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Living and Forgotten Christian Roots in Europe and the United States”
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Christian secularity and the culture of human rights

In the following paper I will outline how Christian identity – thinking mainly of Catholics – relates to modern political secularism and what this means for the public justification of human rights.

1. Religious freedom and the secular state: two traditions, European and American

It is well known that the Catholic Church has come to fully acknowledge the secularity of the state and the political principles of constitutional democracy as a cultural achievement only after a long period of mutual hostility and conflict. Yet, by doing so, the Church has reconciled herself with an essential part of her own cultural heritage marked by the genuinely Christian dualism of spiritual and temporal power and the affirmation of the intrinsic secularity of the latter. This development has been possible because already in the first centuries of its existence, Christianity had assimilated the philosophical spirit of Greek rationality and culture as well as the rational spirit of Roman legal thinking.

It is equally well known that, while European Catholicism and Protestantism were marked by long modern traditions of alliances between “throne and altar” and of the confessional state, in the United States of America the recognition of the secularity of state power and of government was a feature of the founding project of the US constitution from the very beginning. Non-established religion was part of the solution to find a peaceful way of bringing together citizens and social groups with divergent religious and philosophical views in a common constitutional project. In consequence, religion developed into a constructive force in American public life, and the secularity of the state and religion were not necessarily perceived as incompatible values.

In Europe, however, religion was seen since the protestant Reformation and the subsequent religious wars as a major problem. Hence, the European Enlightenment and liberal constitutionalism came to understand religious liberty as instrumental for assuring the independence and secularity of state power in order to neutralize, if not destroy, the divisive influence of religion on politics. In the current European understanding “secularity” and “laicism” frequently mean a sort of public a-religious political Credo which implies even the unwillingness to acknowledge the Christian tradition at least as the common *cultural* heritage containing the resources that made the modern secular state possible.

This partly anti-Christian, and even anti-Catholic and anti-Church character of European modernity has survived in some extreme forms of “laicism” (most typically in France). This process has led to misleading alternatives: “secularity” is played off against “religious faith”, “the right to religious liberty” (falsely identified with “religious indifferentism”) against the “existence of religious truth”, and so on. The process has also led to an unfortunate ideological and institutional equilibrium between these alternatives. The secularization of state power, its independence and autonomy, especially under conditions of democratic popular sover-

eignty, as well as the secularization of society in the sense of its de-clericalization, was, from a religious or even clerical vantage point, perceived as essentially directed against the very mission of the Church. Yet, with the Second Vatican Council, the Catholic Church has come to fully acknowledge the secular, religiously neutral state as a positive value and as cultural achievement, and with this also the modern idea of human rights. It seems to me significant that in his Christmas address to the Roman Curia on December 22 2005, Benedict XVI not only positively referred to the “model of a modern state” originated by the American Revolution, but also distinguished the second – the Jacobin or “radical” – phase of the French Revolution, “that practically no longer wanted to allow the Church any room“, from its first, liberal-constitutionalist phase. Yet, it was this first phase which was marked by the *Déclaration des droits de l’homme et du citoyen*”, at that time, however, condemned by Pope Pius VI as national apostasy from Catholic faith. This change of attitude towards the earthly reality of the state and of politics – which was not a change in the doctrine of faith – is not only a prudential adjustment, understandable because the Catholic Church nowadays exists in a secular and pluralistic environment. As shown in the Council’s Declaration on Religious freedom, *Dignitatis humanae*, it is rather a change of attitude reflecting a principled turn towards what is now judged to be more congruent to the spirit of the Gospel.

2. “Christian secularity”: the seeming paradox of “double identity” as Christian and as citizen

Yet, in my view, not all problems are resolved by this acknowledgment of the secular political culture and the modern idea of human rights. A crucial question for Christians, posed by modernity, remains without being answered. This question might be formulated in the following way: “What does it mean for Christians to participate *as Christians* in a political culture and in public life defined by the modern idea of secularity?” Or in other words: “Is it possible for a Christian who believes in a determinate religious truth and cherishes objective moral values rooted in it, to participate in a political culture which is defined by secular values, pluralism and neutrality regarding this religious truth and the moral claims depending on it?”

The problem addressed with these questions is not the problem of multiculturalism. This is a quite different problem. The problem raised with these questions concerns the simple fact that the pluralism of occidental modernity is the outcome of freedom and of liberal institutions, which are characteristic for a society that recognizes human rights. Now, pluralism thus brought about is also a result of legitimate and sometimes epistemologically understandable disagreement on fundamental moral questions. On the other hand, pluralism is also the result of ignorance, the abuse of freedom and vicious habits. Yet, it is essential for political and civil freedom that it may be misused; otherwise there would be no freedom. It is part of a political culture which fully accepts freedom, to allow, in certain limits defined by law, also this kind of pluralism. Political and civil freedom, which make it possible, do not for this reason cease to be political values.

