, while Msgr Martin was the new pastor of Ngozi.

Now under two zealous pastors, the church in Burundi blossomed with new congregations (missionary and local), with a strong enthusiasm in Catholic action movements as

⁴² Ibid, p. 235.

⁴³ Perraudin *Naissance d'une église*, p. 166. For more information and details about the congregation, see Jean Perraudin, *Chronique de l'église catholique au Burundi après l'indépendance*. Tome III, 2eme partie (Gitega: Centre Lavigerie, 1997).

⁴⁴ Perraudin, *Naissance d'une église*, pp. 225-279.

well as in the extension of social work, especially education. And in 1959, a new vicariate of Usumbura was created with the first native bishop, Msgr Michel Ntuyahaga. The same year meant the erection of the Episcopal Hierarchy for the Congo Belge and Rwanda-Urundi.⁴⁵ Some months later, Burundi was created as an Ecclesiastical province with the Archdiocese of Gitega and two dioceses Ngozi and Usumbura. Five more dioceses would eventually be erected, with two Ecclesiastical provinces, whose archdioceses are Gitega and Bujumbura.

A common Episcopal conference for Burundi and Rwanda (COREB) was also created in 1962.⁴⁶ It would work until 1980 when “every Episcopal Assembly was constituted into an autonomous Conference, with its own general secretariat and statutes.”⁴⁷

Today, all the Catholic bishops in Burundi are Burundians and most of the priests are natives. In other words, the church is under native clergy leadership. Sown during the colonial era and growing through political conflicts and “Hutu-Tutsi” tensions, the Catholic Church in Burundi was affected by these events. It is still marked by them, particularly during the three main periods when human rights were violated and peace disturbed.

I.2. 1972: A Controversial Period

1972 is an emblematic date in the history of Burundi because it was a culmination of a decade of political instability which radicalized the Hutu-Tutsi split. As shown in the lines above, far from the multifaceted social relationships between the different social categories of ancient Burundi, the social tissue of post-independence Burundi evolved around the Hutu-Tutsi duality. It started abruptly after the assassination of Prime Minister-designate Rwagasore, and the inability of his party (Uprona) to maintain national unity.

⁴⁵ Ibid, p. 398.

⁴⁶ Perraudin, *Chronique de l'église*, tome I, p. 23.

⁴⁷ Ibid, p. 28.

After Rwagasore's assassination, Paul Mirerekano, a co-founder of Uprona with Rwagasore, claimed to be the legitimate successor, and so did Pierre Ngendandumwe, Prime vice-minister and minister of finance. Neither of them was appointed, but rather André Muhirwa from the royal family. Naturally, the Hutu MPs –now dubbed *Monrovia* in contrast with *Casablanca*⁴⁸ the Tutsi MPs—contested the king's nomination. In 1963, Muhirwa's government resigned and Pierre Ngendandumwe was designated Prime Minister. As soon as the government was established, the Tutsi MPs "accused some of his collaborators of tribalism. The king asked the Prime Minister to dismiss them, but he refused. Consequently, the king revoked the whole team."⁴⁹ He retained Ngendandumwe as Prime Minister, however, and asked him to form a new cabinet, but Ngendandumwe delayed. Finally, the king nominated a new Prime Minister, Albin Nyamoya, but his government was dissolved by the end of 1964, accused of being pro-Lumumbists (named for Patrice Lumumba, the independence hero from Zaïre). Once again, the king called Pierre Ngendandumwe to form a new government. He was shot dead on January 15, 1965, after putting into place a cabinet of national unity. As Perraudain rightly noted, "since that horrible assassination, mistrust, suspicion and fear gained the two communities."⁵⁰

Another cabinet led by a Hutu was formed, but it could not fill the loss of Pierre Ngendandumwe, after that of Rwagasore. Moreover, the Hutu were now very suspicious of the Tutsi, accusing them of assassinating Ngendandumwe.⁵¹ The solution was to call for legislative elections. Held in May the same year, Uprona won them with a large majority of Hutu

⁴⁸ The two terms were used during the struggle for independence, where Monrovia designated pro-colonial group, advocating for a gradual access to independence, while Casablanca was for people favoring immediate independence. The colonial authority accused them of being communists. To this point, there was no Hutu-Tutsi tension, since the leaders of both groups were rather princes (Rwagasore for Casablanca and Baranyaka for Monrovia). But after Rwagasore's death, Casablanca meant Tutsi MPs and Monrovia meant Hutu MPs within the same political party Uprona.

⁴⁹ Ibid, p. 29.

⁵⁰ Ibid, p. 30.

⁵¹ Lemarchand states that Ngendandumwe was "assassinated by a Tutsi refugee from Rwanda." Ibid, p. 69.

candidates, emerging “with 23 seats out of a total of 33 in the National Assembly.”⁵² Following the election results, “the Hutu deputies had a very legitimate reason to expect the appointment of a Hutu prime minister.”⁵³ However, it was not the case. Instead, “perversely the King nominated a prince as prime minister.”⁵⁴ The Hutu MPs contested that nomination “and when their alternative choices were turned down, their consternation turned to anger.”⁵⁵

In October of the same year, a coup that is said to have been led by Hutu officers⁵⁶ was attempted against the King. It was aborted and “thirty-eight Hutu officers and noncoms were executed by firing squad in the stadium; on October, 25, nine gendarmes, including four officers, suffered the same fate.”⁵⁷ As Watt observes, “from this moment, history started looking different depending on your ethnic standpoint.”⁵⁸

1966 was marked by the deposition of Mwambutsa IV Bangiricenge by his son Ntare V Ndizeye Charles, himself ousted after only three months of kingship. It was the beginning of the Republic of Burundi ushered in by Captain Michel Micombero, an officer only 26 years old. The change of the regime, however, did not stabilize the country politically. In 1969, another coup is said to have been led by Hutu politicians and army officers. Twenty-three persons were executed.⁵⁹ This incident added some fuel to the tension already existing between the two

⁵² Ibid, p. 70.

⁵³ Ibid.

⁵⁴ Nigel Watt, *Burundi: Biography of a Small African Country* (New York: Columbia University Press, 2008), p. 31. Actually, this nominated Prime Minister (Léopold Biha) was the son-in-law of the king.

⁵⁵ Lemarchand, *ibid*, p. 70.

⁵⁶ I use “it is said to be led by Hutu” because all do not agree on this point. Indeed, many historians and Tutsi circles say that it was a coup mounted by Hutu officers. But some Hutu intellectuals do not agree with this view. See for example Perpétue Nshimirimana, *Lettre à Isidore* (Vevey: Editions de l’Aire, 2004), a daughter of Paul Mirerekano.

⁵⁷ Lemarchand, *ibid*, p. 71.

⁵⁸ Watt, *ibid*, p. 32.

⁵⁹ Marc Manirakiza, *Burundi : De la révolution au régionalisme, 1966-1976* (Paris, Bruxelles : Le Mât de Misaine, 1992), p. 42.

communities. The Hutu community was even more frustrated one year later, when Micombero liberated a group of Tutsi who were also accused of an attempt at a coup d'état.⁶⁰

The events of 1972 exceeded prior years in the scale of killings and massacres. The atmosphere between Tutsi and Hutu was highly charged, the former haunted by Hutu's insurrection, the latter keeping fresh memory of the various killings in their rank since 1965 and feeling more and more ostracized from power. More than ever, the ethnic card was in play here; "ethnicity had become the inescapable reference... and a means of action to control power."⁶¹ And according to Martin Ndayahoze, then minister of information, the politicians were using ethnicity as "a political strategy. Tutsi denounce a Hutu peril to thwart, while Hutu unveil an apartheid perpetrated by Tutsi."⁶² Thus, although 1972 is mostly remembered as year of Hutu genocide, some Tutsi were also killed. "Testimonies were collected since May 1972 until today on the repression against the Hutu. However, the organization of the rebellion that fueled the massacres remained hidden, to the point that its reality was negated by some politicians."⁶³

The whole story started on April 29 with what Chrétien and Dupaquier call "*la rébellion du sud*" (south rebellion),⁶⁴ which massacred many Tutsi in the south region of the country, especially in localities of Rumonge, Nyaza-Lac, Vugizo and Bururi. "A group of Hutu rebels coming from outside were joined by people as well as former mulelists,⁶⁵ primarily the Babembe,"⁶⁶ and killed many people in the South. Other confrontations were signaled in Bujumbura, Gitega (in the center) and Cankuzo in the east. Some days earlier before the

⁶⁰ Ibid, pp. 45-108.

⁶¹ Jean-Pierre Chrétien & Jean-François Dupaquier, *Au bord des génocides* (Paris: Karthala, 2007), p. 28.

⁶² Ndayahoze cited by Chrétien & Dupaquier, *ibid*.

⁶³ Ibid, p. 81.

⁶⁴ Ibid, p. 83.

⁶⁵ Mulelists were former rebels operating in the Eastern Congo against Mobutu.

⁶⁶ Perraudin, *Chronique de l'église*, tome I, p. 55.

escalation, a tract had been circulating in Bujumbura, calling for the massacre of Tutsi. It is also said that nocturnal-dancing parties were organized all over the territory in order to facilitate the killing of Tutsi.⁶⁷

Once more, some Hutu intellectuals and some observers do not agree with this account of planned-genocide against Tutsi organized by Hutu. Evoking the famous “plan Simbananiye,” (Simbananiye plan) they argue that all that happened was orchestrated by Simbananiye⁶⁸ in order to execute his genocide against the Hutu. That is one reason why 1972 is a controversial period. Their main argument points out that just before the beginning of the massacre –on the afternoon of April 29—the president had dismissed the whole government,⁶⁹ while soon after, Simbananiye was designated a pleni-potential minister. Moreover, the massacres started at a place where two key actors in 1972 events –Albert Shibura and André Yanda—were holding a meeting, and Mark Manirakiza notes that the government had been informed about the forthcoming attacks.⁷⁰ These Hutu intellectuals also contend that the governments distributed arms to Tutsi elite in the south region in order to organize their self-defense. Seeing that, Hutu reacted in killing the Tutsi. But the heaviest argument they put forward is that the repression against Hutu that followed the Tutsi killings was systematic and covered the whole territory, even where there had been no killing.⁷¹ In view of all these elements, these Hutu intellectuals conclude that the whole machination was organized by Simbananiye and his clique in order to perpetrate the genocide of the Hutu.⁷²

⁶⁷ See Manirakiza, *Burundi*, pp. 120-126 and Chrétien & Dupaquier, *ibid*, pp. 83-96.

⁶⁸ Arthémon Simbananiye was minister of foreign affairs, cooperation and planning.

⁶⁹ Manirakiza, *Burundi*, pp. 119-120.

⁷⁰ *Ibid*.

⁷¹ Chrétien & Dupaquier, *ibid*, pp. 132-136.

⁷² One of the leading Hutu intellectuals in this line is Raphaël Ntibazokiza. See his *Au royaume des seigneurs de la lance* (La Louvière : Centre d'Animation en Langues, 1991, 1993).

1972 is also controversial inasmuch as, even today, some Tutsi extremist militant groups like PA Amasekanya and AC Genocide Cirimoso,⁷³ do not believe there ever was a Hutu genocide. Watt notes that “both organizations were born of a revulsion against the mass killing of Tutsis after the death of President Ndadaye. For them this was Burundi’s genocide. They do not regard the mass killings of Hutus in 1972 and 1993-95 as genocide, arguing that in 1972 the killing was selective and that in the 1990s the army was carrying out security operations with no genocidal intent.”⁷⁴ The leader of AC Genocide is a University professor of history and a former Rector of the University of Burundi. About him, Watt writes that “the unjust killings of Hutu do not appear to have worried him at all. He was, in fact, a boarding master at a school in Gitega in 1972, when many of his students, including most of the sport team, were carted away to their deaths.”⁷⁵

In spite of these different interpretations about the author of the massacres in the south of Burundi, the fact is that most of the first killings targeted Tutsi and Hutu who did not comply with the rebels or who tried to hide the Tutsi. Nonetheless, the repression that followed was done by the army targeting the Hutu elite and exceeding the south region which was the theater of Tutsi killings. That is why they were qualified by many observers as a “selective genocide.”⁷⁶

The repression began in the south where the 1972 rebellion had started, and “between April 30 and May 5 of the same year, the army had conquered again the whole region till the Tanzanian borders.” However, “this ‘pacification’ ended in bloodbath.”⁷⁷ Once the troubled region stabilized, the “ethnic purification” reached the political sphere and the army. After the

⁷³ The two stand respectively for *Pouvoir pour l’Autodéfense Amasekanya* (Auto-defense Power Amasekanya) and *Action contre Génocide Cirimoso* (Action against Genocide Cirimoso).

⁷⁴ Watt, *ibid*, p. 90.

⁷⁵ *Ibid*.

⁷⁶ Lemarchand, *ibid*, p. 100.

⁷⁷ Chrétien & Dupaquier, *ibid*, 139.

first week all Hutu ministers and directors were killed.⁷⁸ In the military camps, the killings seemed to have started as early as April 30.⁷⁹ For high administrative officials, “to the arrest succeeded house looting, blockage of bank accounts, confiscation of the vehicle and the expulsion from the houses.”⁸⁰ During the same week, twenty university Hutu students were kidnapped by the military.⁸¹

After the first week, “the repression changed the nature with the immediate elimination of arrested persons. It seems that a consign had been given to military to act since on without restraint in order to prevent any eventual resistance.”⁸² And so did the military, expanding their repression to the whole country, targeting especially students –even at primary school—and business men. In the south, even the uneducated Hutu males were killed.

Any means was used to kill them and any Tutsi in a position of authority could arrest and kill a Hutu suspected of being *Umumenja*.⁸³ As Manirakiza remarks, “the Hutu paid expensively for their attempted coup.”⁸⁴ And he sums up, “the Hutu man hunting was launched in all the provinces, up to the prisons. Thousands of Hutu refugees flooded into Zaïre, into Tanzania and into Rwanda. It was the beginning of many summary executions. Any man or any group of Tutsi with any power could arrest and kill...The executions were done by shooting, strangulation, beating, starvation by thirst and hunger, suffocation in common room, stabbing in the heart after

⁷⁸ Ibid.

⁷⁹ Ibid, p. 156.

⁸⁰ Ibid, p. 139.

⁸¹ Ibid.

⁸² Ibid, 174.

⁸³ Ibid, pp. 174-258. *Umumenja* was used to hunt Hutu and it means renegade.

⁸⁴ Manirakiza, *Burundi*, p. 129.

litigation, hitting with hammers. The poor condemned were thrown in a jumble on trucks for common mass graves.”⁸⁵

As one can see, 1972 is one of the most dreadful in the history of Burundi with so many violations and abuses of human rights, with the number of refugees spread beyond the country. The loss for the country cannot be over-stated. It is estimated that “a third of the officers in general administration, 40% of the professors, and more than 60% of monitors were killed.”⁸⁶ Needless to say, the Catholic Church was afflicted by that tragedy, because not only was Burundi mostly Catholic, but also among the killed were many priests and religious persons.⁸⁷ Moreover, as it was very much involved in education, Catholic institutions lost many teachers and students.⁸⁸ No wonder that Msgr André Makarakiza calls it “the way of the Cross.”⁸⁹ But, what was the Catholic Church’s attitude during this period? I shall come back to this question after I have sketched a picture of another no less important historical period especially for the relationship between the Catholic Church and the state in Burundi.

I.3. 1983-1987: A Church-State Conflict

The 1972 killings and creation of refugees exhausted Burundi. It had lost most of its administrative officers, teachers and students. Even the surviving Hutu students could not resume school because of fear. School had come to be seen as butchery for the Hutu intellectual. Even the pacification carried on by the new cabinet did not change the balance, as it did not reach out to the refugees or propose any policy to bring them back. The situation was then exacerbated. As the tension had become unbearable, Micombero was ousted in another bloodless coup initiated

⁸⁵Ibid, pp. 130-31. Marc Manirakiza is a Tutsi who was among the accused in an alleged coup mounted by the Tutsi from Muramvya and then granted pardon by the president.

⁸⁶Chrétien & Dupaquier, *ibid*, p. 279.

⁸⁷19 priests were killed. See Perraudin, *Chronique de l'église*, tome I, p. 59.

⁸⁸Ibid, pp. 226-28.

⁸⁹Perraudin, *Chronique de l'église*, tome I, p. 53.

by his army on November 1, 1976. This coup ushered in the Second Republic led by Lieutenant-Colonel Jean-Baptiste Bagaza.

Bagaza was a high-ranking officer in the Burundian army during the 1972 massacre. In other words, he played a key role in what happened during that period. But when he came to power, the first measure was to silence any reference to ethnic conflict whatsoever. In Lemarchand's words, in order "to prevent charges of ethnic discrimination in the recruitment of party and cadres and civil servants, the Second Republic found an imaginative solution: it officially banned all references to ethnic identities, with the additional provision that all such public or private references could be grounds for charges of incitement to 'racial hatred'."⁹⁰

Inside the country, the generation that grew up during this period was completely ignorant of what had happened in 1972 and about ethnic tension in general, because no "other theme found a more insistent resonance in the official discourse of the Bagaza regime than that of national unity."⁹¹

Yet, Watt notes that "this was the worst time to be a Hutu." He adds, "Under Bagaza Hutus were often prevented from going to school and from succeeding in exams."⁹² Lemarchand corroborates Watt by saying that "a new system of education was put into effect, based on 'Kirundization,' to make sure that the pool of prospective candidates for positions of responsibility would consist essentially of Tutsi....Kirundization thus tended to perpetuate a highly dichotomous pattern of socialization, inevitably playing into the hands of Tutsi elites."⁹³

⁹⁰ Lemarchand, *ibid*, p. 108.

⁹¹ *Ibid*, p. 107.

⁹² Watt, *ibid*, p. 40. The author refers to a system initiated by a minister of Bagaza's regime consisting in that "Hutu candidates' papers were marked with a small 'u' and Tutsis with a small 'i' so that Tutsis could be assured of better marks." *Ibid*, 1st footnote.

⁹³ Lemarchand, *ibid*, pp. 108-09.

These examples seem to suggest that ethnic patterns continued to play out under the second Republic.

However true this might be, it is not the main characteristic of Bagaza's period, simply because "the period under Bagaza's presidency was very calm in terms of public order."⁹⁴ Moreover, after the 1972 killings, there were no longer Hutu intellectuals to challenge the abuse of power. As to the refugees, they were active in the refugee camps and even some of them returned to Burundi, like Melchior Ndadaye and Sylvestre Ntibantunganya who were to start the opposition party (Frodebu) clandestinely. At the developmental level, Bagaza was the author of most of the modern infrastructures that Burundi has established. He built roads and industries, he increased the energy capacity and started projects to plant trees all over the country, and he constructed many schools.⁹⁵ He participated in the creation of regional organizations.⁹⁶

Maybe these economic accomplishments plus the interdiction of talk about ethnicity helped him hide the ethnic tensions. In any case, up to 1982, "Bagaza did a great job. Had he resigned by that year, today he would be the most appreciated not only in his country but also abroad."⁹⁷ Unfortunately, he did not resign and in the following years, his administration waged a battle against the Catholic Church in Burundi.

The conflict started slowly and came as a surprise to the Catholic Church herself. Indeed, during his first speech justifying the coup, Bagaza stated that "the freedom of cult was

⁹⁴ Marc Manirakiza, *Burundi, la déviance d'un pouvoir solitaire: le régime Bagaza (1976-1987)* (Paris, Bruxelles: La Longue vie, 1997), p. 9.

⁹⁵ It is said, however, that many of the schools were built in the south of the country, in the region of Bagaza, the place of origin of a disproportionate number of high officials of the regime.

⁹⁶ Manirakiza, *Burundi, la déviance d'un pouvoir solitaire*, pp. 38-40.

⁹⁷ *Ibid*, p. 9.

granted,⁹⁸ and this claim was even reaffirmed in the 1982 Constitution. Furthermore, just after the coup, he invited in all the bishops (Catholic and Protestant) to explain the necessity of the coup and he assured them again that the freedom of religion would be granted, especially to the Christian communities.⁹⁹ He even proposed to offer salaries to priests, but “the Catholic bishops rejected the offer, preferring their freedom.”¹⁰⁰ One can say then that, at the beginning, the Catholic Church was on good terms with the regime. One year after, however, there were already some warning signs.

