



Newsletter No. 11

## **Christ’s Message Gave a Human Shape to Europe’s Laws**

Dear Friends,

Europe has been formed profoundly and decisively changed by the Good News. When we look at the development of the law, we notice a gradual progress, which we could call a *'humanisation of the law'*. Christ and His message gave Europe’s laws a human shape. This process of humanisation is not over, as Christ is not only memory but living presence. Therefore, the humanisation of law is not only a historical achievement, but an actual challenge for us Christians, especially now as previous achievements are being threatened by modern ideologies.

Your Europe for Christ! Team

PS: Don’t forget: a daily Our Father for a Europe based on Christian values!

PPS: We gladly announce the launching of our website in **Croatian!** If you have friends there, please inform them and forward to them the link [www.europe4christ.net](http://www.europe4christ.net).

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## **Christianity and the Humanisation of the Law in Europe**

From the Ten Commandments in the Book of Exodus to the Sermon on the Mount in St. Matthew’s Gospel, we can observe God’s effort to humanise men’s often cruel laws. In this spirit Europe was marked and changed profoundly. The Ten Commandments and Christ’s golden rule “love your neighbour as yourself” created the framework for true justice. The Christian vision of Man transformed the legal history of the West, whose process of humanisation can be traced back in the formation of Roman law, Canon Law and the codification of law in continental European countries.

Some examples might clarify the extent of this influence.

Let’s take for instance the right to life of a newborn. In the ancient Rome, newborns -- male and female -- were deposited at the feet of the father. He -- without explanation or justification -- either recognized the child as his by picking it up, or withheld his recognition by leaving it where it was. The recognized child became a member of the family; the unrecognized child was abandoned and left to die by starvation. This power of

the *pater familias* was called *patria potestas*. The decision over life and death was left to the arbitrary will of one person. The early Church fathers preached against infanticide and they managed to spread this conviction more easily than the pagan philosophers. The early Christians therefore behaved differently from their non-Christian neighbours in the Roman Empire. With the growth of the Church the right to life of the newborn was widely disseminated.

In a similar way, we observe this humanisation of law in many areas. Take, for example, the protection of the weak. Illness or handicap, old age, loss of one's husband or loss of one's parents meant often extreme poverty and fight for survival. There were always individuals who organised help, but through the intense commitment of Christians, following the example of the Good Samaritan, solidarity became one of the founding principles of society. Today the *Principle of Solidarity* is firmly rooted in our codes of law. It currently faces new challenges: How do we, for example, respond to the many desperate refugees waiting in camps at the borders of the European Union?

Consider also the abolition of slavery. Already in the late Christianized Roman Empire, in the *Corpus Iuris Civilis*, we can read that slavery is contrary to natural law. The Christian vision of man sets the ground for an understanding of the dignity of every member of the human family, and prohibits therefore that a human being is used as a means to an end. This is known today as the *Principle of Non-Instrumentalisation*. This great achievement is the underlying thought of many laws that protect the individual.

Many other examples could be mentioned: the decrease of the 'liability of life and limb', the awareness of human rights, the abolition of torture and the death penalty, minimum standards of imprisonment conditions, a limitation of warfare (Just War Theory) etc. The humanisation of law is a process: New questions arise. What has been achieved is not necessarily guaranteed but could be threatened by modern ideologies. Take for instance, marriage: Jesus opposes clearly to separate what God has joined. Marriage reflects God's covenant with His people. It was an achievement of Christianity to leave behind polygamy, divorce and the right of a man to cast his wife away. This was a remarkable progress for the protection of women! Nowadays however, marriage tends to be seen as a mere contract. Divorce is easier than ever. Unions between two persons of the same sex are about to be given the same rights and status. Even polygamy is being discussed as a possible option. Such constructs show the extent of the philosophical and moral confusion which pervades modern secular society.

The *Principle of Non-Instrumentalisation* is equally being challenged when in many European countries the youngest member of the human family, the embryo, is destroyed and used for EU-funded research, or when cloning looms at the door. Or, look at the return of the *patria potestas*: The right of the life of the child depends again on the acceptance of the parents – what was the exposure of the newborn in Ancient Rome is now the abortion of the unborn.

Let me conclude. Christians have not always lived up to the requirements of their faith. But by its convincing strength, Christ's message gave a human shape to Europe's laws. It is now on us Christians to contribute to a further humanisation. Today, such decisions are largely taken on the cultural public square. Christian engagement – from the participation in the public debate (by a letter to the editor for instance) to the works and examples of love – will decide how this process continues.