Pluralism is defined as a kind of *internal* variety – religious, ideological, also ethnical – to a determined political culture and rooted in its common ground (part of which might be the culture of human rights). Therefore, pluralism does not jeopardize social cooperation, unity and peace. Multiculturalism, on the other hand, is not simply pluralism, but precisely the variety of cultural common grounds, and therefore also of political and legal cultures, coexisting in one and the same society. It is a grave problem and *as such* cannot be accepted without

putting into danger the constitutional order of a democratic society. In short: a multicultural society in the strict sense is not possible. At the same token, international public life and a culture of human rights presupposes a common cultural ground. The question is what kind of ground this must be.

It is precisely the challenges of multiculturalism – mostly by Islamist fundamentalism insofar as it is hostile to secular pluralism – that provides evidence that at the root of occidental pluralism lies a common foundation of values, though this foundation is mostly defined in political terms of a strictly secular kind. Citizenship itself, which is a basic political and public value, must be defined on a common ground of shared cultural values; it cannot be defined in a multicultural way. The modern culture of human rights in the occidental understanding shapes the understanding of citizenship in a concrete and specific way which is not open to any multicultural qualification. Citizenship understood in these terms is a kind of “political absolute”. This is why a “multicultural society” in the strict sense is not possible: it could not anymore define common standards of citizenship and corresponding rights, liberties and political values.¹

In the European understanding, the nature of such a common ground is the idea of liberal-democratic citizenship – “liberal” in a broad sense – which is closely related to basic liberties and rights which define the status of citizens independently from their religious, cultural or ethnic identities. “Multicultural” variety or pluralism on *this* level is impossible. There is no middle term or coexistence, for example, between the Shariah’ on one side and the occidental secular understanding of the rule of law. This, I think, also applies, *mutatis mutandis*, to international public life.

It also seems evident to me that wholeheartedly believing Christians, particularly Catholics, can and should share in the secular understanding of modern democratic citizenship. Equally they should share in the implementation of human rights on the international level. Yet, they will, or in my view should, do so in a different way as, for example, an atheist, agnostic or simply non believing citizen. A Christian’s ideal of secular democratic citizenship might be what I wish to call “Christian secularity”. “Christian secularity”, as I understand it, means to develop one’s Christian identity and to realize one’s Christian vocation in the context of a society – and an international community – the public institutions of which are defined in secular ways, by fully accepting – informed and enlightened by historical experience – this secularity as a political value and considering this acceptance as a integral part of one’s self-understanding as a Christian. To use a Rawlsian term, “Christian secularity” means for Christians to enter into an “overlapping consensus” which may be epistemologically supported and nourished by one’s proper religious and moral convictions as a Christian, but is neither identical *with* them nor derived *from* them. Christian secularity, thus defined, means to be able to live a kind of “double” or “differentiated identity” as a Christian and as citizen.

Notice that “differentiated” or “double identity” does not mean to split oneself into two existential realities, nor does it mean to live a double life nor, as a citizen and primarily in the public sphere, to stop behaving and forming decisions like a Christian. “Double identity” rather means the capacity (required by all citizens) of being able to politically cooperate under conditions of even deep disagreement on essential moral values and therewith to constructively and patiently cope with concrete configurations of pluralism which as a Christian one might consider to be alien to the true common good of human society and in need of change

¹ See my „Cittadinanza multiculturale nella democrazia liberale: le proposte di Ch. Taylor, J. Habermas e W. Kymlicka,” in *Acta Philosophica* 15:1 (2006), 29-52.

(for example what John Paul II has called the “culture of death”). It also signifies the capability of differentiating between what on the level of political values is fundamental for a civil society and for the strictly political common good, on one side, from what is highest and according to one’s religious and moral convictions most holy in the level of values, on the other. Therefore, “double identity”, means the disposition to recognize the procedural legitimacy of democratic decisions even though they contradict one’s fundamental convictions about the good and to therefore support political institutions *as legitimate* even though in determinate cases they generate decisions one considers to be deeply unjust and corruptive of the common good. This, finally, implies the disposition to overturn such decisions or to amend these institutions only by legal, democratic means, trying to convince other citizens of the reasonableness of one’s claims, which actually strengthens the legitimacy of democratic institutions (that is, not to act so only because one considers illegal or even violent means to be unlikely to succeed).

In the past, something like “Christian secularity” has been understood as a paradox. So, it was typical for Catholics to claim a right to religious freedom only for Catholics and to concede other faiths with the most prudential toleration. There was no acceptance of the principle of reciprocity which is implied in the acceptance of a constitutional democracy because the catholic tradition before the Second Vatican Council did not accept as a political value the fundamental reciprocity of political right claims independent from their being used in conformity with truth. Reciprocity is essential also for a culture of human rights on the international level. For it presupposes for members of other cultures and religions something analogous what I have called “Christian secularity”.