In 1977, the Combonian Fathers were expelled and Msgr Martin, former bishop of Ngozi and Bururi, was denied a visa at the international airport of Bujumbura. In 1978, the Church was expelled from primary schools. The following year, the regime imposed limitations on the activities of small Christian communities, which would be completely suppressed in 1987, suppressed the Catholic journal NDONGOZI, and expelled large numbers of missionaries. In 1980, the nuncio was denied his title as Permanent Dean of the diplomatic body.¹⁰¹

All these measures seemed to target missionaries¹⁰² and not the Church herself as an institution. This was true until 1983 when, during an “interview with a West German newspaper, President Bagaza made clear his intention to restrict further the activities of the church: ‘We have reduced the influence of the Catholic Church, and we shall reduce it further’.”¹⁰³ This declaration proved that what had been unfolding were not isolated actions, but rather a consistent and planned project. Therefore, 1983 marked the beginning of an overt conflict between the State

⁹⁸ Ibid, p. 21.

⁹⁹ Perraudin, *Chronique de l'église*, tome I, pp. 83-4.

¹⁰⁰ Ibid, p. 85.

¹⁰¹ Manirakiza, *Burundi, la déviance d'un pouvoir solitaire*, pp. 53-5, and Perraudin, *Chronique de l'église*, tome I, pp. 87-92.

¹⁰² An attempt to understand why these actions were waged against the missionaries is sketched below in this section.

¹⁰³ Lemarchand, *ibid*, p. 113.

and the Catholic Church in Burundi, the former striking at the symbols and the heart of the Christian life, the latter resisting steadily up to the point of prison.

Thus, on February 24, 1984, the government recommended that any religious meeting had to be granted permission at least thirty days beforehand. In 1985, more draconian measures were announced: masses for the sick were forbidden as well as pastoral visits, unless there was an explicit request on the part of the sick themselves; crosses and all religious symbols were uprooted and removed from all non-religious buildings; confessional cemeteries were forbidden. Any kind of religious instruction or prayer was to be held on Saturday afternoon and Sunday. All morning masses were suppressed, and before their total suppression in 1987, public masses during weekdays were allowed only at 5pm.

During the same year 1985, many priests and lay people were imprisoned for resisting these measures.¹⁰⁴ But these measures were not enough for the regime. In 1986, the government suppressed and confiscated all the minor and junior seminaries; it closed all the centers for basic religious education and all pastoral centers, and it forbade all Catholic action movements as well as all the Institutes for catechism.¹⁰⁵ And a month before the regime's fall, it had asked the Church to present all the account journals and all her banking movements.¹⁰⁶ As Jean Perraudin puts it, "clearly, [the regime] wanted to strangle the Church, thwart her from fulfilling adequately her mission of evangelization and participating in the development of the nation by her works of education."¹⁰⁷

¹⁰⁴ A famous case of imprisonment was that of F. Gabriel Barakana, SJ, first Burundian Jesuit and first rector of the University of Burundi, who was convicted to a prison term of four years at 73 years old.

¹⁰⁵ Perraudin, *Chronique de l'église*, tome I, pp. 92-3.

¹⁰⁶ *Ibid.*, p. 93.

¹⁰⁷ *Ibid.*, p. 92.

While some of these measures were also applied to Protestants communities (even the Azan was forbidden for Muslims), the Catholic Church suffered most of them, and she was the principal target. Now, one of the puzzling questions during this persecution concerns the motives: Why was Bagaza pursuing the Catholic Church mercilessly, whereas he was educated in Catholic institutions? According to Marc Manirakiza, “Bagaza’s anticlericalism is a phenomenon difficult to explain.”¹⁰⁸ The same author contends that Bagaza-Church problem can be situated at three levels: political, economic and personal.¹⁰⁹ While his analysis of the last two levels is not very convincing, the political level is consistent with Bagaza’s policy.

In his inaugural speech justifying the coup, Bagaza noted that the social fabric had been torn asunder by the Micombero regime. He then came with the clear intention of restructuring society. He said, “the definition of our ideology, which will determine our orientation, will be the concern for *the authentic sons of the people*” (Emphasis added).¹¹⁰ It is evident that this sentence contains the entire program of the coming dictatorship. It shows that those who would not agree with the government’s ideology would not be tolerated. Some years later, the only existing political party Uprona produced a document that asserted that “in Burundi, only the State has the responsibility to organize the society.”¹¹¹ It added, “only public powers are in charge of the organization of the society. It is the Uprona party that has the vocation to reflect, *at the exclusion of all other groups whatever their characteristics*, the will of the population” (emphasis added).¹¹² With this ideological line, it becomes clear that then Bagaza-Church conflict was political in nature.

¹⁰⁸ Manirakiza, *Burundi, la déviance d’un pouvoir solitaire*, p. 73.

¹⁰⁹ *Ibid*, p. 73.

¹¹⁰ *Ibid*, p. 21.

¹¹¹ *Ibid*, p. 60.

¹¹² *Ibid*, p. 61.

Lemarchand has captured the political nature of this Church-state conflict, when he notes that “the restructuring of state-society relations meant the extension of party activities to the countryside and the removal of all obstacles in the way of an effective political mobilization of the rural masses. Because of its prominent role in the organization of educational and welfare activists on the hills, the church was immediately targeted as the most serious of such obstacles. If any success was to be expected in the creation of the ‘new mentality,’ the influence of the church had to be drastically curtailed if not eliminated.”¹¹³ It is exactly because Bagaza had consolidated his dictatorship based on one party rule that he wanted to control all channels of expression. It had become a form of totalitarianism.

It is no wonder that the first measures targeted small communities, synod organization and the Catholic journal NDONGOZI, as well as a Protestant radio station. He wanted to have control of every activity that gathered many people. And indeed, inspired from the theology of liberation, these small Christian communities had become places of mutual sharing and empowering each other through communal listening and help. In this sense, Bagaza saw the Catholic Church if not as an actual counter-power, at least as a possible one. That is why he had to fight it.

Another question, however, remains unsolved: why then target the missionaries and education? Lemarchand quotes the General Secretary of the Uprona party saying that “the battle against the Church...was aimed at ‘liquidating the last vestiges of colonialism’.”¹¹⁴ If the Church was the “last vestiges of colonialism,” then the most outstanding symbol of that colonialism was the remaining cadre of missionaries. Therefore, they had to be expelled. But this is one side of

¹¹³ Lemarchand, *ibid*, p. 112.

¹¹⁴ *Ibid*.

the coin, in my view. This “battle” against colonialism was a nationalist mask to conceal the hidden agenda encapsulated in the putschists’ ideology: not to tolerate any discordant voices. It is obvious that with the presence of missionaries, as they move frequently from one region to another, from one country to another either for mission or for holidays, it would not have been easy for the regime to carry out its ideology without international scrutiny. Hence, missionaries had first to leave the country so that Bagaza might pursue his policy without any leaking of information.

Unfortunately, this Church-State conflict impacted education very much, because the Catholic Church was in charge of more than two-thirds of public education. In my view, this outcome was expected and was intended to serve the same purpose as controlling all modes of communication. As Manirakiza notes, “Bagaza was afraid that the Church and pastoral organs disseminated all over the country might become the disturbing witnesses of the violation of human rights.”¹¹⁵ Thus, in controlling Catholic schools and centers by confiscating them, and in expelling the missionaries, the regime wanted to have every activity under its thumb.

Here is where the ethnic element may also enter our analysis. Manirakiza observes that “the Catholic Church in Burundi had been suspected by the regime of favoring the empowerment of the Hutu to the detriment of Tutsi.”¹¹⁶ Lemarchand, on his part, notes that “fears of the church-sponsored activities were ... fueled by the growing success of the informal hill-based discussion groups known as *inama sahwanya* [small Christian communities]. Organized under the auspices of local parishes for the purpose of stimulating grass-roots participation in the affairs of local communities, they soon came to be viewed as training grounds for aspiring Hutu

¹¹⁵ Manirakiza, *Burundi, la déviance d'un pouvoir solitaire*, p. 76.

¹¹⁶ *Ibid.*

leaders.”¹¹⁷ These elements show that, although not overtly, ethnic motivations might have been behind the Church-state conflict.

Whatever the causes and reasons that may be suggested, the Church-State conflict was a flagrant violation of human rights stipulated in the Declaration of Universal Human Rights especially in articles 18, 19 and 20. It was a violation of the Constitution of Burundi¹¹⁸ which granted liberty of cult and it even contradicted what the regime had promised when it came to powers.¹¹⁹ How then did the Church react to these abuses? The answer to this question will be the object of the third chapter. For now, let us proceed to another period in which human rights were trampled.

I.4. 1993-2005: The Long Years of Tears

When through another bloodless military coup, Buyoya took over the power on September 3, 1987, the majority of Burundians felt relieved, especially Catholics and Christians to the point of qualifying his coming to power as an “alleluia for Burundi.”¹²⁰ And indeed, once in control of the country, Buyoya hastened to remove all Bagaza’s repressive measures. He restored religious freedom and freedom of movement; he released hundreds of political prisoners and restituted the goods and institutions belonging to the Church, except those that had been used for public interest.¹²¹ Buyoya’s view on the public role of religion was completely different from that of Bagaza. “Whereas Bagaza saw the Catholic Church as a rival to pull down, Buyoya took

¹¹⁷ Lemarchand, *ibid*, p. 112.

¹¹⁸ Voted in 1982.

¹¹⁹ Manirakiza, *Burundi, la déviance d’un pouvoir solitaire*, p. 21.

¹²⁰ *Ibid*, p. 137.

¹²¹ Marc Manirakiza, *Burundi. Quand le passé ne passe pas. (BuyoyaI-Ndandaye) : 1987-1993* (Paris, Bruxelles: La Longue Vue, 2002), p. 15-16.

it as an efficacious partner for the spiritual and material development of the nation.”¹²² Thus, from the beginning the relationship between the Church and the state was cordial.

It was not, however, the same with the ethnic tension that had been inhibited all throughout Bagaza’s regime. In spite of the novel composition of Buyoya’s team, Hutu were not represented.¹²³ Meanwhile, the Hutu refugees in camps outside the country had created movements and radicalized their political ideology since the 1980s, with the foundation of Palipehutu-FNL.¹²⁴ Thus, before Buyoya celebrated his first anniversary in power, troubles occurred in the north of the country on August 14-16, 1988 in two localities, Ntega and Marangara. Many observers mention a hand of Palipehutu FNL from Rwanda,¹²⁵ while for Lemarchand, “the reasons are to be found in the complex and highly volatile mix of geopolitical factors, pressures from below, and ‘triggering’ incident that together ignited this regional powder keg.”¹²⁶

With or without the interference of Palipehutu FNL, and whatever the motives they had, “the killing started on Sunday evening, August 14, 1988.”¹²⁷ As Lemarchand describes it,

Bands of Hutu armed with clubs, spears, machetes, and bows and arrows fanned out through the commune and then through the hills of Gisitwe and Mwendo in the north, burning Tutsi homes and killing occupants. By the evening of August 15, the insurrection reached Marangara, where violence and arson continued unabated, causing hundreds of Tutsi to run for their lives, some hiding in the bush and others seeking protection in Catholic missions. In many instances, Tutsi efforts proved futile; in Ntega, for example, as many as three hundreds Tutsi who had found refuge in the local mission station were said to have been massacred. Ethnic hatred suddenly turned into a blind fury, directed at every Tutsi in sight.¹²⁸

¹²² Perraudin, *Chronique de l’église*, tome I, p. 127.

¹²³ Manirakiza, *Burundi. Quand le passé ne passe pas*, pp. 16-18.

¹²⁴ Watt, *ibid*, pp. 85-87.

¹²⁵ See Jean-Pierre Chrétien, André Guichaoua, and Gabriel Le Jeune, *La crise d’août 1988 au Burundi*, Cahiers du CRA, No 6. (Paris : Karthala, 1989); Manirakiza, *Burundi. Quand le passé ne passe pas*, *ibid*; and Perraudin, *Chronique de l’église*, tome I, *ibid*.

¹²⁶ Lemarchand, *ibid*, p. 120.

¹²⁷ Ress, *ibid*, 1.

¹²⁸ Lemarchand, *ibid*, p. 125.

In response to the massacres, the army cleared the whole area, causing the deaths of many innocent. “Assisted by helicopters and armored vehicles, Buyoya’s troops brutally unleashed their retribution.”¹²⁹ According to Amnesty International, “many people, including women and children, were said by eye-witnesses to have been killed by soldiers while fleeing and others were reported to have been killed after being herded into huts which were then set on fire.”¹³⁰

This incident confronted Buyoya with the ethnic problem in Burundi. He then formed a new government led by a Hutu prime minister and constituted a commission with members from different ethnic groups and different backgrounds, for studying the question of national unity. He repatriated the refugees who had fled the troubled areas. He initiated the multi-party democracy, which provided path to the June 1993 elections, won by Melchior Ndadaye, a Hutu from Frodebu party. Alas, his presidency did not last long, because on the night of October 21, he was captured by the army and killed the next morning,¹³¹ ushering in a long period of tears and grieving.

The death of Ndadaye and his close collaborators (National Assembly Speaker, his Deputy and other leading figures of Frodebu), created a constitutional void difficult to fill. In Krueger and Krueger’s¹³² words, “the coup had effectively created a complete vacuum of legitimate power.”¹³³ After international condemnation, the army handed power back to the remaining government. However, “the surviving leaders of Frodebu were in no position to offer

¹²⁹ Ibid, p. 126.

¹³⁰ Amnesty International, *Report 1989* (New York: Amnesty International, 1989), p. 38.

¹³¹ Robert Krueger & Kathleen T. Krueger, *From Bloodshed to Hope in Burundi: Our Embassy Years during Genocide* (Austin: University of Texas Press, 2007), pp. 1-21.

¹³² Robert Krueger was US Ambassador in Burundi for two years, from June 1994 to July 1996.

¹³³ Krueger & Krueger, *ibid*, p. 38.

immediate and strong leadership. Many remained in hiding, and none could be certain of where to go or what to do.”¹³⁴

Meanwhile, Ndadaye’s death was announced and following a call from Frodebu’s minister who was in Rwanda, asking people to “rise up as one and refuse the new rulers,”¹³⁵ Frodebu’s members (mostly Hutu) started killing Uprona’s members (mostly Tutsi but also some Hutu), burning their homes and chasing them wherever they might hide. “The violence against Tutsis was real, unselective, and universal.”¹³⁶ One of the saddest events was the burning of seventy high school students in a gas station.¹³⁷ “Roads were blocked to delay the army’s inevitable response.”¹³⁸ Watt notes, however, that, although “some claim that this response was pre-planned, like the 1994 genocide in Rwanda, there is no evidence that this was so on a national level, but the speed of mobilization suggests that some people had feared this might happen and made preparations.”¹³⁹ Many people fled from their homes towards centers, becoming internally displaced people (IDPs) for many years. The hunt for Tutsi lasted some days and then the army took over. Its “reaction was the same. Soldiers went out in their blindés,¹⁴⁰ trucks, and helicopters and fired their machine guns indiscriminately at Hutu villagers in the countryside.”¹⁴¹ Many people could not go to centers since the army was there, so they hid in bushes, as many others were fleeing to neighboring countries, especially Tanzania.

On the political level, things had not improved, since some Frodebu officials refused to come out from hiding as long as there were no international forces to protect them. The political

¹³⁴ Ibid, p. 39.

¹³⁵ Watt, *ibid*, p. 48.

¹³⁶ Krueger & Krueger, *ibid*, p. 41.

¹³⁷ Watt, *ibid*, pp. 48-53.

¹³⁸ Ibid, pp. 47-8.

¹³⁹ Ibid, p. 48.

¹⁴⁰ Military tanks.

¹⁴¹ Krueger & Krueger, *ibid*, p. 41.

parties of Tutsi allegiance opposed any idea of international military intervention. Thus, many gangs were formed on both sides. Killings and looting became commonplace in Bujumbura city. Finally, through Ambassador Ould-Abdallah, the international community stepped in and pushed for political negotiations, which installed a new president of the republic, Cyprian Ntaryamira and an assembly president, Sylvestre Ntibantunganya from Frodebu party.¹⁴² Unfortunately, the president was killed with Rwandese president Juvenal Habyarimana, on that fatal plane crash which initiated the 1994 genocide in Rwanda. Ntibantunganya succeeded him, according to the constitution.

Nevertheless, some officials of the hard-line of Frodebu party did not agree with these political negotiations and the power sharing that came from them. Léonard Nyangoma, a former minister in Ndandaye's government, founded the National Council for the Defense of Democracy (*Conseil National pour la Défense de la Démocratie: CNDD*), with an armed wing called Forces for the Defense of Democracy (*Forces pour la Défense de la Démocratie: FDD*).¹⁴³ Thus, as CNDD-FDD was waging war inside the country against the army, Tutsi gangs (*Sans Echecs Without Defeat, Sans Defaite, Without failure*) were purifying the whole city of Bujumbura of any Hutu, except the places controlled by the rebellions. Boarding schools and university campuses became balkanized as many students were killed or were forced to leave the country. Many civilian people died victims of these different armed gangs and groups, as well as the army. In the words of Human Rights Watch (HRW), "since the civil war began in 1993, the

¹⁴² They too were wanted by the soldiers, but they escaped October killings through hiding. Ntibantunganya's spouse was shot dead when the military could not find her husband.

¹⁴³ Watt, *ibid*, p. 58.

participants in the conflict have consistently targeted Burundi's civilian population for killing, rape, injury and robbery."¹⁴⁴

In July 1996, as insecurity was spreading widely throughout the country, another military coup brought back Buyoya, the one who lost the 1993 election by Ndadaye, but who is now accused of being behind the death of his opponent.¹⁴⁵ Buyoya's return was to worsen the human rights situation in Burundi, which had already deteriorated since 1993. As HRW observes, "when Major Pierre Buyoya...seized power from a paralyzed civilian government in a July 1996 coup, he claimed that he was seeking to put a stop to the bloodshed that began three years earlier with the murder of Burundi's first popularly elected Hutu president Melchior Ndadaye."¹⁴⁶ HRW adds, "however, since the coup, the armed forces of Burundi have engaged in widespread violations of human rights, humanitarian law, and the law of war, particularly in rural areas."¹⁴⁷ In other words, this new coup did not reverse the situation of human rights and bring peace for civilians; rather it did the contrary.

The most outstanding violation of human rights under Buyoya II was his "regroupment" policy. Buyoya came back while the rebel movements (especially CNDD-FDD and Palipehutu FNL, but also Frolina) had gained power both politically and militarily. Politically, because the murder of Melchior Ndadaye gained international sympathy for the Hutu and provoked international disgust for the army; militarily, because the flight of high school and university Hutu students provided the rebel movements with more intelligent and vigorous young recruits, than they had since the 1980s when Gahutu Rémy founded Palipehutu FNL. Moreover, since the

¹⁴⁴ Human Rights Watch, *Proxy Targets: Civilians in the War in Burundi* (N.Y., Washington, London, Brussels: Human Rights Watch, 1998), p. 1.

¹⁴⁵ See Manirakiza, *Burundi. Quand le passé ne passe pas*, *ibid*, pp. 130-36 and Krueger & Krueger, *ibid*, pp. 37-38, 266.

¹⁴⁶ Human Rights Watch, *ibid*, p. 1.

¹⁴⁷ *Ibid*, p. 25.

army had been involved in many killings of Hutu on many occasions, Hutu were sympathetic with these armed movements claiming to fight on their behalf.

In the face of this increasing influence of rebels movements on Hutu populations,¹⁴⁸ Buyoya introduced “a program dubbed ‘regroupment,’” where “the armed forces ordered the rural Hutu population in large areas of the country into camps where they could be more effectively monitored and controlled.”¹⁴⁹ As HRW documented, “the use of mass terror and targeting of the civilian population, torture, rape, summary execution and destruction of homes” were used both to force people into the regroupment camps and to keep them there. In the camps themselves, forced labor and disappearances were commonplace, and people were not free to move. Any infringement of the camps’ policy could result in a beating. Sometimes, IDPs accompanied by the army would go and take the belongings from Hutu’s homes. In these camps, people lived under harsh conditions so much so that many people suffered—even adults—from malnutrition.¹⁵⁰

Under international pressure and as a precondition for Arusha political negotiations, Buyoya dismantled some camps in areas where the rebel movements had become less active, but he created others in areas where combat had intensified.¹⁵¹ So, under Buyoya II civilians suffered many violations of their rights.

Unfortunately, these violations were not only on the part of the army but also came from the rebels groups. Seen as Hutu rebel movements, they targeted IDPs centers (occupied by Tutsi) and killed many people. For instance, in July 1996, more than 300 people were slaughtered in the

¹⁴⁸ Since Ndadaye’s death, except for some regions, hills had become Hutu’s lands, since Tutsi had become IDPs on different centers protected by the army.

¹⁴⁹ Ibid, p. 1.

¹⁵⁰ Ibid, pp. 32-80.

¹⁵¹ Ibid, p. 58.

Bugendana site for IDPs; one year later, 30 junior seminarians of Buta Seminary were massacred,¹⁵² and, in 2004, they killed the Banyamulenge people who had fled Congo to Burundi. These are but a few examples of Tutsi targeted killings. However, these rebel groups also killed and mistreated the Hutu for whom they claimed to fight. HRW documented the same human rights abuses and the same crimes of war and against humanity committed by the rebel groups against civilian population as the army committed.¹⁵³ In HRW's words, "the rebel groups have indiscriminately attacked civilians, killing and raping, and they have assassinated unarmed political officials. They have also engaged extensively in looting and destruction of property, exacerbating serious problems of malnutrition in the country. Within the areas that they control, the FDD and Palipehutu coerced civilians to remain in the areas against their will, forcing them to farm for them and provide other labor."¹⁵⁴

In this context, the civilian population, especially Hutu, were trapped between the two forces, because if they backed the armed movements, they would undergo army retaliation; and when they worked with the army, they were exposed to the rebel movements. Thus, "many people...felt caught in a tragic dilemma: if they support the FDD, they can be targeted by the government for retaliation, but if they refuse to support FDD, they can be targeted by the FDD."¹⁵⁵ And this exposes what has been "the typical pattern of violence in Burundi [which] has

¹⁵² See Bukuru Zacharie, *Les quarante martyres de Buta (Burundi 1997). Frères à la vie ; à la mort* (Paris: Karthala, 2004).

¹⁵³ Human Rights Watch, *ibid*, pp. 81-96.

¹⁵⁴ *Ibid*, p. 81.

¹⁵⁵ *Ibid*, p. 96.

consisted of an attack on some (usually civilian) target by one side, followed by the retaliatory attack by the other, almost invariably directed at civilians.”¹⁵⁶

This ordeal of the Burundi people lasted until the moment when “cease-fire agreements between the transitional government and the CNDD-FDD, led by Pierre Nkurunziza, were signed on December 2, 2002, January 27, 2003, and October 16, 2003.”¹⁵⁷ And the horizon of hope for peace and respect for human rights was opened wide when free and fair elections were held in 2005 and won by the former rebel movement CNDD-FDD. Although by that time the Palipehutu-FNL was still active in some parts of the country, most of the areas were peaceful. Refugees returned to their home country, some after more than thirty years of exile, and the IDPs were able to return to their hills of origin.

Conclusion

This chapter set the scene in Burundi regarding the violations and abuses of human rights since independence, emphasizing three pivotal periods: 1972, 1983-87, and 1993-2005. Unfortunately, the three periods are not isolated moments of violations and abuses of human rights in Burundi’s post-independence history. Rather, they represent the peak of horror undergone by Burundi’s people. It is impossible to enumerate all the human rights violations during these periods. For instance, the right to life was trampled on in all the killings, while religious freedom and the right to freedom of opinion and expression were denied during Bagaza’s republic. The right to freedom of movement was restricted in Buyoya’s camps, and rebels forced people to labor for them. In both instances, people could not meet their basic needs

¹⁵⁶ Ibid. On the Catholic Church’s side, among the many priests, religious and lay people killed during this war, were two important Church leaders: the archbishop Joachim Ruhuna killed in 1996 and the Papal Nuncio, Msgr Michael Gourtney killed in 2003 (Watt, 2008: 64).

¹⁵⁷ Krueger & Krueger, *ibid*, p. 280.

for sheer survival. It is hard to imagine a right that was not violated during those moments of crimes, rape and genocide, where the full range of basic human rights was denied.

What then has been the Catholic Church's attitude during those moments? How did she use human rights discourse to advocate for peace in such troubled periods? We still need to attend to these questions. But before doing so, let us analyze what materials the Catholic tradition of social thought offers for advocating for peace with human rights.

CHAP. II. THE CATHOLIC UNDERSTANDING OF HUMAN RIGHTS

As an idea that developed from the European Enlightenment, human rights were not initially received by the Catholic Church with open arms. This period produced what is called today the first generation of human rights, i.e., civil-political rights, which are freedom-oriented, and the Catholic reaction against the human rights movement of that time staked out a position against basic rights based on freedom, especially freedom of conscience, expression and consequently of religion. However, as time passed, the Catholic Church came to recognize the importance of human rights and endorsed them fully and even promoted them as instruments for peace.

Leo XIII opened a new era regarding the official position of the Church towards human rights in his renowned encyclical letter on capital and labor, *Rerum Novarum* (May 15, 1891). Although his immediate successors, Pius X and Benedict XV, by and large opposed direct Catholic political involvement, Pius XI's *Quadragesimo Anno* on the reconstruction of the social order (May 15, 1931) confirmed Leo XIII's breakthrough. Through his *Christmas messages*,¹⁵⁸ Pius XII engaged the Church in world affairs and set it on the path of recognizing both civic-political and social-economic rights based on the notion of the "human person". With John XXIII's encyclical *Pacem in Terris* (PT, April 11, 1963), the Catholic Church not only fully endorsed all generations of human rights, but also conceived them as a means for peace. Vatican Council II reiterated the Church's commitment to human rights. The Council said, "The Church, therefore, by virtue of the Gospel committed to her, proclaims the rights of man; she

¹⁵⁸ Carol J. Vanderburg, *The Christmas Messages: The Contribution of Pius XII to the Catholic Church's Endorsement of Human Rights and Democracy*. A Dissertation presented to the Faculty of Theology of the Graduate School of Liberal Arts of Duquesne University, April, 2002.

acknowledges and greatly esteems the dynamic movements of today by which these rights are everywhere fostered.”¹⁵⁹

How does the Catholic Church account for her understanding of human rights? How does she understand the relation between the various rights and their relationship to the common good? Answering these questions will lead this chapter toward the understanding of how human rights can serve as a means for peace.

II.1. Foundation of Human Rights

The Catholic Church grounds her theory of human rights on her conviction that the human being is created in “the image and likeness of God” (Gen 1: 27). Each individual is a human person with faculties of intelligence and will, and inalienable human dignity. Pope John XXIII opens his encyclical on human rights by stating that “God created man ‘in His own image and likeness,’ endowed him with intelligence and freedom, and made him lord of creation.”¹⁶⁰ Commenting on the Genesis passage his predecessor had quoted, Pope Benedict XVI states that “*as one created in the image of God, each individual human being has the dignity of a person; he or she is not just something, but someone, capable of self-knowledge, self-possession, free self-giving and entering into communion with others.*”¹⁶¹ In other words, to be created in God’s likeness sets the individual as different in nature from other creatures. “He or she is not just something,” says Benedict XVI, because as a person, not only does she have self-consciousness, but also she is able to relate to other human beings and primarily to God.¹⁶² Hence, GS roots human dignity in the call to communion with God. It asserts, “The root reason for human dignity

¹⁵⁹ Vatican Council II, *Gaudium et Spes*, [GS], no. 41. On http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html (Accessed November 13, 2009).

¹⁶⁰ John XXIII, PT, no. 4. On http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html (Accessed November 13, 2009).

¹⁶¹ Benedict XVI, *The Human Family, a Community of Peace*, no. 2.

¹⁶² *Ibid.*

lies in man's call to communion with God.”¹⁶³ However, human dignity can never be alienated even when the conscience errs: “Conscience frequently errs from invincible ignorance without losing its dignity.”¹⁶⁴ Put into other words, the human being never loses his or her human dignity whatever the circumstances.

From the fact that the human being is a human person with inalienable dignity, we can recognize that the human person possesses inalienable rights, but also duties. John XXIII affirms that

Any well-regulated and productive association of men in society demands the acceptance of one fundamental principle: that each individual man is truly a person. He is a nature, that is, endowed with intelligence and free will. As such he has rights and duties, which together flow as a direct consequence from his nature. These rights and duties are universal and inviolable, and therefore altogether inalienable.¹⁶⁵

The grounding of the dignity of the human person in the understanding of human person as “endowed with intelligence and free will,” adds an epistemological element of natural law to the biblical-theological ground of *imago Dei*. John XXIII and the entire tradition on human rights use this natural law methodology. “Peace on Earth...can never be established, never guaranteed, *except by the diligent observance of the divinely established order.*”¹⁶⁶ (Emphasis added), and “the world's Creator has stamped man's inmost being with an order revealed to man by his conscience; and his conscience insists on his preserving it.”¹⁶⁷ This is especially true with regards to social order, which is governed by different types of norms from the mechanical ones that guide the universe. “The Father of the universe has inscribed them in man's nature, and that is where we must look for them; there and nowhere else. These laws clearly indicate how a man must behave toward his fellows in society, and how the mutual relationships between the

¹⁶³ Vatican Council II, GS, no. 19.

¹⁶⁴ *Ibid*, no. 16.

¹⁶⁵ John XXIII, PT, no. 9.

¹⁶⁶ *Ibid*, no. 1.

¹⁶⁷ *Ibid*, no. 5.

members of a State and its officials are to be conducted. They show too what principles must govern the relations between States; and finally, what should be the relations between individuals or States on the one hand, and the world-wide community of nations on the other.”¹⁶⁸ Thus human rights “are indeed universal human rights, rooted in the nature of the person, rights which reflect the objective and inviolable demands of a *universal moral law*.”¹⁶⁹

This twofold methodological basis –theological and moral- grounds the Catholic discourse on human rights in dialectical way. While for believers *imago Dei* can serve as an adequate basis to ground human rights, natural law reasoning bridges the theological argument as a discourse based on reason for secular sphere. In John Paul II’s words, “the universal moral law written on the human heart is precisely that kind of ‘grammar’ which is needed if the world is to engage this discussion of its future.”¹⁷⁰ The natural law offers “a way to discuss the human future intelligibly.”¹⁷¹ In this sense, the nature of the human person becomes the cornerstone of human rights. For Benedict XVI, “only if they are grounded in the objective requirements of the nature bestowed on man by the Creator, can the rights attributed to him be affirmed without fear of contradiction.”¹⁷²

In the same line, Catholic thought on human rights points out that the human person is not an isolated monad. The human person is intrinsically social in virtue of her call and capacity to communion, of being created with and for community since the beginning: “male and female, he created them” (Gen 1: 27). This social aspect of the human person grants her social rights and

¹⁶⁸ Ibid, no. 6-7.

¹⁶⁹ John Paul II, *Let Us Give Children a Future of Peace: Message of His Holiness Pope John Paul II for the Celebration of the XXIX World Day of Peace, 1 January 1996*, no. 3. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_08121995_xxix-world-day-for-peace_en.html (accessed June 15, 2010).

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Benedict XVI, *The Human Family, a Community of Peace*, no. 12.

duties. John XXIII notes that “men are by nature social, and consequently they have the right to meet together and to form associations with their fellows. They have the right to confer on such associations the type of organization which they consider best calculated to achieve their objectives.”¹⁷³ And he adds, “since men are social by nature, they must live together and consult each other's interests.”¹⁷⁴ John Paul II corroborates the idea, saying that “every person, created in the image and likeness of God (cf. *Gen* 1:26-28) and therefore radically oriented towards the Creator, is constantly in relationship with those possessed of the same dignity.”¹⁷⁵ In the same vein, Pope Benedict XVI asks, “Can an individual find complete fulfillment without taking account of his social nature, that is, his being ‘with’ and ‘for’ others?”¹⁷⁶ In other words, the nature of the human person is a being created in the image of God, endowed with intelligence and freedom in order to live with and for others in a human community. This is why every human person has inalienable rights, but also correspondent duties. As David Hollenbach puts it, “Catholic rights theory is far removed from individualist or libertarian philosophy. The theory presented in the encyclicals is personalist, not individualist, and it recognizes that persons are essentially social and institution building beings.” Hollenbach goes on to add, “because of this fact the personal rights which belong to every human being in an unmediated way create duties which bind other persons, society and state.”¹⁷⁷

Having asserted that human rights are founded on human dignity and are embedded in the nature of the human person as a social being, we now ask: what are human rights conceptually

¹⁷³ John XXIII, PT, no. 23.

¹⁷⁴ Ibid, no. 31.

¹⁷⁵ John Paul II, *Respect for human rights: The Secret of True Peace*, no. 2.

¹⁷⁶ Benedict XVI, *In Truth, Peace: Message of His Holiness Pope Benedict XVI for the Celebration of the World Day of Peace, 01 January 2006*, no. 5. On http://www.vatican.va/holy_father/benedict_xvi/messages/peace/documents/hf_ben-xvi_mes_20051213_xxxix-world-day-peace_en.html (accessed on July 13, 2010)

¹⁷⁷ David Hollenbach, S.J., *Claims in Conflicts: Retrieving and Renewing the Catholic Human Rights Tradition* (New York, Ramsey, Toronto: Paulist Press, 1979), p. 97.

speaking in Catholic teaching? In PT, John XXIII does not give a clear definition of human rights. However, reading this encyclical, one can infer that human rights are the laws “inscribed in man’s nature” to “govern men,”¹⁷⁸ by indicating

How a man must behave toward his fellows in society, and how the mutual relationships between the members of a State and its officials are to be conducted. They show too what principles must govern the relations between States; and finally, what should be the relations between individuals or States on the one hand, and the world-wide community of nations on the other. Men's common interests make it imperative that at long last a world-wide community of nations be established.¹⁷⁹

Portraying John XXIII’s definition in this way makes sense because the whole encyclical is devoted to explaining those relationships in terms of human rights. John Paul II expands this definition when he says that human rights are universal and they represent “a *universal moral law*.” He continues, “These are not abstract points; rather, these rights tell us something important about the actual life of every individual and of every social group. *They also remind us that we do not live in an irrational or meaningless world*. On the contrary, there is a *moral logic* which is built into human life and which makes possible dialogue between individuals and peoples.”¹⁸⁰ In John Paul II’s vision, human rights are not abstract principles. Rather, although universal and objective because rooted in “universal moral law,” they are moral principles that give meaning to the individual and social life, as they offer “the grammar/moral logic” for relationship between peoples or groups of different backgrounds. John Paul II sees them as a remedy to “coercion” and a way to “a *century of persuasion*.”¹⁸¹

In this sense, not only are human rights based on human dignity, but they also serve as means to protect and enhance it. Human dignity as “a transcendent value, always recognized as

¹⁷⁸ John XXIII, PT, no. 6.

¹⁷⁹ Ibid, no. 7.

¹⁸⁰ John Paul II, *Let Us Give Children a Future of Peace*, no. 3.

¹⁸¹ Ibid.

such by those who sincerely search for the truth,”¹⁸² is not “an abstract or ethereal reality but it is realized in concrete conditions of personal, social, economic and political life.”¹⁸³ Hollenbach insists that “respect for the dignity of the person is not to be thought as an ideal to be approximated or approached asymptotically by the patterns of social organization. It is rather an intrinsic element in the very nature of organization itself.” Hence “all forms of social life are conceived as essentially moral relationships. They are in service of the dignity of human persons whenever they conform to their own proper structure.” And the “finite conditions which are necessary for the promotion of human dignity are human rights.”¹⁸⁴ Human rights then constitute the historical means by which human dignity is protected and fostered through concrete actions which allow a dignified life for every human person and every social group.

Concluding this section on foundations of human rights in Catholic thought, one can say with Roger Ruston that “the Catholic paradigm of rights begins not from the sovereign individual, but with the social person, made in God’s image, endowed with reason and freedom of choice, able to tell the difference between an objective good and evil.”¹⁸⁵ That is why “the foundation and goal of the social order is the human person, as a subject of inalienable rights which are not conferred from outside but which arise from the person's very nature.”¹⁸⁶ All these elements together express the human dignity, source and foundation of human rights. At the same time, these rights are the historical conditions to concretize human dignity in the real life of human persons and groups of people.

¹⁸² John Paul II, *Respect for human rights*, no. 2.

¹⁸³ Hollenbach, *Claims in Conflicts*, p. 68.

¹⁸⁴ *Ibid*, p.59.

¹⁸⁵ Roger Ruston, *Human Rights and the Image of God* (London: SCM Press, 2004), p. 11.

¹⁸⁶ John Paul II, *Respect for human rights*, no. 87.

II.2. Interconnectedness of Human Rights

In the recent history of human rights discourse, one can distinguish at least three generations according to Douglas I. Elwood, among others.¹⁸⁷ The first generation encompasses the freedom-oriented rights which are embodied in articles 2-21 of the *Universal Declaration of Human Rights* (UDHR). Their key-word is “liberty” and these rights were promoted by the English, American and French Revolutions. They are called negative rights because they are “rights from.” The second generation concerns the rights contained in articles 22-27. They are need-based rights and that is why they are also named positive rights because they are “rights to.” The key-word here is “equality” and they are the fruit of the social revolution. The third generation is the result of the decline in power of nation-states and are rights to self-determination and self-development as contained in the articles 28-29, mostly developed from the Third World. And today, “with the globalization of the economy and communications and the emergence of developing post-colonial states, new rights have been added to the human rights corpus. These include rights to healthy environment, to sustainable development, to culture, to immigration and to political asylum.”¹⁸⁸ We have here a fourth generation and it is not impossible that we may have a fifth, since this long history shows that understanding human rights is an ongoing process.

There have been tensions between these generations, especially between the first and the second, motivated by the philosophical ideology behind each of them. Liberalism emphasizes the civil and political rights at the expense of other rights, while socialism stresses the primacy of

¹⁸⁷ Douglas J. Elwood, *Human Rights: A Christian Perspective* (Quenzon City: New Day Publishers, 1990), pp. 7-10.

¹⁸⁸ Micheline R. Ishay, *Ishay, The history of Human Rights: From Ancient Times to the Globalization Era* (Berkeley, Los Angeles, London: University of California Press, 2004), p. 13.

socio-economic rights over the civil and political rights. What is the position of the Catholic thought on this polarity?

The first element to be noticed is that, as mentioned above, the Catholic understanding of human rights does not espouse any of these philosophical trends –liberalism or socialism. It is based on the biblical-theological concept of *imago Dei* and on natural law thought, which views the human being as a person endowed with intelligence and freedom. From this starting point, civil and political rights are interwoven with socio-economic and cultural ones in PT. For instance, opening the section on rights, John XXIII writes,

Man has the right to live. He has the right to bodily integrity and to the means necessary for the proper development of life, particularly food, clothing, shelter, medical care, rest, and, finally, the necessary social services. In consequence, he has the right to be looked after in the event of ill health; disability stemming from his work; widowhood; old age; enforced unemployment; or whenever through no fault of his own he is deprived of the means of livelihood.¹⁸⁹

Vatican Council II would adopt the same position.¹⁹⁰ This bundle of claims proceeds quite logically, as the first right is right to life, and one cannot exercise the right to life, if he or she does not have the means to live it, “particularly food, clothing, shelter, medical care, rest, and, finally, the necessary social services.”¹⁹¹ The listing of these elements points out the minimum requirements for a life, before there can even be a distinction between rights. And if one were to judge the importance of rights according to their appearance in the document, socio-cultural rights come first,¹⁹² followed by the right to religious freedom,¹⁹³ while economic and political rights come last respectively.¹⁹⁴ The point is not that there are some rights that are more important than others, but rather, taken together, all these listings of human rights are “conditions

¹⁸⁹ John XXIII, PT, no. 11.

¹⁹⁰ Vatican Council II, GS, no. 26.

¹⁹¹ Ibid.

¹⁹² John XXIII, no. 12-13.

¹⁹³ Ibid, no. 14.

¹⁹⁴ Ibid, no. 18-22, 26-27.

of dignity” and “are interrelated with each other through the social and political structures of the society.”¹⁹⁵

Hence, from the Catholic perspective there is no conflict between the so-called generations of human rights, because none of them can fulfill human dignity alone, but only when taken together. As Donald Dietrich notes, “in contrast to Western liberalism, which has tended toward social atomism, the Christian tradition... has historically maintained that human rights are both individual and socio-cultural.”¹⁹⁶ And as Hollenbach observes, “Roman Catholic thought links the basic economic rights of all persons (food, shelter, work, health care, social security, etc.) with the civil and political rights at the foundation of the democracies of the West (freedom of speech, belief, assembly, association, habeas corpus, due process, etc.)” And he adds, “in other words, Catholic social teaching denies the inevitability of a choice between bread and freedom, a choice often portrayed as a tragic necessity.”¹⁹⁷

John Paul II expresses strongly this interconnection of human rights. He says, “Human rights are traditionally grouped into two broad categories, including on the one hand civil and political rights and on the other economic, social and cultural rights.” However, “both categories, although to different degrees, are guaranteed by international agreements. [And] all human rights are in fact closely connected, being the expression of different dimensions of a single subject, the

¹⁹⁵ Hollenbach, *Claims in Conflicts*, p. 68.

¹⁹⁶ Donald Dietrich, *Human Rights and Catholic Tradition* (New Brunswick and London: Transaction Publishers, 2007), p. 196.

¹⁹⁷ David Hollenbach, SJ, “Both Bread and Freedom: The interconnection of Economic and Political Rights in Recent Catholic Thought” in *Boston Theological Annual Series*, Vol. 1. Cambridge, 1985, p. 31.

human person. The integral promotion of every category of human rights is the true guarantee of full respect for each individual right.”¹⁹⁸ For the late Pope,

Defense of the universality and indivisibility of human rights is essential for the construction of a peaceful society and for the overall development of individuals, peoples and nations. To affirm the universality and indivisibility of rights is not to exclude legitimate cultural and political differences in the exercise of individual rights, provided that in every case the levels set for the whole of humanity by the Universal Declaration are respected.¹⁹⁹

In other words, human rights can only promote human dignity if they are taken together, because they are “expression of different dimensions of a single subject, the human person.”²⁰⁰

This interconnectedness of human rights in Catholic thought is embedded in the connection between rights and duties. The same principles that ground human rights for the human person entrust her with responsibilities. As noted already, John XXIII contends that any fully adequate social thought has to be based on the principle “that each individual man is truly a person. His is a nature, that is, endowed with intelligence and free will.”²⁰¹ Therefore, “he has rights and duties, which together flow as a direct consequence from his nature. These rights and duties are universal and inviolable, and therefore altogether inalienable.”²⁰² Later on, John XXIII affirms that “the natural rights of which We have so far been speaking are inextricably bound up with as many duties, all applying to one and the same person. These rights and duties derive their origin, their sustenance, and their indestructibility from the natural law, which in conferring the one imposes the other.”²⁰³ He even offers an example, showing that “the right to live involves the duty to preserve one's life; the right to a decent standard of living, the duty to live in a becoming fashion; the right to be free to seek out the truth, the duty to devote oneself to an ever deeper and

¹⁹⁸ John Paul II, *Respect for human rights*, no. 3.

¹⁹⁹ *Ibid.*

²⁰⁰ *Ibid.*

²⁰¹ John XXIII, PT, no. 9.

²⁰² *Ibid.*

²⁰³ *Ibid.*, no. 28.

wider search for it.”²⁰⁴ In other words, the very fact that the human person claims rights because of his or her dignity, he or she assumes correspondent duties. Human dignity means both enjoying rights and performing duties.

John Paul II uses this notion of duty to criticize some interpretations of the Universal Declaration of Human Rights. In his own words, “the international community, which since 1948 has possessed a charter of the inalienable rights of the human person, has generally failed to *insist sufficiently on corresponding duties*. It is *duty* that establishes the limits within which *rights* must be contained in order not to become an exercise in arbitrariness.”²⁰⁵ Following this understanding, rights need duties to be concrete and to avoid excess. Benedict XVI goes in the same vein. In his encyclical *Caritas in Veritate* (CV), he observes that “many people today would claim that they owe nothing to anyone, except to themselves. They are concerned only with their rights, and they often have great difficulty in taking responsibility for their own and other people's integral development.” For this reason, “it is important to call for a renewed reflection on how *rights presuppose duties, if they are not to become mere license*.”²⁰⁶ He adds,

Nowadays we are witnessing a grave inconsistency. On the one hand, appeals are made to alleged rights, arbitrary and non-essential in nature, accompanied by the demand that they be recognized and promoted by public structures, while, on the other hand, elementary and basic rights remain unacknowledged and are violated in much of the world... Individual rights, when detached from a framework of duties which grants them their full meaning, can run wild, leading to an escalation of demands which is effectively unlimited and indiscriminate. An overemphasis on rights leads to a disregard for duties. Duties set a limit on rights because they point to the anthropological and ethical framework of which rights are a part, in this way

²⁰⁴ Ibid, no. 29.

²⁰⁵ John Paul II, *Pacem in Terris: A Permanent Commitment: Message of His Holiness Pope John Paul II for the Celebration of the World Day of Peace, 1 January 2003*, no. 5. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_20021217_xxxvi-world-day-for-peace_en.html (accessed June 15, 2010)

²⁰⁶ Benedict XVI, *Caritas in Veritate*, 2009, no. 43. On http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate_en.html (accessed on January 8, 2011).

ensuring that they do not become license. Duties thereby reinforce rights and call for their defense and promotion as a task to be undertaken in the service of the common good.²⁰⁷

Following these comments, one would conclude that for Catholic theory, human rights are fully understood not only when founded on human dignity, but also when bound by correspondent duties that set limits to them. This theory does not, however, stop with the rights of individual. It also talks of the rights of nations. Basing his teaching on the natural law, John XXIII affirms that “nations are the subjects of reciprocal rights and duties. Their relationships, therefore, must likewise be harmonized in accordance with the dictates of truth, justice, willing cooperation, and freedom. The same law of nature that governs the life and conduct of individuals must also regulate the relations of political communities with one another.”²⁰⁸ He states that the same dialectical relationship between rights and duties ought to characterize the relations between states,²⁰⁹ asserting by the same token on the same basis the states’ rights:

States have the right to existence, to self development, and to the means necessary to achieve this. They have the right to play the leading part in the process of their own development, and the right to their good name and due honors. Consequently, States are likewise in duty bound to safeguard all such rights effectively, and to avoid any action that could violate them. And just as individual men may not pursue their own private interests in a way that is unfair and detrimental to others, so too it would be criminal in a State to aim at improving itself by the use of methods which involve other nations in injury and unjust oppression.²¹⁰

John Paul II recognizes the same rights of nations, saying that “upon this anthropological foundation there also rest the ‘rights of nations’, which are nothing but ‘human rights’ fostered at the specific level of community life.”²¹¹ He goes to say, “a presupposition of a nation's rights is certainly its right to exist: therefore no one — neither a State nor another nation, nor an

²⁰⁷ Ibid.

²⁰⁸ John XXIII, PT, no. 80.

²⁰⁹ Ibid, no. 91.

²¹⁰ Ibid, no. 92.

²¹¹ John Paul II, *Let Us Give Children a Future of Peace*, no. 8.

international organization — is ever justified in asserting that *an individual nation is not worthy of existence.*”²¹²

To summarize, Catholic thought on human rights argues for the interconnectedness of human rights and their correspondent duties. On this dialectic relation between rights and duties, the Catholic human rights theory erects the rights of nations. But what is the relation of human rights and their corresponding duties to the common good? This question is considered in the next section.

II.3. Human Rights and the Common Good

Another important component of the Catholic understanding of human rights is the common good. Common good takes into account the interests of each person as a member of a community, and the good of the whole community that people have in common. According to Benedict XVI, “besides the good of the individual, there is a good that is linked to living in society: the common good. It is the good of ‘all of us’, made up of individuals, families and intermediate groups who together constitute society. It is a good that is sought not for its own sake, but for the people who belong to the social community and who can only really and effectively pursue their good within it.”²¹³ Because it encompasses several dimensions, in David Hollenbach’s words, “the common good is both a moral and a descriptive concept.” He explains,

Over time, the moral quality of the patterns of people’s interaction in a community inevitably influences whether their lives can be described as good from a pragmatic standpoint that is sufficiently capacious. When people interact in a way that expresses reciprocal respect for their dignity as persons their well-being becomes a shared good. The well-being of each party to the relationship is linked with the well-being of the others. The good of each is not in a zero-sum relationship with the goods of the others. Rather, the good of each member increase or decreases as the common good grows or declines, for the well-being of each is

²¹² Ibid.

²¹³ Benedict XVI, *Caritas in Veritate*, no. 7.

linked with that of the others through their reciprocal relationship...The common good of the community and the good of the members are mutually implicating.²¹⁴

This relationship between the good of the community and the good of each member indicates the fundamental unity between human rights and common good. As shown earlier, in Catholic teaching, rights are always coupled with duties, because human persons are social beings by nature, and their claim to rights due to their human dignity also impose duties. The individual's claims have to take into consideration the claims of other members of the community and the claims of the community as a whole. As Thomas Massaro puts it, "instead of being isolated claims against others in an atmosphere of competitive individualism, rights emerge as benchmark to measure the attainment of shared values regarding the flourishing of all members of society."²¹⁵ Indeed, human rights are claimed by human persons who are embedded in a social web, which is why human rights are intrinsically related to the common good in Catholic social thought.

John XXIII stresses again and again this point in his encyclical letter. For instance, he states that the human person "has a right to freedom in investigating the truth, and—within the limits of the moral order and the common good—to freedom of speech and publication, and to freedom to pursue whatever profession he may choose."²¹⁶ Common good can be seen as a limit to the excess of individual rights, although it entrusts each subject of rights with responsibility to care for one another and for the construction of the whole community as a duty. Yet, as Avery Dulles observes, "the common good is not a limitation on human rights but an enhancement. It gives the members of the community greater opportunities to achieve their personal self-

²¹⁴ David Hollenbach, *The Common Good and Christian Ethics* (Cambridge University Press, 2002), p. 189.

²¹⁵ Thomas Massaro, SJ, *United States Welfare Policy: A Catholic Response* (Washington, D.C.: Georgetown University Press, 2007), pp. 16-17.

²¹⁶ John XXIII, PT, no. 12.

realization and solidifies mutual vision.”²¹⁷ John XXIII expresses the same view stating, “That men should recognize and perform their respective rights and duties is imperative to a well ordered society. But the result will be that each individual will make his whole-hearted contribution to the creation of a civic order in which rights and duties are ever more diligently and more effectively observed.”²¹⁸

Thus, in the same way that the common good is related to the good of each member, the personal rights and duties are intertwined with the common good. Human rights can only promote human dignity when they are envisioned as common good, and as benefiting every member of the community. They call for both the promotion of personal dignity and offer opportunity to everybody to contribute to the respect and promotion of human dignity of every person and the values of the community. In John Paul II’s words, “the common good closely concerns [the individual]. It closely concerns every expression of his [or her] social nature: the family, groups, associations, cities, regions, states, the community of peoples and nations. *Each person, in some way, is called to work for the common good, constantly looking out for the good of others as if it were his own.*”²¹⁹

At the same time, however, “this responsibility belongs in a particular way to political authorities at every level, since they are called to create that sum of social conditions which permit and foster in human beings the integral development of their person,”²²⁰ and “it is in the

²¹⁷ Avery Dulles, SJ, *Human Rights: The United Nations and Papal Teaching* (New York: Fordham University Press 1998), p. 8.

²¹⁸ John XXIII, PT, no. 31.

²¹⁹ John Paul II, *Do Not Be Overcome by Evil, but Overcome Evil with Good: Message of His Holiness Pope John Paul II for the Celebration of the World Day of Peace, 1 January 2005*, no. 5. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp_ii_mes_20041216_xxxviii-world-day-for-peace_en.html (accessed June 15, 2010).

²²⁰ Ibid.

nature of the common good that every single citizen has the right to share in it.”²²¹ In other words, while each individual has a duty to contribute to the common good, social and political structures first have to offer conditions in which people can contribute to and participate in the good of the whole community. In Hollenbach’s words, “these conditions are human rights,”²²² indicating that human rights are absolutely inseparable from the common good. “The common good...demands respect for and the integral promotion of the person and his fundamental rights, as well as respect for and the promotion of the rights of nations on the universal plane,”²²³ while “the integral promotion of the person and his [or her] fundamental rights” demands the promotion and enhancement of the common good.²²⁴

With regard to this relationship between human rights and the common good, Lisa Cahill remarks that “from the 1960s onward, the concept of the common good has been designated as the universal common good, and it has grounded a universalizing and ameliorative view of human relationships and social structures.”²²⁵ Due to increasing globalization which allowed intercommunication between nations since the end of the Second World War, CST became aware of the enhancement of the unity of human family but also the internationalization of human conflicts. CST then put forward this concept of universal/global common good as a new arena for dealing with issues that cross the borders of classic nations. In John XXIII’s terms, “in the past rulers of States seem to have been able to make sufficient provision for the universal common good through the normal diplomatic channels...In our own day, however, mutual relationships between States have undergone a far reaching change. On the one hand, the

²²¹ John XXIII, PT, no. 56.

²²² Hollenbach, *Claims in Conflicts*, p. 68.

²²³ John Paul II, *Do Not Be Overcome by Evil*, no. 5.

²²⁴ Ibid.

²²⁵ Lisa Sowle Cahill, “Globalization and the Common Good” in Coleman, John A. & Ryan, William F. (Eds.). *Globalization and Catholic Social Thought: Present Crisis, Future Hope* (New York: Orbis Books, 2005), pp. 42-54.

universal common good gives rise to problems of the utmost gravity, complexity and urgency... On the other hand, the rulers of individual nations, being all on an equal footing, largely fail in their efforts to achieve this.”²²⁶ Therefore, as long as “no era will ever succeed in destroying the unity of the human family, ... there will always be an imperative need...to promote in sufficient measure the universal common good; the good, that is, of the whole human family.”²²⁷ Hence the call for a universal authority to enforce conditions for that universal common good.

John XXIII recognized the seed of such a universal authority in the establishment of the UN and he hoped that it would progressively become a shield for protecting human rights. He says, “It is therefore Our earnest wish that the United Nations Organization may be able progressively to adapt its structure and methods of operation to the magnitude and nobility of its tasks. May the day be not long delayed when every human being can find in this organization an effective safeguard of his personal rights; those rights, that is, which derive directly from his dignity as a human person, and which are therefore universal, inviolable and inalienable.”²²⁸ John XXIII supported the prospect of an effective international authority interacting with actual states according to the principle of subsidiarity, which suggests that what can be done at local level should not be usurped by higher authority.²²⁹ John Paul II also interprets his predecessor in this sense.²³⁰

Now, if at the present time it is difficult to think of a complete disappearance of states, because “the legal sovereignty of national government continues to be an important tenet of international law and can be expected to remain so,” the interconnection of the world today

²²⁶ John XXIII, PT, no. 133-34.

²²⁷ Ibid, no. 132.

²²⁸ Ibid, 145.

²²⁹ Ibid, 140.

²³⁰ John Paul II, *Do Not Be Overcome by Evil*, no. 5.

requires the concept of universal common good, for “national governments acting autonomously are less able to produce the conditions of the good life for their citizens than in the past.”²³¹ And this universal common good can only be grounded on the protection of human rights. According to Hollenbach, “universal human rights and the global common good are mutually implicating; you cannot have one without the other.”²³² And although there can be differences in implementing human rights throughout the world, at least “securing human rights or even taking significant steps toward securing them...is a minimal requirement of respect for the dignity of all members of the human moral community.”²³³ In other words, the promotion of human rights is the content of the universal common good, as it expresses a concrete way of caring for the whole human family.

To conclude, one can say with John XXIII that “it is generally accepted today that the common good is best safeguarded when personal rights and duties are guaranteed.”²³⁴ But as the human community has become more and more interdependent, the common good of a given local community has to take into account the good of the whole human family. Accordingly, universal common good can have meaning only if the rights and duties of all peoples throughout the world are secured. Therefore, the Catholic understanding of human rights emphasizes their relationship with the common good at local and universal levels. Thus understood, human rights are eminently useful in the task of fostering peace among peoples and among nations.

²³¹ Hollenbach, *The Common Good*, p. 233.

²³² *Ibid.*, 229.

²³³ *Ibid.*

²³⁴ John XXIII, PT, no. 60.

II.4. Human Rights as Means for Peace

The Church's full recognition of human rights is contained in an encyclical dedicated to peace on earth, *Pacem in Terris*. No wonder then that, in the Catholic understanding, human rights are means for peace in local communities as well as in the international community.²³⁵ For John XXIII, "Peace on Earth...can never be established, never guaranteed, except by the diligent observance of the divinely established order."²³⁶ As the encyclical unfolds, one receives the impression that human rights are the expression of this "divinely established order" needed for peace on earth, as they regulate the different levels of relationships between individuals in society and the states, as well as between the states.²³⁷ Thus, after laying down the rights and duties of human persons and of nations, and having treated the various relations of individuals to states and states to states, Pope John XXIII affirms that, "unquestionably, the teaching We have given has been inspired by a longing which We feel most keenly, and which We know is shared by all men of good will: that peace may be assured on earth."²³⁸ In other words, the whole teaching on human rights was aimed at grounding peace on earth, and peace can only be meaningful if based on the "divinely established order." In John XXIII's words, "peace is but an empty word, if it does not rest upon that order which Our hope prevailed upon Us to set forth in outline in this encyclical. It is an order that is founded on truth, built up on justice, nurtured and animated by charity, and brought into effect under the auspices of freedom."²³⁹ This is another way of saying that peace is achieved when human dignity is respected and promoted through human rights and duties, in their mutual implication and their relationship to the common good.

²³⁵ In its preamble, The Universal Declaration of Human Rights also acknowledges that the recognition of inalienable human rights is the foundation of peace in the world.

²³⁶ John XXIII, PT, no. 1,

²³⁷ Ibid, no. 7.

²³⁸ Ibid, no. 166.

²³⁹ Ibid, 167.

Hence, although peace is a gift from God,²⁴⁰ it also requires concrete human initiatives and structural actions to live out the moral principles of human rights and duties.

Successive Pontiffs would reiterate the link between human rights and peace. For Pope Paul VI, “true Peace... and balanced Peace, [is] in the sincere recognition of the rights of the human person and of the independence of the individual nations.”²⁴¹ Elsewhere he states, “A Peace that is not the result of true respect for man is not true Peace.”²⁴² He repeated this point two years later: “true Peace must be based on a sense of the untouchable dignity of the human person, from which arise inviolable rights and corresponding duties.”²⁴³

From these statements, it is clear that for Paul VI, peace is intimately linked to human rights. There cannot be peace where human rights are trampled on. “It is impossible for peace to flourish where the safety of life is compromised... Where violence rages, true peace ends. But where human rights are truly professed and publicly recognized and defended, Peace becomes the joyful and operative atmosphere of life in society.”²⁴⁴ This is the reason why for him “peace is not pacifism; it does not mask a base and slothful concept of life, but it proclaims the highest and most universal values of life: truth, justice, freedom, love.”²⁴⁵ Peace implies “truth, justice, freedom, love” as universal values that are concretized historically through universal and

²⁴⁰ Ibid, 169.

²⁴¹ Paul VI, *Message of His Holiness Pope Paul VI for the Observance of a Day of Peace, 1 January 1968*, §7. On http://www.vatican.va/holy_father/paul_vi/messages/peace/documents/hf_p-vi_mes_19671208_i-world-day-for-peace_en.html (accessed 15 June, 2010).

²⁴² Paul VI, *If You Want Peace, Work for Justice: Message of His Holiness Pope Paul VI for the Celebration of the Day of Peace, 1 January 1972*, §6. On http://www.vatican.va/holy_father/paul_vi/messages/peace/documents/hf_p-vi_mes_19711208_v-world-day-for-peace_en.html (accessed 15 June, 2010).

²⁴³ Paul VI, *Peace Depends on You Too: Message of His Holiness Pope Paul VI for the Celebration of the Day of Peace, 1 January 1974*, §6. On http://www.vatican.va/holy_father/paul_vi/messages/peace/documents/hf_p-vi_mes_19731208_vii-world-day-for-peace_en.html (accessed June 15, 2010).

²⁴⁴ Paul VI, *If You Want Peace, Defend Life: Message of His Holiness Pope Paul VI for the Celebration of the Day of Peace, 1 January 1977*, §16. On http://www.vatican.va/holy_father/paul_vi/messages/peace/documents/hf_p-vi_mes_19761208_x-world-day-for-peace_en.html (accessed June 15, 2010).

²⁴⁵ Paul VI, *Message of His Holiness Pope Paul VI*, §8.

inalienable human rights and duties. For Paul VI then, it become an imperative to “arouse in the men of our time and of future generations the sense and love of Peace founded upon truth, justice, freedom and love.”²⁴⁶ “Peace must be not inert and passive but dynamic, active and progressive according as the just demands of the declared and equitable rights of man require new and better expressions of peace. Peace must not be weak, inefficient and servile, but strong in the moral reasons that justify it and in the solid support of the nations which must uphold it.”²⁴⁷ Finally, peace requires efforts to educate humankind in the universal values of “truth, justice, freedom and love.”²⁴⁸

The intrinsic relationship between peace and human rights is also reciprocal. If there is no peace without respect for human rights, it means that peace is a duty, because there cannot be respect for human rights and promotion of human dignity without peace. In Paul VI’s words, “Peace is today intrinsically linked with the ideal recognition and effective realization of the Rights of Man. To these fundamental rights there corresponds a fundamental duty, which is Peace.”²⁴⁹ He adds, “Only in a climate of Peace can right be recognized, can justice advance, can freedom breathe.”²⁵⁰ And at the same time, it is “the promotion of Human Rights [that is] the way to Peace.”²⁵¹ Thus,

In order that man may be guaranteed the right to life, to liberty, to equality, to culture, to the enjoyment of the benefits of civilization, to personal and social dignity, Peace is necessary: when Peace loses its equilibrium and efficiency, Human Rights become precarious and are compromised; when there is no Peace, right loses its human stature. Moreover, where Human Rights are not respected, defended and promoted, where violence or fraud is done to man's inalienable freedoms, where his personality is ignored

²⁴⁶ Ibid, §13.

²⁴⁷ Paul VI, *Peace is Possible: Message of His Holiness Pope Paul VI for the Celebration of the Day of Peace, 1 January 1973*, §13. On http://www.vatican.va/holy_father/paul_vi/messages/peace/documents/hf_p-vi_mes_19721208_vi-world-day-for-peace_en.html (accessed on June 15, 2010).

²⁴⁸ Ibid.

²⁴⁹ Paul VI, *The Promotion of Human Rights, the Way to Peace*, §2.

²⁵⁰ Ibid, §3.

²⁵¹ Ibid, §8.

or degraded, where discrimination, slavery or intolerance prevail, there true Peace cannot be. Peace and Rights are reciprocally cause and effect, the one of the other: Peace favors Rights, and Rights in their turn favor Peace.²⁵²

With Paul VI, human rights are intimately linked to peace and not only are they mutually implicated, but also causal factors. Where there is no peace, human rights are endangered; and where human rights are respected there peace reigns.

Paul VI's successors pursued the same thought. John Paul II's message for Peace Day in 1999 was entitled "Respect for Human Rights: the Secret of True Peace."²⁵³ This position was not new, since already in 1981, he had said that "unconditional and effective respect for each one's imprescriptible and inalienable rights is the necessary condition in order that peace may reign in a society."²⁵⁴ Commenting on John XXIII's PT, John Paul II affirmed that "the road to peace ... lay in the defense and promotion of basic human rights, which every human being enjoys, not as a benefit given by a different social class or conceded by the State but simply because of our humanity."²⁵⁵ In another message he wrote, "Peace flourishes when these rights are fully respected, but when they are violated what comes is war, which causes other still graver violations."²⁵⁶ Now, if respect for human rights is source of peace, its infringement generates disorder. For John Paul II, violence and war are caused by the non-respect of basic human rights.

²⁵² Ibid.

²⁵³ John Paul II, *Respect for human rights*.

²⁵⁴ John Paul II, *Peace: A Gift from God Entrusted to Us: Message of His Holiness Pope John Paul II for the Celebration of the Day of Peace, 1 January 1982*, no. 9. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_19811208_xv-world-day-for-peace_en.html (accessed June 15, 2010).

²⁵⁵ John Paul II, *Pacem in Terris: A Permanent Commitment: Message of His Holiness Pope John Paul II for the Celebration of the World Day of Peace, 1 January 2003*, no. 4. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_20021217_xxxvi-world-day-for-peace_en.html (accessed June 15, 2010).

²⁵⁶ John Paul II, *Peace on Earth to Those God Loves: Message of His Holiness Pope John Paul II for the Celebration of the World Day of Peace, 1 January 2000*, no. 1. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_08121999_xxxiii-world-day-for-peace_en.html (accessed June 15, 2010).

He says, “Every violation of human rights carries within it the seeds of possible conflict.”²⁵⁷ To avoid such a situation, he called “those upon whom the future of the world depends, regardless of their political philosophy, economic system or religious commitment... to help construct a single peace on the basis of social justice and the dignity and rights of every human person,”²⁵⁸ because peace cannot coexist with injustice. In his words, “even if there is no actual armed conflict as such, where *injustice* exists, it is in fact a cause and potential factor of conflict. In any case, a situation of peace in the full sense of its value cannot coexist with injustice. Peace cannot be reduced to the mere absence of conflict; it is the tranquility and completeness of order.”²⁵⁹ Peace requires the conditions needed to live a life befitting human dignity. This is why “peace is a fundamental good which involves respecting and promoting essential human values: the right to life at every stage of its development; the right to be respected, regardless of race, sex or religious convictions; the right to the material goods necessary for life; the right to work and to a fair distribution of its fruits for a well-ordered and harmonious coexistence.”²⁶⁰ As “tranquility and completeness of order,” peace becomes “a dynamic process which must take account of the many conditions and factors that can either favor it or disturb it,”²⁶¹ i.e., the conditions in which human rights are respected or thwarted. There is no doubt in the thought of John Paul II that peace and human rights are two sides of the same coin.

²⁵⁷ John Paul II, *Respect for human rights*, no. 12.

²⁵⁸ John Paul II, *Peace and Youth Go forward Together: Message of His Holiness Pope John Paul II for the Celebration of the World Day of Peace, 1 January 1985*, no. 1. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_19841208_xviii-world-day-for-peace_en.html (accessed on June 15, 2010).

²⁵⁹ *Ibid.*, no. 2.

²⁶⁰ John Paul II, *Believers United in Building Peace: Message of His Holiness Pope John Paul II for the XXV Annual World Day of Prayer for Peace, 1 January 1992*, no. 7. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_08121990_xxiv-world-day-for-peace_en.html (accessed on June 15, 2010).

²⁶¹ John Paul II, *To Build Peace, Respect Minorities: Message of His Holiness John Paul II for the Celebration of the World Day of Peace, 1 January 1989*, no. 1. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_19881208_xxii-world-day-for-peace_en.html (accessed June 15, 2010).

While he talks about peace and human rights in general, John Paul II puts great emphasis on freedom as a key to peace. In his first message delivered as Pope, he announced that “there is no peace without justice and freedom, without a courageous commitment to promote both.”²⁶² Two years later, he would assert that “man is inseparable from freedom, that freedom which no external force or constraint can ever take away, and which constitutes his fundamental right, both as an individual and as a member of society.”²⁶³ For John Paul II, freedom is so important that it becomes the foundational right for other rights and for peace. He exhorts the whole human family to respect freedom to ensure a lasting peace: “Let us instead begin by respecting true freedom: the resulting peace will be able to satisfy the world's expectations; for it will be a peace built on justice, a peace founded on the incomparable dignity of the free human being.”²⁶⁴ But then, “if it is really to serve peace, the freedom of each human individual and each community must respect the freedoms and rights of other individuals and communities. This respect sets a limit to freedom, but it also gives it its logic and its dignity, since we are by nature social beings.”²⁶⁵ Once again, in Catholic human rights theory, every right has a corresponding duty, and these two notions always accompany one another.

For John Paul II, two areas are most important for freedom: participation and the religious sphere.²⁶⁶ Regarding the right to participation, John Paul II notes that “violence and

²⁶² John Paul II, *To Reach Peace, Teach Peace: Message of His Holiness John Paul II for the Celebration of the Day of Peace, 1 January 1979*, §22. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_19781221_xii-world-day-for-peace_en.html (accessed June 15, 2010).

²⁶³ John Paul II, *To Serve Peace, Respect Freedom: Message of His Holiness Pope John Paul II for the Celebration of the Day of Peace, 1 January 1981*, no. 5. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_19801208_xiv-world-day-for-peace_en.html (accessed June 15, 2010).

²⁶⁴ *Ibid*, 11.

²⁶⁵ *Ibid*, no. 11.

²⁶⁶ Political participation means the capacity of taking active part in choosing and putting into place social structures that govern a society. Regarding religious freedom, it refers to the immunity from coercion to believe or what to believe, and the freedom to express one's religious beliefs both in private and public spheres.

injustice have often in the past found their root causes in people's sense of being deprived of the right to shape their own lives. Future violence and injustice cannot be avoided when and where the basic right to participate in the choices of society is denied.”²⁶⁷ Impeding people from taking an active hand in the organization of their lives constitutes an obstacle to the realization of other rights since it impinges on the core of all rights, i.e., freedom.²⁶⁸

But most importantly, it is religious freedom that manifests clearly the importance of freedom. For John Paul II, “religious freedom, [is] the heart of human rights.”²⁶⁹ He says, “Religion expresses the deepest aspirations of the human person, shapes people's vision of the world and affects their relationships with others: basically it offers the answer to the question of the true meaning of life, both personal and communal. *Religious freedom therefore constitutes the very heart of human rights*”²⁷⁰ (Emphasis added). This view is recurrent in so many other instances (e. g. messages for World Day of Peace of 1988, 1991, 2002) that for John Paul II, “religious freedom [is] a condition for peace.”²⁷¹ He argues that religious freedom is so central to the human person and consequently to human rights that “it follows that the freedom of individuals and of communities to profess and practice their religion is an essential element for peaceful human coexistence. Peace, which is built up and consolidated at all levels of human association, puts down its roots in the freedom and openness of consciences to truth.”²⁷² For that

²⁶⁷ John Paul II, *Peace and Youth Go forward Together*, no. 9.

²⁶⁸ See John Paul II, *To Serve Peace, Respect Freedom*, no. 6 and *Peace on Earth to Those God Loves*, no. 6.

²⁶⁹ John Paul II, *Respect for human rights*, no. 5.

²⁷⁰ *Ibid.*

²⁷¹ John Paul II, *Religious Freedom: Condition for Peace: Message of His Holiness Pope John Paul II for the Celebration of the Day of Peace, 1 January 1988*. On

http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_19871208_xxi-world-day-for-peace_en.html (accessed June 15, 2010). In his message of 2011, Pope Benedict XVI takes the same view that “religious freedom [is] the path to peace.” See *Religious Freedom, the Path to Peace: Message of His Holiness Pope Benedict XVI for the Celebration of the World Day of Peace, 01 January 2011*. On http://www.vatican.va/holy_father/benedict_xvi/messages/peace/documents/hf_ben-xvi_mes_20101208_xliv-world-day-peace_en.html (accessed January 13, 2011).

²⁷² John Paul II, *Religious Freedom*, §2.

reason, “every violation of religious freedom, whether open or hidden, does fundamental damage to the cause of peace, like violations of the other fundamental rights of the human person.”²⁷³

Within this complex intrinsic relationship between human rights and peace, peace emerges as a duty and right, which calls for active engagement for the promotion of human rights. For John Paul II, neither violence nor pacifism is an acceptable way to go about peace. A “person who deeply desires peace rejects any kind of pacifism,”²⁷⁴ and violence, because “neither passivity nor violence represents the proper path for creating conditions of true peace.”²⁷⁵ Rather, “even if dictatorship and totalitarianism temporarily suppress the complaint of exploited and oppressed human beings, the just person clings to the conviction that nothing can justify this violation of the rights of man; he has the courage to intercede for others who suffer and he refuses to surrender in the face of injustice, to compromise with it.”²⁷⁶ Active human rights protestations offer an alternative to violence or pacifism. Once more, we see that human rights are means for peace while peace provides the favorable context for respect and fulfillment of human dignity through human rights. Thus understood, “the culture of human rights cannot fail to be a culture of peace.”²⁷⁷

Pope Benedict does not contradict his predecessors. According to him, true peace is a gift from God and its “foundations... rest on the truth about God and man.”²⁷⁸ As such, peace “demands at every level the exercise of the highest responsibility: that of conforming human

²⁷³ Ibid.

²⁷⁴ John Paul II, *Peace and Youth Go forward Together*, no. 3.

²⁷⁵ John Paul II, *To Build Peace, Respect Minorities*, no. 2.

²⁷⁶ Ibid.

²⁷⁷ John Paul II, *Respect for human rights*, no. 11.

²⁷⁸ Benedict XVI, *In Truth, Peace*, no. 15.

history—in truth, justice, freedom and love²⁷⁹—to the divine order.”²⁸⁰ For him, when human rights are violated and divine order forgotten, there cannot be true peace. In his own terms,

Whenever there is a loss of fidelity to the transcendent order, and a loss of respect for that ‘grammar’ of dialogue which is the universal moral law written on human hearts, whenever the integral development of the person and the protection of his fundamental rights are hindered or denied, whenever countless people are forced to endure intolerable injustices and inequalities, how can we hope that the good of peace will be realized? The essential elements which make up the truth of that good are missing.²⁸¹

In his message of 2007, he substantiated his position on the relationship between peace and human rights, saying that “peace is based on respect for the rights of all,”²⁸² stressing the right to life and religious freedom. According to him, the violation of any of these fundamental rights compromises the peace of the society. “In both instances, a fundamental human right is not being respected, with serious repercussions for peaceful coexistence. This can only promote a mentality and culture that is not conducive to peace.”²⁸³ In order to promote a real peace, there must be equality and elimination of all forms of discrimination, because the latter “injure the personal dignity impressed by the Creator upon every human being.”²⁸⁴ All this leads him to conclude that “a true and stable peace presupposes respect for human rights.”²⁸⁵ However, for the Pope, these rights require a solid foundation, for “only if they are grounded in the objective requirements of the nature bestowed on man by the Creator, can the rights attributed to [human person] be affirmed without fear of contradiction. It goes without saying, moreover, that human rights imply corresponding duties.”²⁸⁶

²⁷⁹ Borrowing them from John XXIII, John Paul II calls these four elements –truth, justice, freedom and love—“four pillars for peace” (2003: 3).

²⁸⁰ Ibid, no. 4.

²⁸¹ Ibid.

²⁸² Benedict XVI, *The Human Family, a Community of Peace*, no. 4.

²⁸³ Ibid, no. 5.

²⁸⁴ Ibid, no. 7.

²⁸⁵ Ibid, no .12.

²⁸⁶ Ibid. In his message of 2011, Benedict XVI stresses that religious freedom is the path to peace and any infringement of this right constitutes an obstacle to peace. He states, “When religious freedom is acknowledged, the

Although not as expansive in his teaching on this topic as his predecessor, Benedict XVI acknowledges that true peace must be based on the respect for human rights and duties in their entirety and for everyone. In that sense, he confirms the view that for CST, human rights are real means for achieving peace, and that peace is a favorable context to enjoy rights and perform their corresponding duties for the benefit of the common good at local and international levels.

Conclusion

The purpose of this chapter was to examine the Catholic understanding of human rights. At this stage, one can say with Ruston that “after two centuries of bitter opposition to the very idea of Rights of Man, because of its secularist and anti-Catholic associations, the Catholic Church appeared to make a *volte-face* in Pope John XXIII’s encyclical *Pacem in Terris*.”²⁸⁷ Indeed, from this moment onward, the Church endorsed human rights, going beyond the sterile opposition between civil-political rights and socio-economic and cultural rights. For CST, rights go hand-in-hand with duties, and both are founded on the dignity of the human person by virtue of being created in the image and likeness of God. The evident sign of this likeness is that the human person is entrusted with intelligence and freedom. Moreover, the human person is social by nature. Based on this anthropological foundation, all rights are interconnected because they are all about the same human person and they are in intrinsic relationship with the common good. If rights to life and to freedom are most present in many of the official documents, it is because they constitute the basis for all other rights and duties. This holistic and personalist view

dignity of the human person is respected at its root, and the *ethos* and institutions of peoples are strengthened. On the other hand, whenever religious freedom is denied, and attempts are made to hinder people from professing their religion or faith and living accordingly, human dignity is offended, with a resulting threat to justice and peace” See *Religious Freedom, the Path to Peace*, no. 5.

²⁸⁷ Ruston, *ibid*, p. 18.

of human rights makes them a privileged means for advocating for peace, and the Popes since John XXIII did not miss any opportunity to use them for this noble cause.

Recall that the first chapter chronicled how massive violations of human rights and violence are strewn over the modern political history of Burundi. Now we are in position to ask how the Catholic Church in Burundi seized the opportunity and used this treasury of CST on human rights to advocate for peace during these periods of trial. The third chapter seeks to answer this question.

CHAP. III. THROUGH FIRE AND THUNDER: ASSESSING THE CHURCH'S USE OF THE CATHOLIC TEACHING ON HUMAN RIGHTS IN BURUNDI

The first chapter exposed how massive violations and abuses of human rights marked Burundi's political history after independence, with violence climaxing in three periods: 1972, 1983-1987, and 1993-2005. How did the Catholic Church in Burundi use the Catholic theory of human rights to advocate for peace during these periods? This chapter assesses her actions during these three moments.

III.1. 1972: A Silent Church?

As seen in the first chapter, the killings of 1972 were the result of a decade of political tensions and skirmishes, from the time of independence and the assassination of Prince Louis Rwagasore in 1961, through the assassination of Pierre Ngendandumwe in 1965 and the overthrow of the monarchy in 1966, to the executions of 1969. Hence in 1965, the Catholic Church in Burundi addressed a pastoral letter to Christians, reminding them that “already in 1960, even before Burundi accessed to independence, [the Church] had presented in a collective letter, principles that have to guide Christians, so that truth, justice and charity may be respected in Burundi and so that peace may be safeguarded.”²⁸⁸ The Church issued this reminder because the country was sinking again into ethnic tension and political instability. It proposed three conditions for recovering peace: (1) respect for public authority; (2) the immediate cessation of killing, burnings and any kind of violence; (3) the prohibition of any racial hatred.²⁸⁹

²⁸⁸ CECAB, *Lettre pastorale adressée aux chrétiens du Burundi* (Bujumbura: CECAB, 1965), p. 1. CECAB stands for *Conférence des Evêques Catholiques du Burundi* (Conference of Catholic Bishops of Burundi). Although Burundian conference was erected in 1980 as independent from that of Rwanda (See Perraudin, *Chronique de l'église*, tome I, p. 28), I use CECAB as a generic name for all the official publications of the Catholic Church in Burundi. This 1965's letter was published after the massacre of 1965.

²⁸⁹ *Ibid.* Here the Church used “racial hatred” to mean “ethnic” hatred –another sign of the complexity of ethnicity and the ambiguity of conventional labels in Burundi's context.

Although the Church recommended that Christians respect authority, she acknowledged that they should “respect legitimate authority and obey just laws of the nation.”²⁹⁰ In the case of imperfect laws with unjust application, “citizens have the right and the duty to improve them and to acquire a just implementation, but all these efforts have to be made through legality and never with means reprobated by divine law and that are against human rights.”²⁹¹ The letter referred to divine law and human rights to judge the situation at hand, stating that means used in protesting against powers and unjust laws should not violate human rights and divine law. This position, however, focuses on the means used to challenge illegal power and unjust laws; it does not point out that both are themselves against human rights. In the volatile political context of Burundi in 1965, this omission was an obvious accommodation to the authorities. At the same time, nevertheless, as a way to peace, the Church called everybody to move beyond past sufferings and “respect the life of human person and his or her goods.”²⁹²

Although she did not employ human rights discourse extensively, the Church used human rights language, especially respect for the life of the human person and his or her property, to encourage peace. She also asserted that human rights had to be respected even during political contests. One year later, she published another letter during Lent recalling the 1965 events that had saddened the country. The letter ended with a prayer that “Christ Jesus himself may serve as guide and light in order to discern truth and justice.”²⁹³ Once more, though not openly, the Church pushed for honesty in dealing with social and political situation in “truth and justice.” In 1968, she openly referred to human rights as a benchmark for peace and development in Burundi. First, she recognized that “the conviction increases in all Burundians that there has to

²⁹⁰ Ibid, p. 2.

²⁹¹ Ibid.

²⁹² Ibid.

²⁹³ CECAB, *Lettre pastorale des Evêques du Burundi pour le carême 1966* (Bujumbura: CECAB, 1966), p. 4.

be in Burundi a political, social and economic order which is always at the service of human person, and which allows every Burundian to affirm his or her dignity and develop it.”²⁹⁴ Here human dignity is asserted as the *raison d'être* of political, social and economic structures. In spite of her neutrality with regards to political matters, the Catholic Church in Burundi, argued that she was committed to ensuring that “human dignity and the rights of the human person are safeguarded.”²⁹⁵ This respect of fundamental liberties was a criterion for the legitimacy of the political regime. In her own words,

The new politico-juridical order in process in our country could only be acceptable inasmuch as the political rights of the person are respected: freedom of association, freedom of professing religion in private as well as in public and all fundamental liberties. It is only if all citizens are assured of the effective power of the rights linked to the human person that one can say that a political regime is just, viable and durable. Furthermore, the service to the common good has to remain the major preoccupation of the holders of authority.²⁹⁶

As this excerpt points out, the Church advocated for political rights and the common good as the source of justification and legality of any political regime. Moreover, she implied that human rights advocacy and the promotion of human dignity were part of her mission and her relationships with the state. The Catholic Bishops stated that “the Church does not need other privileges than that of fulfilling the mission entrusted to her by Christ her Founder: to preach faith with an authentic freedom, to teach her doctrine on society, to fulfill without hindrance her mission among humans, to bear moral judgment, even in matters touching political domain, when fundamental rights of the person or the salvation of souls require it.”²⁹⁷

²⁹⁴ CECAB, *La foi: contenu et pratique. Lettre pastorale du 21 février* (Bujumbura: CECAB, 1968), p. 5.

²⁹⁵ Ibid, 13.

²⁹⁶ Ibid.

²⁹⁷ Ibid, p. 21.

During 1971's parody of justice against the victims of the alleged coup d'état,²⁹⁸ the Church published another letter deeply informed by human rights discourse. Proposing a way forward, the Bishops asked the "Head of State to take his responsibilities and proclaim loudly human rights, in accordance with divine law inscribed in the human heart (Rom. 2: 15)."²⁹⁹ They added, "Every human person has the right to life, to expression of his thought and to defense."³⁰⁰ They continued asking political leaders to "affirm with force and clarity the principles such as: the human person has a dignity that every leader ought to respect; he or she has right to truth and the right to say it; he or she has a right to honor, to free usage of reason, to work and to management of his or her goods; he or she is not a thing to be manipulated at will."³⁰¹ Here also, the language of human rights was strongly used to ask for justice and the promotion of human dignity. The latter and equality were even understood as foundation of political community. As the Bishops mentioned, "a republic, is by definition the recognition of human dignity as well as the equality of all the citizens that compose it."³⁰²

As the letters prior to 1972 make manifest, the Catholic Church in Burundi used human rights discourse in addressing socio-political crises, in direct line with Catholic teaching on human rights. Indeed, although there is no explicit emphasis on the right-duty relationship, the Catholic Church in Burundi founded her understanding of human rights on human dignity and their relationship to the common good. These two elements are cornerstones of all the messages prior to the crisis of 1972. Now, what was her attitude during 1972 crisis?

²⁹⁸ In 1971, many prominent personalities were arrested accused of plotting against the president Micombero. See Manirakiza, *Burundi: De la Révolution au Régionalisme*, p. 47ff.

²⁹⁹ CECAB, 1971. *Message des Evêques* in Marc Manirakiza, *Burundi: De la Révolution au Régionalisme. 1966-1976*. (Paris, Bruxelles: Le Mât de Misaine, 1992), p. 90.

³⁰⁰ Ibid.

³⁰¹ Ibid, pp. 90-91.

³⁰² Ibid, pp. 91-92.

Surprisingly enough, the Bishops did not directly address the crisis.³⁰³ Rather, they reacted to a confidential note sent to the Episcopate by Major Religious Superiors on May 24, almost one month after the crisis had erupted, denouncing the silence of the hierarchy in the face of the “massacre of Hutu” during the “repression.” The Archbishop of Gitega, Msgr Makarakiza, responded to the note on June 23, reminding the missionaries what the Church had already said in the past (the various letters considered above) and the work done by different bishops in their respective dioceses. The Archbishop’s response was endorsed by all the Bishops on August 12, thus becoming the first document on the crisis. Written in a context of confrontation, the text was a response to missionaries rather than a response to the crisis itself. Therefore, it does not discuss human rights.³⁰⁴ The Bishops made a second official statement at a symposium in Kampala on August 9, mentioning briefly the abuse of human rights.³⁰⁵ On August 12, the Church issued another long, polemical response to the note of Major Religious Superiors addressed to priests and religious. It stated that public denunciation was not part of Burundian culture, and was not necessarily efficacious. For the prelates, “the problem... is rather that of the human promotion of every human person and of the whole human person.”³⁰⁶ The message articulated the socio-economic and cultural conditions needed for the development as a new way of evangelization. In their words, “evangelization has to include the promotion of culture, health and the improvement of the shelter as well as other social conditions favorable to the dignity and true freedom of

³⁰³ For methodological choice, by official document I mean a document produced by CECAB and not personal initiatives of Bishops. Otherwise, at the diocesan level, two bishops issued declarations, one from Msgr Bihonda, Bishop of Muyinga who sent a very brief note about what was happening. Another was a message from Msgr Ntuyahaga, Bishop of Bujumbura calling for peace and denouncing the abuses of war. This message stirred up controversy as to its interpretation. Jean Perraudin devotes some pages to the attitudes of different bishops during this period. See Perraudin, *Chronique de l’église*, tome I, pp. 60-67.

³⁰⁴ CECAB, *Réponse à la note des supérieurs majeurs par Mgr Archevêque de Gitega* (Bujumbura: CECAB, 1972).

³⁰⁵ CECAB, *Note de l’Assemblée Episcopale du Burundi du symposium à Kampala* (Bujumbura: CECAB, 1972).

³⁰⁶ CECQB, *Aux prêtres, religieux et religieuses* (Bujumbura: CECAB. 1972).

human person.”³⁰⁷ In other words, the message stressed development as a very urgent need. But neither did it evoke abuses and violations of human rights during the crisis, nor did it invoke human rights as means to advocate for the recovery of peace.

Hence, in spite of Perraudin’s claim that “during these events... the Bishops did not abandon their habitual conduct” of advocating for peace and human dignity,³⁰⁸ it seems rather that the official Church was silent during this time of trial. Yet, she was deeply affected by the crisis as the country was mostly Catholic, and the Church was responsible for the majority of schools and other social facilities. Perhaps if one considers Bishops at the individual level, there might have been laudable efforts and incredible initiatives not only to save people but also to denounce the killings and other violations of human rights. However, as a Catholic Church in Burundi, there was no common stance until August 12, when the Burundian Bishops approved the Archbishop’s response to Religious Superiors. And this response does not use human rights discourse nor does it really address the events. That is the reason why the Church was evaluated diversely according to different Bishops,³⁰⁹ because there was neither common position nor common policy about the crisis.

This silence of a church that previously was a herald of human rights and a champion of human dignity raises a number of troubling questions. Why did the Bishops keep silent while they had been very active advocates for human rights and peace in the past? Was it because of fear of political authority or the complexity of the situation? Was it in the interest of protecting the interests of the Church? But then, what interests are more important than protecting human life and human dignity? Had it anything to do with ethnicity within the Church itself? To answer

³⁰⁷ Ibid, p. 4.

³⁰⁸ Perraudin, *Chronique de l’église*, tome I, p. 61.

³⁰⁹ Perraudin notes that some Bishops were severely criticized for not condemning the killings while others were praised for their active work toward the victims of the massacres. Ibid, pp. 61-70.

these questions is beyond the scope of this project. It is enough to highlight this period as a gap in the Church's otherwise long and active history of employing human rights discourse before and after 1972.

III.2. 1983-1984: Religious Freedom as a Fundamental Right

While Vatican II endorsed the whole range of human rights, the right to religious freedom received a special declaration, *Dignitatis Humanae* (DH). Based on the affirmation of the freedom of conscience, Vatican II taught that “the human person has a right to religious freedom.”³¹⁰ In the Council Fathers' thought, this right grants immunity from coercion of any kind to believe or what to believe or not. People should be free in such matters, provided the public order is saved. In their own words, “this freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits.”³¹¹

As is the case with any right, the right to religious freedom is founded on the dignity and the nature of human person. Therefore, it is a civil right that has to be encapsulated in civil law and it “continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it and the exercise of this right is not to be impeded, provided that just public order be observed.”³¹² In other words, religious freedom ought to be recognized even for those who do not profess any faith, as long as it does not disturb public order. Basing this understanding on human nature leads to the consequence that religious freedom presupposes

³¹⁰ Vatican Council II, *Dignitatis Humanae*, 1965, no. 2. On http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html (Accessed November 13, 2009).

³¹¹ Ibid.

³¹² Ibid.

public manifestation of religion, because in CST, the human person is social by nature. According to Vatican II, “the freedom or immunity from coercion in [religious matters] which is the endowment of persons as individuals is also to be recognized as their right when they act in community. Religious communities are a requirement of the social nature both of man and of religion itself.”³¹³ Hence, religious freedom implies freedom of association based on faith, freedom of organizing a community and activities faith-based, and other initiatives. Vatican II states, “The social nature of man and the very nature of religion afford the foundation of the right of men freely to hold meetings and to establish educational, cultural, charitable and social organizations, under the impulse of their own religious sense.”³¹⁴

Thus, in Vatican II’s terms, religious freedom is a fundamental right based on the dignity and nature of the human person, which is to be exercised by the individual either privately or communally without external interference, provided public order is safeguarded. John Paul II stands out among the pontiffs as a particular champion of religious freedom. For instance, in his address on the World Day of Peace in 1988, he stated that “religious freedom [is] a condition for peace.”³¹⁵ According to him, the right to religious freedom is so related to the deepest sphere of the human person that it becomes the foundation of other rights. It is an essential component of the dignity of the human person that it “is a cornerstone of the structure of human rights, and for this reason an irreplaceable factor in the good of individuals and of the whole of society, as well as of the personal fulfillment of each individual.”³¹⁶ He also pointed out that religion is not only a private affair, but rather needs a public expression from which to derive other civil and social rights, such as the right to association and other faith-based initiatives. That is the reason why, in

³¹³ Vatican Council II, DH, no. 4.

³¹⁴ Ibid.

³¹⁵ John Paul II, *Religious Freedom*, §1.

³¹⁶ Ibid, §3.

the words on the late Pope, “the civil and social right to religious freedom, inasmuch as it touches the most intimate sphere of the spirit, is a point of reference of the other fundamental rights and in some way becomes a measure of them.”³¹⁷

He frequently reiterated that laws regulating religious freedom and freedom of conscience in private as well as social spheres had to be guaranteed (See messages on World Day of Peace for 1991, 1999, and 2002). He said, “*The inalienable right to follow one's conscience and to profess and practice one's own faith*, individually or within a community, is to be acknowledged and guaranteed, always provided that the demands of public order are not violated.”³¹⁸ Thus, walking in the footsteps of John XXIII and in the direct line of Vatican II, John Paul II saw religious freedom and freedom of conscience as a fundamental right that is at the core of all other rights. In his own words, “the right to religious freedom is not merely one human right among many others; ‘rather, (it) is the most fundamental, since the dignity of every person has its first source in his essential relationship with God the Creator and Father, in whose image and likeness he was created, since he is endowed with intelligence and freedom’... It is thus the most profound expression of freedom of conscience.”³¹⁹ For the Catholic Church, religious freedom enjoys a different status vis-à-vis other rights, because it assumes a foundational role inasmuch as it is at the heart of human dignity. That it is why it has to be protected and promoted through civil laws so that everybody can exercise it without hindrance both privately and publically.

³¹⁷ Ibid, §14.

³¹⁸ John Paul II, *If You Want Peace, Respect the Conscience of Every Person: Message of His Holiness Pope John Paul II for the XXIV World Day of Peace, 1 January 1991*, no. iv. On http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_08121990_xxiv-world-day-for-peace_en.html (accessed June 15, 2010).

³¹⁹ Ibid, no. v.

Now, as we saw in the first chapter (I.3), Bagaza's regime repressed harshly the exercise of religious freedom in Burundi. The Catholic Church was the most affected by its policy, because many of her missionaries were expelled, while her social services were closed one after another. During these events, how did the Catholic Church in Burundi claim her right to religious freedom?

At the beginning (from 1979 to 1983), the Catholic Church did not produce any official document in response to government harassment and repression. The reason might be that the regime was targeting missionaries under a nationalist discourse against a rampant neo-colonialism. Moreover, the effect was felt differently in different dioceses, since the ban against missionaries was gradually implemented. Hence, some dioceses did not really feel concerned until the expulsion became massive. However, I think the most important reason was that the Church wanted to accommodate the regime, and not to enter into an overt conflict. This strategy worked well until the vise started tightening around the Catholic Church. Hence in 1983, she issued a letter defining her relationship with the state. The statement drew from CST, but also the Universal Declaration of Human Rights (UDHR), as well as legal instruments like Burundian Constitution. Her first argument rested on the fact that Burundi was a secular state as encapsulated in the Constitution. The document underlined that "by the referendum on the Constitution of our country, Burundian people has opted for a lay state. By that, the Burundian people have excluded any confessional state that institutionalizes a religion or govern by it."³²⁰

The Church interpreted the separation of religion and the state as a dismissal of "atheist state which aims at the suppression of all religions, which for this end, practices a religious

³²⁰ CECAB, *Message des Evêques catholiques aux ouvriers apostoliques* (Bujumbura: CECAB, 1986), p. 6.

intolerance.”³²¹ It recalled that, by anchoring the separation of religion and state, Burundi joined other nations in subscribing to the UDHR which guarantees freedom of opinion, conscience and religion. The document quoted article 18 of the UDHR in its entirety, and underlined another consequence of this separation of state and religion (*laïcité*), saying that “it implies that the state considers the citizens only from the point of view of their rights and duties, as members of national community, without considering their beliefs and their religion.”³²² The ultimate point of all this argumentation was to affirm strongly that the state did not have a right to intervene in internal affairs of a religion, as to its cults, rites and the content of its beliefs. In her own words, “in the name of the *laïcité*, the state forbids itself to interfere in businesses that are strictly religious, such as prayers, rites, sacred symbols, internal organization, the content of beliefs, etc.” And she added, “A lay state commits itself to respect and protect the exercise of a religious cult as long as the latter does not trouble the public order and does not harm public morality.”³²³

This letter was a clear answer to years of religious harassment under Bagaza’s regime. As seen in the first chapter (I.3), Bagaza trampled on the right to religious freedom and its derivative civil and social rights, for instance, by forbidding free expression of beliefs and freedom to gather, expelling missionaries, closing churches and removing any public religious symbols from public spaces. Arguing from legal and human rights perspectives, the Church wanted to show that the regime was acting against its own Constitution and against international human rights law, and, therefore, was acting illegally. By the same token, she was claiming for her rights to existence and to practice religious freedom as allowed by the local law (Burundi’s Constitution) and international human rights instruments (the UDHR).

³²¹ Ibid, p. 7.

³²² Ibid.

³²³ Ibid.

Furthermore, the same *laïcité* helped the Church to specify that the Church's officials were not allowed to participate in politics, not because of "mistrust or by desire to constitute a counter-power, but only for the sake of distinguishing the political realm from the religious one."³²⁴ Here also she supported her argument by citing the statutes of the unique ruling party (UPRONA), which mentioned the principle of free membership and not the *de facto* adhesion by the simple fact of being a citizen. This position was again an answer to the argument that the Catholic Church was a counter-power to the regime. It also was a justification of the Church's refusal to receive salaries from the state as any civil servant.³²⁵

Having asserted her right to existence and to set boundaries to her relation with the state, the Church highlighted now the advantages of the respect for religious freedom: it creates an atmosphere conducive for dialogue and allows everybody to participate for the good of all. In this context, drawing from their respective traditions, different religious confessions become active and contribute to the development of the country. The document concluded: "The state's *laïcité* thus understood is a legal requirement that has been solemnly proclaimed by the Vatican Council II."³²⁶ In other words, not only was the document consonant with the Constitution of Burundi and the UDHR, but also with the Universal Church.

This was the first response of the Catholic Church in Burundi to the violation of the right to religious freedom and its derivative rights. As shown above, it was strongly embedded in human rights discourse as understood by the Universal Catholic Church, although it did not rely upon many of the Church's documents. It was a legal argument rather than a moral one based on

³²⁴ Ibid, pp. 7-8.

³²⁵ When he came to power, Bagaza offered to remunerate the clergy, but Bishops refused the offer in order to keep their freedom. See Perraudin, *Chronique de l'église*, tome I, p. 85.

³²⁶ CECAB, *Message des Evêques*, p. 8.

human rights. It is certain that the regime's officials read this document –although primarily addressed to pastoral workers—since every activity of the Church was under the watchful eye of Bagaza's disciples. Yet, the conditions of the Church did not improve; they even worsened. That is why, one year later, the Church issued another document, stronger than the first, arguing again from the human rights perspective.³²⁷ Addressed also to pastoral workers as an instrument for reflection, the document relied heavily on *Dignitatis Humanae* (DH), retrieving the core elements of CST on human rights such as human dignity, and the fundamentality of religious freedom as a right.

Again, the document grounded the defense of religious freedom on the freedom of conscience. According to this writing, “the conscience free and responsible is an absolute value of the human person and of the society. It is inviolable and inalienable.”³²⁸ Quoting DH (no 2), the document went on to affirm that freedom of conscience “has to be protected and subtracted from ‘any constraint of any individuals or social groups and human power whatsoever’.”³²⁹ Still citing DH (no 2-3), the Church reaffirmed that religious freedom is founded on the freedom of conscience which guarantees human dignity of the human person, because he or she is created in the image and likeness of God. In addition, the document emphasized that religious freedom has social implications, due to the fact that the human person is a social being. Therefore, family and religious associations have their rights that are to be protected by civil authority. In the document's terms, the “human person is a social being. Henceforth, the different human communities are the places where religious freedom is fully realized. It is therefore the duty of

³²⁷ CECAB, *L'Eglise catholique dans le Burundi d'aujourd'hui. Document de réflexion à l'usage des ouvriers apostoliques* (Bujumbura: CECAB, 1987).

³²⁸ Ibid, p. 5.

³²⁹ Ibid.

the public powers responsible for the good of whole society to recognize these rights, as well to individual as to the community level.”³³⁰

The document argued that the state has the duty to protect these rights of religious freedom which have to be at the service of other fundamental human rights. For the document, the secular state is in a good position to assume this role. Once more, the Church redefined what is a secular state, alarming that it is a state which does not favor any religion but respects all, “guaranteeing to each of them and each individual the free exercise both private and public, of his or her faith, in the respect of the Common Good.”³³¹ In this regard, although the Church reaffirmed her independence from political powers, she claimed however that she believed in “the constitutional principle of equality before the law, in the safeguarding of fundamental rights of the human person, and the exercise of individual and community religious freedom.” Most importantly, “she cannot renounce to the space of freedom necessary for witnessing to the transcendent value of the human person.”³³² The document continued showing that the respect of fundamental human rights and religious freedom were the basis for unity and national development.

Produced during the fiercest moment of this crisis between the Catholic Church in Burundi and Bagaza’s regime, the document was a very good appropriation of the CST on human rights by a local church to claim for her right to religious freedom and all the derivative rights. Indeed, while the first letter remained mostly at a legal level, this one combined the two sides, evoking the principle of a secular state which has signed the UDHR and the Catholic thought on religious freedom as developed in her Vatican II’s declaration, DH. The result was a

³³⁰ Ibid, p. 7.

³³¹ Ibid, pp. 10-11.

³³² Ibid, 18.

document that argues for religious freedom both in private and public spaces, based on the principle of human dignity and the nature of the human person as a social being created in the image of God, and in relationship with the common good. It is difficult, nonetheless, to evaluate its impact on both the Christians and the regime, since the latter was ousted two weeks after the document was released. However modest might have been its contribution to the fall of the regime,³³³ it was one of the voices raised against violations of fundamental rights and for the protection of religious freedom.

Unfortunately, some six years later, Burundi would enter into a long period of civil war, where human rights were again violated and abused. How did the Catholic Church once again employ CST to denounce these violations and advocate for peace? The next section is devoted to this question.

III.3. 1993-2005: Advocacy for Peace and Appeal to Human Dignity

The reader will recall that the assassination of President Ndadaye ushered in a long period of turmoil in Burundi, involving killings and every kind of human rights violation by different militia, gangs, military and rebels. During this period, the Church was very active and issued many statements calling belligerents to political dialogue in order to achieve peace. She condemned openly the coup and sided with the democratically-elected government, because “governing by dictatorship and killing is outdated.” She called for the return to democratic order that respects the verdict of the Burundian people, the holder of power.³³⁴ She argued that “those who committed the crimes had sullied the dignity of the human person created in the likeness of

³³³The reason why the Catholic Church might have had a little influence in the Bagaza’s regime fall is that Bagaza was ousted by a military coup, in which it is unlikely that the Church could have a say.

³³⁴ CECAB, *Ijambo rishikirijwe n’abaserukira Ekleziya Katolika n’Amashengero mu Burundi* (Bujumbura: CECAB, 1993).

God.”³³⁵ And during the first months of the crises, Bishops decided to meet once every week to evaluate the situation and they published a brief communiqué after each meeting. But how did she use human rights discourse as she called for peace?

In 1994, the situation in Burundi deteriorated, and the Catholic Bishops issued messages condemning the killing and recalling that those involved in killings were usurping the most valuable gift of life to the human person, and therefore were negating the person and God. As warring parties were segregating the cities and towns Hutu from Tutsi, the Bishops compared this practice with Hitler’s segregation, pointing out that it was against human dignity.³³⁶ They went further to say that any politics that is not based on human dignity and the common good does not deserve that name of politics.³³⁷ Some months later, the Church recalled again that a human person is created in the image and likeness of God, and therefore any harm to the human person is an attack on God himself. Hence, the human person should be respected, i.e., respected in his or her life and property. Otherwise, “what is the meaning of all the speeches on democracy, human dignity, when the right to life, a fundamental right universally recognized is not respected?” the Bishops asked.³³⁸ They then summoned the politicians to put first the interest of the human person before their political interest. The share of political positions had to aim at “the respect of life and the search for means to assure to all citizens the minimum of basic needs, i.e., food, clothes, shelter, education and work.”³³⁹ These basic needs are the content of any discourse on democracy and justice, the Bishops insist.³⁴⁰ They also asked the judges and

³³⁵ Ibid, p. 3.

³³⁶ CECAB, *Ijambo Abepiskopi Katolika b’i Burundi bashikirije ku vyerekeye ingwano iri mu gihugu* (Bujumbura: CECAB, 1994).

³³⁷ Ibid, p. 4.

³³⁸ CECAB, *Message des Evêques catholiques aux fidèles et aux hommes de bonne volonté* (Bujumbura: CECAB, 1994), p. 5.

³³⁹ Ibid, p. 6.

³⁴⁰ Ibid.

security forces to respect the life and property of human person, so that there might be justice and peace.

The dignity of the human person created in the image and likeness of God and the common good were the principles repeatedly used in Bishops' messages, as they were advocating for the respect of life of the human person and his or her property. In January 1995, they issued a message reminding again that "it is forbidden to play with human life" created in the image of God.³⁴¹ Some months after, they produced another message stating that "the discovery of human dignity obliges any form of governance to refer to people and the common good. Every citizen has to participate in the management of his or her country at all levels and to enjoy the advantages this country offers."³⁴² They rejected any form of violence which harms the human person in his or her life and goods. It was the same message delivered before the end of that year. According to the Bishops, "peace requires truth and justice... If we really want to build peace, we have to care about doing good to everybody, to care about their promotion without exclusion, to respect the inalienable values of dignity and rights of everybody."³⁴³

In 1996, the Bishops produced three messages condemning the practice of torture that had become commonplace in that war that was clearly an ethnic confrontation. For the Bishops, even persons guilty of a crime are still human persons to be respected in their dignity.³⁴⁴ Hence, he or she had to be respected in his or her integrity. This respect could not, however, happen if

³⁴¹ CECAB, *Hahiriwe abaresha amahoro. Ijambo rishikirijwe n'Abepiskopi Gatolika b'Uburundi* (Bujumbura: CECAB, 1995), p. 2.

³⁴² CECAB, *Nous devons marcher ensemble vers la paix. Déclaration et prise de position des Evêques catholiques du Burundi sur la situation de guerre civile dans le pays* (Bujumbura: CECAB, 1995), p. 4.

³⁴³ CECAB, *Message des Evêques catholiques: "Père, consacre-les par la vérité"* (Bujumbura: CECAB, 1995), p. 6.

³⁴⁴ CECAB, *Rondera amahoro, ikibi tugitsindishe iciza. Ijambo rishikirijwe n'Abepiskopi Gatolika mu ntango y'ikarema 1996* (Bujumbura: CECAB, 1996).

the country was not endowed with responsible politicians who care for the common good.³⁴⁵ The last message published in 1996 reiterated the same call for the respect of the human dignity of the human person created in the likeness and image of God. “None of our projects therefore, should be considered greater than human life.”³⁴⁶ Yet, the civil war had caused massacres and other crimes against human life. Therefore, the Bishops invited politicians to put forward values like, “respect of all human life, even of the life the political opponent, of the enemy and of the criminal;” and “the promotion, respect and fair share of common good.”³⁴⁷

1998 was the year of the first negotiation between Buyoya II’s government and rebel movements as well as all the political parties at Arusha in Tanzania. Naturally, the Catholic Church was in favor of the dialogue and negotiation as she had been calling for them since the beginning of civil war in 1993. Through two of her prominent Bishops, she had even facilitated some of political talks in 1994 (see I.4). In other words, the Catholic Church supported the Arusha talks, but she insisted that they might not only be about sharing political places. She wanted the Arusha talks to be based on the protection of human dignity and common good. In her own words, “so that the dialogue may be fruitful, it must be carried out in the respect of human dignity.”³⁴⁸ In declaration addressed to the politicians and belligerents participating in the Arusha talks, the Bishops wrote: “we are asking ourselves if you are witnesses, as we are, to so much sufferings in our country, to these widows, orphans, crowds of prisoners, internal displaced people, refugees that the misery and grief are inexorably leading to death because of this political

³⁴⁵ CECAB, *Message des Evêques Catholiques du Burundi. Nouvel appel pour l’arrêt des massacres et de la guerre. “N’invocuez pas vos appartenances ethniques pour blanchir le crime. Tous les tueurs, qu’ils soient Hutu ou Tutsi, sont des criminels”* (Bujumbura: CECAB, 1996), p. 3.

³⁴⁶ CECAB, *Message des Evêques Catholiques du Burundi : Dieu notre Père sauve le Burundi de la guerre et de la haine. Ramène la paix et l’harmonie sociale dans notre pays* (Bujumbura: CECAB, 1996), p. 1.

³⁴⁷ CECAB, *Message des Evêques Catholiques aux hommes politiques sur le dialogue politique ou la négociation* (Bujumbura: CECAB, 1997), p. 1.

³⁴⁸ CECAB, *Là où il y a dialogue et concorde là est Dieu (Parole de sagesse de nos ancêtres). Message des Evêques catholiques aux compatriotes et à tous les amis du Burundi* (Bujumbura: CECAB, 1998), p. 2.

folly.”³⁴⁹ They went on to recall that there would be no future if the people’s right to life and property was not protected and the common good was not promoted. They deplored that representatives of different religious confessions were not invited to the talks, with the danger that important moral values for any society like “belonging to the same nation, unity, common good, justice, civil rights and fundamental liberties of human person” would be absent during the negotiations. Hence, for the Church, “it is from a frank and sincere dialogue that will come a lasting peace, through works of social justice and the respect of rights of human person.”³⁵⁰

In 2000, the Arusha talks resulted in an agreement between parties partaking to the negotiations. While calling on the belligerents to respect a cease-fire, and asking them to build a community “where human rights, social justice and the participation of everybody are respected,”³⁵¹ the Bishops continued to remind the negotiators that a true dialogue could only be realized if every human person was recognized in his or her rights as equal, “whatever his or her ethnic, regional or national origin.”³⁵² Thus, they begged the politicians to go beyond their personal and political interests so that they might serve the common good. For “without that spirit of serving the common good, [the] country cannot pretend to accede to democratic governmental system and the state of law.”³⁵³ During the same year, the Church pointed out that human dignity was trampled on in many instances. For example, the Church mentioned extra-judiciary arrests without due process and torture by the police or military in order to extract

³⁴⁹ CECAB, *Déclaration des Evêques Catholiques du Burundi : Aux Politiciens, aux belligérants, aux participants à la négociation d’Arusha, à la communauté internationale, à tous les Burundais de bonne volonté* (Bujumbura: CECAB, 1999), pp. 1-2.

³⁵⁰ *Ibid.*, p. 4.

³⁵¹ CECAB, *Appel au cessez-le-feu: vous tous qui êtes impliqués dans la guerre au Burundi, vous tous qui la faites ou la soutenez d’une manière ou d’une autre, nous vous le demandons: ARRETEZ LA GUERRE* (Bujumbura: CECAB, 2000), p. 2.

³⁵² CECAB, *Duhebe indwano, dusanuze igihugu cacu ukuri, ubutungane n’ikigongwe. Ijambo ry’Abepiskopi Gatolika b’Uburundi* (Bujumbura: CECAB, 2001), p. 2.

³⁵³ *Ibid.* p. 3.

information. The cause of these abuses, the Church asserted, was the absence of a government interested in promoting the common good, in order to promote justice and the rights of every human person, especially the right to life. She proposed then that the common good be the measure for any social project brought by parties and government, to ensure that human dignity is protected and promoted. In the Bishops' words, "the will of promoting the common good is expressed especially in the respect of the life of others, without discrimination, and in the acceptance to dialogue with them, because the common good is not determined by one person, one social group or one political party."³⁵⁴ The will of promoting the common good had to respect people as mature persons and the protection of the rights of children, especially the right to life.³⁵⁵

These letters show that, even during this period of the Arusha talks and after the agreement, the Church continued to call for the respect of human dignity and the promotion of the common good as the way forward to reach peace. Bishops pointed to different cases of human rights abuses and summoned politicians to look beyond their ethnic ghettos in order to embrace the common good for the benefit of every Burundian. Unfortunately, one of the main rebel movements, CNDD-FDD, had not participated in the Arusha talks. Hence, even after the Arusha agreement, the war continued. That is the reason why the publications that proceeded in subsequent years went on in the same line, calling for a cease-fire and respect for human life. The Bishops reminded the belligerents and the politicians that they were violating human dignity as they continued to wage war. They recalled that signatories of the agreements had to respect "the

³⁵⁴ CECAB, *Nous devons réussir la paix. Message des Evêques catholiques du Burundi* (Bujumbura: CECAB, 2001), p. 3.

³⁵⁵ *Ibid*, p. 4.

supreme values of life and fundamental rights of every citizen.”³⁵⁶ As the government and the CNDD-FDD were engaged in negotiating a cease-fire –which was eventually signed on October 16, 2003—the messages of 2003 reinforced the same claim that peace had to be founded on respect for the dignity of the human person, and the Bishops demanded that politicians build their political ethic on this value of human dignity.³⁵⁷ They charged the politicians and the security forces to make sure that life was protected and rights respected. “They asked the belligerents to apply international conventions related to the protection of the civil population and its property in armed conflict.”³⁵⁸ The Bishops supported inclusive talks which aimed not only at sharing political places, but that also promoted the truth and the common good, “talks that are motivated by the will to respect human dignity.”³⁵⁹

These above considerations manifest that the Catholic Church in Burundi was very active during this long period of civil war. She initiated many actions for relieving the wants of people who suffered from this war such as the lack of food and shelter, and she produced many letters addressing the issues of human rights violations and concern for peace. She used the core elements of CST on human rights, human dignity and common good, insisting on the respect for human life and the protection of citizen’s property. However, although CST on human rights permeates most of the documents issued by the Catholic Church in Burundi, she did not use human rights discourse overtly. Unlike the documents used to defend the right to religious freedom, which drew from UDHR and Universal Church documents on human rights (GS, DH),

³⁵⁶ CECAB, *Ecoutez-vous les uns les autres et la paix refleurira dans votre pays. Message des Evêques catholiques aux hommes politiques et aux belligérants* (Bujumbura: CECAB, 2002), p. 2.

³⁵⁷ CECAB, *Urgence d’un engagement unanime pour la paix. Déclaration des Evêques catholiques du Burundi sur la situation actuelle du pays* (Bujumbura: CECAB, 2003), p. 2.

³⁵⁸ CECAB, *Surmontons nos peurs. Ayons davantage confiance entre nous. Défendons la paix. Appel des Evêques Catholiques du Burundi aux responsables politiques et à tous les citoyens Burundais face à la situation actuelle du pays* (Bujumbura: CECAB, 2003), p. 2.

³⁵⁹ CECAB, *Tugumane umwizero amahoro arashobora kugaruka mu Burundi. Ijambo rishikirijwe n’Abepiskopi Gatolika muri iki gihe igihugu kigezemwo* (Bujumbura: CECAB, 2003), p. 4.

the messages issued during this period did not refer clearly to any of them. The lack of reference to these sources weakened the Church's messages, particularly in light of the scale of abuse. Furthermore, the Church addressed most of its messages only to Catholics. While Burundi is more than sixty percent Catholic, Catholics were not the only people affected. For instance, the leaders of the main rebel movements like the CNDD-FDD and Palipehutu-FNL, were evangelical and Muslim, respectively. I believe that the use of human rights discourse in the line of CST inaugurated by John XXIII, would have received a good hearing from non-Catholics as well as Catholics. Human rights discourse would have been a very strong means to advocate for peace during these moments of want for peace and cry for human dignity, because it would have joined many other voices raised locally and internationally. This point pushes us to evaluate overall how the Catholic Church used human rights as means for peace in the different crises in Burundi analyzed in this thesis.

III.4. Human Rights as Means for Peace in Burundi³⁶⁰

We saw that the Church was nearly silent during the whole period of massacres during 1972, except for some personal initiatives by individual Bishops. An official declaration from the Conference of Burundi Catholic Bishops was released only one month after the end of the huge turmoil. However, the next year, the Bishops issued a long pastoral letter, retrieving the question of peace and justice after the events of 1972. Already in their letter of 1970, they had stated that “the peace advocated by the Church is the peace that safeguards respect for the human person.”³⁶¹ They insisted that “peace could not reign where there lacks the respect for every

³⁶⁰ This section concerns the year 1972 and the last civil war (1993-2005).

³⁶¹ CECAB, *La charité et la paix dans la justice. Lettre pastorale des Evêques du Burundi pour le carême 1970* (Bujumbura: CECAB, 1970), p. 32.

human person.”³⁶² The letter of 1973 developed the same theme. Entitled *La justice est possible et la paix aussi*,³⁶³ it analyzed the changes that had affected Burundi since independence. The Bishops evoked cultural, economic and political changes which emphasized money over the “cow” that was the most valuable element in social relationships.³⁶⁴ They then remarked that there had not been enough transition between the traditional settings to the modern ones. Hence, according to the Bishops, more than simple “nepotism, regionalism, racism or tribalism,” the root cause of the evil in Burundi was due to “the egoism of the Hutu and Tutsi elite vis-à-vis the mass of Hutu and Tutsi” because they “do not take seriously the common good.”³⁶⁵ According to the Prelates, the elite did not respect the first common good, the people.³⁶⁶ Having identified the core cause as egoism, they proposed a three-point response which relied heavily on the Catholic theory of human rights. The first point was that the human order is founded on the divine order, quoting John XXIII’s *Pacem in Terris* (PT) no 1.³⁶⁷ This first point offered a moral foundation for the subsequent development. The second point asserted that “peace is a work of justice,” backing the assertion by *Gaudium et Spes* (GS) no 26 and 30, as well as letters produced by Burundian Bishops in 1959 and 1965. The Bishops pointed out the importance of common good and fundamental rights in safeguarding peace.³⁶⁸

³⁶² Ibid, 34.

³⁶³ Which is translated, *Justice is Possible and Peace Also*. CECAB, *Lettre des Evêques du Burundi à tous les Burundi* (Bujumbura: CECAB, 1973).

³⁶⁴ Indeed, traditionally, Burundi did not practice monetary system. The exchange was done through barter and the most valuable element in this system was the cow. More than an economic item, the cow was a social symbol, regulating and cementing relationship between the giver and the receiver, where the former was a kind of “lord” and the latter a “vassal.” Not only was to receive a gift of cow an honor, but also a responsibility to perform a certain number of obligations towards the giver. The introduction of money disrupted this system and replaced the “cow,” since the cow itself was then evaluated in terms of money. Having said this, the cow still plays an important role in social relationships as the most symbolic gift of honor you can give to a Burundian –at least in some parts of Burundi.

³⁶⁵ CECAB, *Lettre des Evêques du Burundi*, p. 9.

³⁶⁶ Ibid.

³⁶⁷ Ibid, pp. 10-11.

³⁶⁸ Ibid, pp. 11-21.

More importantly, the third point entitled “peace is made of the security for all” was an articulation of human rights in the spirit of CST. Drawing from PT, GS and UDHR, the Bishops asserted that the public authority had to protect four main aspects of justice: physical security, social security, economic security and cultural and spiritual security. The first category stated that “national justice has to assure to all and every citizen, physical security, i.e., in first place the right to life and physical integrity” and “this right is inalienable and inviolable” except in cases determined by law.³⁶⁹ The Bishops quoted UDHR, PT and GS to justify their statement.

By social security, the second aspect of justice, the Bishops meant the role of the state in protecting people from any violation of their rights and to restore their rights when violations happened. They also demanded that society protect the weak and the poor. In their own words,

The individual has to be protected, helped and supported by the State, when he or she is wronged. Every person has to enjoy his or her property honestly acquired and no one has the right to rob them. If it happens, he or she has the right to defend himself or herself, and he or she cannot be condemned by arbitrary judgment to lose his or her property, not even by an opponent more powerful than he or she is. And when he or she is no longer able to satisfy the means for subsistence, the individual, poor, old or victim of a disaster, he or she has the right to be helped by the society.³⁷⁰

In addition to the protection of rights and aid to the helpless, the Bishops also included in social security the right of the family to be protected by the state and the right of association. Once more, their main sources were John XXIII’s PT and the UDHR.

Concerning economic security, the third aspect of justice, the Bishops noted that “in the modern world, where the economic factor is so preponderant, the economically weak live under a continual threat of being smashed in their human dignity by the economically powerful.” And they added, “good material conditions contribute to the consciousness of human dignity and to

³⁶⁹ Ibid, p. 21.

³⁷⁰ Ibid, p. 23.

the sense of social responsibilities.”³⁷¹ Hence the Bishops called for the right to employment, to just wages and the right to private property.³⁷² As to cultural and spiritual security, the final aspect of justice, they included to the right to education, information and the formation of moral values.³⁷³ They highlighted that the education system was not just since schools were not equally distributed in the country, some regions having more than others. According to the Bishops, “it was the responsibility of the public authorities, assisted by humanitarian organizations, to build and put into place a system for basic education, especially in rural areas, which will allow youth and adults non-schooled to reach a certain level of culture and openness of spirit.”³⁷⁴ As to the right to information, the letter noted that truth never leads to harm, but rather the absence of information does. Therefore, the Bishops called again upon the public authorities to encourage written press, and especially to promote oral media since Burundi is traditionally oral and many people still do not know how to write or to read.³⁷⁵

These four categories of justice constitute, for the Bishops, the only way to peace in Burundi. And they were all based on Catholic human rights theory and the UDHR. The Bishops concluded the letter saying that

The solution, much more arduous, it is true, but just, is the safeguarding and the promotion of inalienable and inviolable rights of the human person, of every human person. It is the duty of everybody; it is particularly, the duty of public authorities. Human law, which by definition has to assure and promote human order, ought to conform itself to the absolute law of God. It is in that sense that peace is said and can be in reality ‘work of justice.’³⁷⁶

In other words, peace can only be the work of justice when human rights are respected in all aspects: physically, socially, economically, culturally and spiritually.

³⁷¹ Ibid, p. 24.

³⁷² Ibid, pp. 26-28.

³⁷³ Ibid, pp. 28-30.

³⁷⁴ Ibid, p. 29.

³⁷⁵ Ibid, p. 30.

³⁷⁶ Ibid, p. 31.

This letter is another good example of the appropriation of the Universal Catholic Church's teaching on human rights by the Catholic Church in Burundi to advocate for peace. It is true that the Church had not been on the front line during the 1972's events, but this letter issued less than six months after, hit the nail on the head by stressing the importance of respecting fundamental rights in order to achieve peace. During this period, even if people were no longer killed on a large scale, actions like looting, expropriation and occupation of properties of those who had fled the country or those accused of being in complicity with the rebels were still going on, often under the acquiescent eye of the authorities. Now, when the Bishops insisted on right to private property "honestly acquired" and the right not to be "arbitrary condemned to give up" one's property, such statements could not miss its audience among those who were engaged in those activities of robbing others' properties. The same can be said when the Church insisted on the right to work and to just wages, or when she advocated for the family's right to be protected. These rights were under threat, especially for those who were relatives of people who had been killed during the massacres. Some had to change names in order to avoid trouble with authorities or job discrimination. In brief, this letter was a good stand from the Catholic Church to advocate for peace based on justice, using the human rights as the best means.

One can, however, question the Bishops' diagnosis of the Burundian crisis as caused by the elite's egoism, both Hutu and Tutsi. While it is certain that egoism can and does affect the common good, it is hardly clear that one can understand such horrible crimes as genocide, crimes of war and against humanity, and human rights violations as the result of egoism. In my view, egoism is much more an individual vice, while such crimes are carried out by structures and groups of people. Therefore, it is not really just a pursuit of personal interest that can lead to such atrocities, but rather a much higher level of evil intention, which requires complex structures and

groups of people to incarnate it and execute it. It seems to me that on this point, the Bishops did not properly identify the root cause as the next years would prove, but this does not invalidate their response to the situation, using human rights discourse to advocate for peace.

Concerning the long civil war of 1993-2005, the Church also produced a lot of literature calling for peace, but not with the same elaboration as the 1973 letter. As we saw above, the messages referred intermittently to human rights, especially to the notion of human dignity and the common good, as cornerstones for peace. During the World Day of Peace 1990, the Catholic Bishops issued a declaration condemning all political formations that stirred up ethnic tension and hatred, as “immoral and contrary to human rights, national development and to will of the Creator.”³⁷⁷ Thus, while peace is a gift from God,³⁷⁸ “the respect of human life is the condition *sine qua non* for any peace, for the suppression of human life is the negation of peace.”³⁷⁹ Many more messages issued after 1993’s assassination of President Ndadaye called for peace and respect for human life. In 1994, the Bishops recalled that, although peace is a gift from God, people had to work for it in justice.³⁸⁰ One year later, they reiterated that peace required “self-respect, respect of the life and the respect of others.”³⁸¹ Some months later, the Church issued another declaration denouncing the violation of human life and the common good, and called for peace saying, “let us work together for bringing back peace... All the citizens have to join together to the protection of life with non-violent means.”³⁸² And before the end of that year, the Bishops published a letter stating that “peace requires truth and justice...If we really want to

³⁷⁷ CECAB, *La paix, condition de l’unité. Message des Evêques catholiques du Burundi à l’occasion du nouvel an : journée mondiale de la paix* (Bujumbura: CECAB, 1989), p. 2.

³⁷⁸ Ibid, p. 1.

³⁷⁹ Ibid.

³⁸⁰ CECAB, *Message des Evêques catholiques aux fidèles et aux hommes de bonne volonté* (Bujumbura: CECAB, 1994).

³⁸¹ CECAB, *Semons la semence de l’amour et la paix. Message des Evêques Catholiques du Burundi* (Bujumbura : CECAB, 1995), p. 3.

³⁸² CECAB, *Nous devons marcher ensemble vers la paix*, p. 4.

build peace, we have to be concerned with doing good to all, be concerned with their promotion without exclusion, to respect the inalienable values of dignity and rights of everybody.”³⁸³ Moreover, they pointed out that a person of peace recognizes the good in the other person, denounces every crime wherever it might be, and recognizes that even the “author of crime or evil is always a human person capable of conversion, capable of regaining his or her dignity, able to do good and practice justice.”³⁸⁴

Subsequent years also yielded many messages calling for peace by stopping war and respecting human life. In 1996, two messages are particularly important. One called for peace by overcoming evil in doing good,³⁸⁵ while the other recalled that peace could only be achieved by respecting human life.³⁸⁶ In 1999, the Bishops issued a statement pointing out that fundamental human rights and respect of human dignity are solid foundation for any country. The message went on to state that the Burundian people could not “accede to true peace, if the negotiators forget the common good to defend their personal interest of political position.”³⁸⁷ According to this message, it was through “a frank and sincere dialogue” that a durable peace would spring, “through works of social justice and respect of rights of human person.”³⁸⁸ Two years later, the Bishops published another letter stating that for peace to succeed, there was a need for mutual recognition as human persons, “enjoying the same rights” and the respect for the common

³⁸³ CECAB, *Message des évêques catholiques*, p. 6.

³⁸⁴ Ibid.

³⁸⁵ CECAB, *Rondera amahoro, ikibi tugitsindishe iciza. Ijambo rishikirijwe n'Abepiskopi Gatolika mu ntango y'ikarema 1996* (Bujumbura: CECAB, 1996).

³⁸⁶ CECAB, *Message des Evêques Catholiques du Burundi. Nouvel appel pour l'arrêt des massacres et de la guerre. "N'invoquez pas vos appartenances ethniques pour blanchir le crime. Tous les tueurs, qu'ils soient Hutu ou Tutsi, sont des criminels"* (Bujumbura: CECAB, 1996).

³⁸⁷ CECAB, *Déclaration des Evêques Catholiques du Burundi : Aux Politiciens, aux belligérants, aux participants à la négociation d'Arusha, à la communauté internationale, à tous les Burundais de bonne volonté* (Bujumbura: CECAB, 1999), p. 3.

³⁸⁸ Ibid, 4.

good.³⁸⁹ And in 2003, two letters were published pleading for an urgent commitment to peace by protecting human life and respecting fundamental rights. “To reach peace and to reconstruct the country,” the first letter read, “we need to develop a new way of living based on the respect of everybody.” It added, “To succeed in that vital work of peace... we need the respect of the dignity of human person and the pluralism of ideas.”³⁹⁰ In the second letter, the Bishops called the politicians to work for peace by protecting the people’s rights.³⁹¹

The letters mentioned here are just examples of the call for peace using the elements of human rights such as human dignity, common good and the recurrent reminder to respect human life as basic to any lasting peace. Otherwise, almost the whole corpus of letters after 1993 was aimed at calling for peace. Nonetheless, human rights were not overtly used as a means to advocate for peace, as was done after the events of 1972. Once more, in my view, the use of human rights to advocate for peace would have had a much more compelling moral power, than evoking the two core elements of human dignity and common good, and the respect of human life. It would have joined other voices from local organizations and international community, not only to denounce and condemn the violations and abuses that were being committed, but also to use human rights as means for peace. It would have been even more important as the belligerents and politicians were negotiating, because it became clear that the negotiators were not willing to sign quickly the agreement because of the *per diem* they were receiving. Today there is a district in Bujumbura named Arusha because it was built from these *per diems*. The use of human rights discourse would have denounced these actions, not as a simple sign of personal egoism, but rather as exploitation of human misery, building villas on the corpses of the people who were

³⁸⁹ CECAB, *Nous devons réussir la paix. Message des Evêques catholiques du Burundi* (Bujumbura: CECAB, 2001), pp. 2, 3.

³⁹⁰ CECAB, *Urgence d’un engagement unanime pour la paix*, p. 2.

³⁹¹ CECAB, *Surmontons nos peurs*, p. 2.

dying. I believe such a plea would have had a positive effect on both politicians and belligerents, inside and outside the country.

Conclusion

After setting the scene in Burundi and the exploration of CST on human rights, the goal of this chapter was to assess how the Catholic Church in Burundi used the Catholic human rights theory to denounce human rights violations and advocate for peace. After reviewing the three symbolic periods, the assessment yields a mixed result. While the official Church was silent during 1972's events, she aptly argued for religious freedom during Bagaza's regime, using the Universal Church's documents *Dignitatis Humanae* and *Gaudium et Spes*, as well as the UDHR. And during the civil war of 1993-2005, the Church was very active and published many letters calling for peace using the notions of human dignity and common good, with insistence on the respect and protection of human life. However, she did not use overtly human rights discourse, which would have enforced her moral pressure on the belligerents and politicians. The same mixed feelings concern the use of human rights as means for peace during the two periods where peace was troubled, 1972 and 1993-2002. Indeed, whereas the Church issued a long letter articulating human rights theory in the light of CST and the UDHR, she did not do the same during the last civil war. The Church called for the respect and the promotion of human dignity as well as the common good, she did not overtly call upon the discourse of human rights as a basic foundation for peace, or mention core documents like papal messages or international instruments on human rights. And in my opinion, by not using the strong message of human rights, the Church missed a great opportunity to reach out to all the opponents who were engaged in war. In spite of some shortcomings during some key moments in Burundian history, this critique should not cast a shadow on the active involvement of the Catholic Church in Burundi in

the effort to assist people and call for peace, as this chapter has tried to highlight. The point is to emphasize that human rights discourse could have strengthened the work she was already doing for the betterment of the needy and the recovery of peace. Perhaps this is an invitation for the Catholic Church in Burundi to pay much more attention to the importance of human rights if she wants her voice to be heard by broader audience than Catholics only. It is in this way that we can make some suggestions for using human rights as a means for the promotion of peace in the future.

General Conclusion

This thesis has analyzed how the Catholic Church in Burundi used Catholic human rights theory to advocate for peace during periods of massive violations and abuses of human rights, climaxing in the genocides of 1972 and 1993 and the trampling of religious freedom under Bagaza's regime from 1984 to 1987. The thesis proceeded in three steps. The first chapter sketched a political and ecclesial context in which these violations occurred. It highlighted noteworthy events like the assassination of Prince Louis Rwagasore, Prime Minister Pierre Ngendandumwe, the overthrow of the monarchy and the bloody coup d'état against President Melchior Ndadaye as evidence of the political instability that fueled the violation of the basic rights of physical security, economic security and other fundamental liberties.³⁹² Thus, the events of 1972 were the culmination of a decade of political turmoil and ethnic tension inherited from the colonial era. They resulted in what observers call "a selective genocide" which targeted Hutu elite, under the first republic regime (1966-1976). Many people were killed while others were forced to flee from their homes and found refuge outside the country.

When the second republic led by Bagaza took over in 1976, public order was restored, but the regime became more totalitarian over time, silencing political opposition. The regime targeted the Catholic Church most of all. The regime expelled many missionaries, refused to renew the visas of others and reduced public expression of religion by uprooting every religious symbol from public places. The regime interfered in the internal organization of the Catholic Church, by regulating masses and any other religious gatherings. This paper contends that

³⁹² By using "basic rights," I have in mind Shue's definition of basic rights as rights that "specify the line beneath which no one is to be allowed to sink." See Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton: Princeton University Press, 1980), p. 18. He mentions physical security and economic subsistence—economic security—as the core of these basic rights. And in the case of Burundi, these basic rights were harshly violated especially during the periods in question here.

Bagaza's attitude toward religious belief and organizations, especially the Catholic Church, was a clear violation of the right to religious freedom and the right to freedom of association.

Buyoya ousted Bagaza who initiated the democratic process in Burundi, which led to the election of President Ndandaye. Four months after he was sworn in, he was killed in a military coup that touched off a long civil war (1993-2005) from which Burundi has not yet completely recovered. During this period many armed groups, gangs, military and rebels killed, looted, raped and committed other violations and abuses of basic human rights and fundamental liberties.

Precisely, how did the Catholic Church in Burundi denounce these violations and abuses using human rights discourse to plead for peace? We could not answer this question without knowing what the Universal Church teaches on human rights. For this reason the second chapter dealt with this question, recognizing that the core of Catholic human rights theory rests on the dignity of the human person, created in the image and likeness of God (Gen 1:26). In Catholic Social Teaching (CST), to be created in the image and likeness of God means that the human person is endowed with intelligence and free will. This understanding bridges the theological basis with the reason-based foundation of human rights. CST also emphasizes the social dimension of the human person. It is on this anthropological foundation that the CST affirms that every right possesses its correlative duty, and that all rights are interconnected because they are all about the same human subject. Furthermore, rights are means to realize the common good both on a local and international level. For CST, the universal common good takes into account the good of the whole human family. It is in this sense that for the Catholic Church, human rights are the best means to advocate for peace locally and among nations.

Having set the scene in Burundi and examined Catholic teaching on human rights, this paper showed then that, although the Catholic Church in Burundi was silent during the events of 1972, she issued a letter employing human rights discourse to advocate for peace after the grave violations and human rights abuses of 1972. She did the same in opposing Bagaza's regime, displaying a good example of a solid appropriation of Catholic human rights theory for advocating for peace. However, during the civil war of 1993-2005, she did not use explicitly human rights discourse in her messages, although they were all concerned with peace. Nevertheless, she earnestly called for the protection of human life, the respect for human dignity and the valorization of common good. These notions are core elements of the Catholic theory on human rights. Nevertheless, in the context of civil war in Burundi, to present these notions through human rights discourse would have joined the Church's voice to others that were pleading for peace using human rights language, strengthening the impact of the Church's stance. The rationale behind this assumption is that, as Elie Weisel notes, "human rights [are] the secular world's religion."³⁹³ Thus, as the Universal Church recognizes human rights as the best means for protecting, preserving and advocating for peace, their use by the Catholic Church in Burundi would have engaged this secular world. Moreover, the majority of the chief rebels were evangelicals and Muslim. If the Catholic Church wanted her messages to reach them, she would have needed a compelling language for everybody, and I believe human rights discourse would have served this purpose.

³⁹³ Cited by Donald Kerwin, "Rights, the Common Good, and Sovereignty in Service of the Human Person" in Kerwin, Donald & Gershutz, Jill Marie (Eds.), *And You Welcomed Me: Migration and Catholic Social Teaching* (New York: Lexington Book, 2009), p. 93.

For this reason, in the future, to be efficient in addressing issues that go beyond the Catholic Church like the concern for peace in Burundi, we would recommend that the Catholic Church use human rights discourse. By doing so, she will reach out, not only to the Catholics, but also to every Burundian and others from the local and international community.

Second, in the course of reviewing the many messages consulted above, there is no clear link between respect for human rights and peace, as Popes John Paul II and Benedict XVI would argue.³⁹⁴ Unless the Church in Burundi is herself convinced of this inherent link as embedded in the teaching of the Universal Church, she will not make use of it. Hence, we recommend retrieving this link as a core element in the Catholic understanding of human rights and its importance in advocating for peace.

Third, the crises studied in this thesis resulted from political instability fuelled most of the time by ethnic tension between Hutu and Tutsi. However, as Filip Reyntjens points out, today's Hutu-Tutsi antagonism is no longer as strong as the regional divides, the rural-urban gap, or the challenges of marginalized groups like the *Twa*.³⁹⁵ Therefore, any meaningful discourse on human rights for peace in the future will have to go beyond Hutu-Tutsi stereotypes and base its analysis on actual social dynamics which might generate in other human rights abuses and disturb peace in the future. For example, the equitable distribution of land is an issue that generates conflict. Burundi is among the most densely populated countries in Africa. According to the 2008 census, the density is 312 inhabitants per kilometers square. Adding to this the return of thousands of refugees and internally displaced people, it becomes clear that there is much pressure on land, and most of the lawsuits and murders today are attributed to issues of land.

³⁹⁴ See John Paul II, *Respect for human rights: The Secret of True Peace*, *ibid*, and Benedict XVI, *The Human Family, a Community of Peace*, *ibid*, and *Religious Freedom, the Path to Peace*, *ibid*.

³⁹⁵ Filip Reyntjens, *Burundi: Prospects for Peace* (London: Minority Rights Group International, 2000).

Therefore, the future of peace in Burundi will rely heavily on how the political authorities handle this issue.

The Church's advocacy for peace in Burundi using human rights discourse will have to take into account social realities, like the question of land. For instance, corrupt officials may acquire a disproportionate amount of land to the detriment of the poor, especially the refugees and the internally persons. So the Church has to be their voice and speak out for their right to the land. As Jon Sobrino observes, "it is not enough for the church to possess a doctrine of human rights, or even that it preaches that doctrine... The most important task on the face of the earth is the struggle for the rights of others, and of those others who are God's privileged persons and peoples, the poor of this world."³⁹⁶ This has to be the mission of the Catholic Church in Burundi: to struggle for the rights of the poor.

Fourth, this thesis limited its scope to the era ending with 2005, because we thought this was the year of a new beginning as it is the year where new democratic institutions led by the former rebel movement, CNDD-FDD, were formed through general elections. The last rebel movement PALIPEHUTU-FNL also signed a comprehensive cease-fire in 2009, auguring the end of a long painful period. Unfortunately, as the last report of Human Rights Watch (HRW) observes, the last election of 2010 did not turn out well. Since then, there has been an ongoing violation of human rights, including killings, restrictions to freedom of movement and the right to free association. HRW even fears a return to civil war (HRW, 2010).³⁹⁷ In this regard, the Catholic Church in Burundi should not use human rights discourse only to plead for peace, but she should also use it to preserve peace and to prevent conflict. For this end, we recommend that

³⁹⁶ Jon Sobrino, *Spirituality of Liberation: Toward Political Holiness* (New York: Orbis Book, 1988), p. 114.

³⁹⁷ Human Rights Watch, *Closing Doors? The Narrowing of Democratic Space in Burundi*, 2010. On <http://www.amnesty.org/en/library/asset/AFR16/002/2010/en/758d5167-cd6c-43fd-b671-bd13936017bd/af160022010en.pdf> (accessed November 23, 2010).

she joins with human rights activists in Burundi as well as international organizations like HRW and Amnesty International to denounce the violations of human rights before the country degenerates into an open civil war.

Fifth, today more than yesterday, Burundi's peace depends on the stability of the Great Lake Region. Hence, the Church's plea for peace in Burundi using human rights has to reach the people in neighboring countries. There should be a coordinated message articulated on human rights from the concerned bishops, addressing the different violations and abuses of human rights and pressing the actors involved to respect human rights and to protect human life.

Having voiced these recommendations, we are aware that human rights discourse alone will not assure the influence of the Church but will only add moral power to her statements, and bring the richness of the Catholic tradition on human rights into public sphere. For instance, most organizations for the defense of human rights stress political and civil human rights. The Catholic voice would remind that both "bread and freedom" are important, and that rights suppose correlative duties for the benefit of the common good for both local communities and the whole human family. But still, this doctrine will not be enough to ensure the efficacy of the Catholic message. Therefore, we offer the following suggestions to strengthen the Church's role as a champion of human rights.

First, we suggest that the Catholic Church in Burundi create a human rights body (perhaps called a Catholic Human Rights Commission), whose task is to denounce human rights violation in order to preserve peace and prevent conflicts and to monitor the implementation of the various human rights treaties of which Burundi is a signatory. The body would be involved in different governmental or/and organizational activities that enhance the protection of human

rights and the respect for human dignity in Burundi. It would also lobby influential international groups and organizations that fight for human rights and peace, to direct their focus to Burundi government and other actors in cases of human rights violations.

Second, we suggest that this human rights body establish and maintain contact with other Catholic organizations and institutions outside the country committed to the same goal of respect for human rights, in order to learn from their experiences and develop outside channels to convey its message and propagate its work.

Third, we recommend the creation of the same structure at a regional level, especially between neighboring countries –Rwanda, Tanzania and Democratic Republic of Congo— inasmuch as each country suffers the aftermath of violations and abuses of human rights occurring in the other. The role of this structure would be the same: documenting the practice of human rights in these respective countries; to cooperate with different organs involved in the protection of human rights; and to lobby with the international community to ensure the respect for human rights in the region. For instance, the Conference of the Catholic Episcopate of the Great Lakes Region for Peace and Reconciliation (CCEGLRPR) is a good institution within which to initiate such a body, even though in its recent final declaration it did not mention human rights as one of the most urgent “challenges” (CCEGLRPR, 2010).³⁹⁸

Fourth, to raise the awareness of the importance of human rights for preserving peace and preventing conflicts, the Church should educate religious, priests and laypeople in human rights through seminaries, schools, pastoral centers and small Christian communities. This education should underscore the importance of human rights in Catholic teaching, stressing that peace

³⁹⁸ The declaration was issued at the end of a three-day conference held in Burundi on October 17-19, 2010.

presupposes respect for the basic rights of all, without exclusion. Furthermore, it should emphasize that human rights claims are a peaceful alternative to war in order to resolve conflict. In the line of Catholic theory on human rights, this education should especially stress the essential link between rights and duties. Most importantly, it should point out that the Christian obligation of struggling for the rights of others, in Sobrino's words, is one way of embedding the Christian commandment of loving our neighbor in the community.

One may inquire into why the Church did not use overtly human rights discourse in her messages. One hypothesis is the fear of confrontation with the government, but we could not confirm this, having not consulted the Bishops directly. In addition, one can still ask why, so far, the Church has not shown a clear commitment to human rights along the lines of the suggestions just mentioned? Even here, we can only offer hypotheses. The first is that, in our view, the Catholic Church in Burundi is still young and without a clear local identity adequate to deal with specifically Burundian issues. The second hypothesis is that she has not yet been very sensitive to questions pertaining to social justice in the Burundian context. Marked by the colonial era as are many African churches, she has not yet moved on from the dynamics of this period to get involved in local questions of social justice. A third hypothesis is related to the second one: there is a lack of a theology originating from Burundian social issues. As far as I know, we do not yet have outstanding theologians who take the Burundian context of violations and abuses of human rights as a terrain for theologizing. Without a theological push, a Church can be blind to social questions, perhaps again because of the desire to accommodate political authorities. If these hypotheses are convincing, then, not only does the Catholic Church in Burundi need to adopt human rights discourse and the practice of human rights as the best means for advocating for peace, but she ought further to work and develop a local Church, i.e., a Church that builds her

identity in a constant dialectical dialogue between the tradition of the Universal Church and the local realities, such as violations and abuses of human rights in the recent history of Burundi. And the first step to realize this endeavor is to practice human rights inside the Church herself, so that her theology might spring from her own experience.

During a 2010 visit to the New York Headquarters of the United Nations, I came across this 1950 inscription from Nobel Peace Laureate Ralph Johnson Bunche, “Peace to have meaning for many who have known only suffering in both peace and war, must be translated into bread or rice, shelter, health and education, as well as freedom and human dignity.”³⁹⁹ This excerpt summarizes the situation in Burundi where, even well after the time of war, people still suffer. It highlights the link between human rights and practical realities, which can help the Catholic Church translate her commitment to the faith that does justice in Burundi into concrete terms. It is true that human rights discourse does not encompass all the promises of God’s kingdom brought about by Jesus. However, as “human conditions” to live a dignified life are the best means to translate peace into reality, human rights offer a privileged way for the Catholic Church in Burundi to contribute to a country where human dignity is respected and protected. And if this is so, then it is worth a try.

³⁹⁹ The plaque in memory of Ralph Johnson Bunche (1904-1971), Under-Secretary-General for Special Political Affairs, in the United Nations, Nobel Laureate 1950 is in front of the United Nations in New York City.

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