The above mentioned “double identity” as a Christian and as a citizen does not mean that the world-transforming character of Christianity has to be given up or that Christians *as Christians* do not have to make a specific contribution to the social and political shaping of this world and, thus, to the content of citizenship. On the contrary: the Christiana faith, based on the faith in incarnation of the Divine Word, is called to continue to be a world transforming force, but this in a secularized world and in a secular way. A secularized world is a world without religious institutions which, for spiritual reasons, are able to effectively enforce limitations of sovereignty of political institutions or to exercise some form of politically institutionalized guardianship. By the same token, a secularized world is a world in which Christians, following their well formed consciences, are called to cooperate side by side with all men, sharing with them their common identity as citizens and claiming no other rights than those which they share with *all* citizens.

3. *The political justification of human rights and their metaphysical and religious roots*

Secularity has consequences not only for the political cooperation of citizens in general – and on the international level, for the cooperation of nations which can be considered citizens of an international community –, but in the first place for public reason and public justificatory discourses. It bears upon the way “citizens of faith”² relate to the public political culture. This may best be illustrated by the example of the justification of human rights. There are different discourses on human rights: exclusively political, but also religious and metaphysical discourses. The Catholic Church in fact uses both of them. Sometimes it is said that hu-

² I take this expression from John Rawls, “The Idea of Public Reason Revisited,” in Rawls, *The Law of Peoples, with “The Idea of Public Reason Revisited”* (Cambridge, Mass.: Harvard University Press, 1999).

man rights can only be firmly founded in the metaphysical truth about man or that their stable foundation even presuppose the acceptance of Christian anthropology according to which man is created in the image of God. Yet, given the fact of modern pluralism and of the multicultural character of the international public square and international political life, this would provide a very weak political basis for human rights. If their effective *political* recognition and *juridical* validity needed to depend on shared metaphysical assumptions about the nature of man or on a shared acknowledgment of the theological truth on his being created in the image of God, the political standing of human rights would be rather uncertain and fragile. In reality, metaphysical and theological foundations would be far from being a common ground, being rather a matter of dispute and disagreement, as metaphysical and theological issues generally are.

The Canadian political scientist Michael Ignatieff, therefore, argues that the force of a culture based on human rights is precisely to provide for them exclusively *political* justifications which are as far as possible independent from metaphysical or religious assumptions and truth-claims and rather appeal to intuitively and commonly shared convictions about the advantageous character of such rights: though we cannot agree on *why* we have rights, we can all see what they actually *do* for us and why we need them and such “prudential grounds for believing in human rights protection are much more secure.”³

This may sound provocative and even cynical – mainly because Ignatieff opposes to the “politics of human rights” the “idolatry of human rights” –, but it is in fact the way things in modern pluralist society tend to work. Secular modernity, which is essentially pluralistic, is in need of a minimal foundation in order to achieve a maximum consensus. As mentioned before, this is even more true for international public life in a globalized world, which is both genuinely multicultural and in need of shared standards of justice and fair cooperation. In this sense, the secular character of international organizations is an advantage. In short: the modern idea of human rights is actually a political conception based on a relatively thin justificatory foundation. The more its public justification becomes linked to metaphysical and religious premises, the less ability it has to politically assert itself and become universally implemented.

Yet, this is only half of the truth. It is, so to say, the strictly political half of the truth. The other half, however, is not necessarily idolatry or, as Michael Ignatieff suggest, “moral imperialism”. Politics actually do live from moral resources which they cannot create by themselves. Moreover, many of these moral resources, not only historically, but also in the consciousness of citizens, spring from, or are at least linked to, their religious convictions. This is, or should be, mainly the case of Christians whose creed, besides its supernaturally revealed character, also – at least in its Catholic form – includes a tradition of natural law which in itself possesses both a political and a secular, that is, purely rational, dimension. Moreover, politics themselves are a specific kind of moral behavior and must be ultimately assessed by standards of morality. Therefore, even a culture of human rights justified in the public domain by ways of exclusively political values must be understood by its supporters as a *moral* value. Given the secularized and pluralistic – and on the international level even multicultural – character of modern political reality, reductive political justification is a *political* necessity. Nevertheless pluralism needs categorical foundations which themselves are not pluralistic or

³ Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001), 55.

merely political, or at least are able to base the latter on firm moral convictions and on the kind of rational discourse on the basis of justice which we call “natural law”.⁴

Therefore: a political conception of justice justified in the context of an “overlapping consensus” between citizens of different philosophical and religious orientation and the corresponding institutions, also, cannot live without being nurtured from the moral substance of the beliefs, creeds and convictions of those who form this consensus. On this level of argument, as Christians we are convinced that only a foundation rooted in metaphysical truth about man can provide for a culture of human rights the ultimate and stable *cognitive* basis and that, therefore, *Christian* secularity has a crucially important mission. Considering the understandable difficulties not only Catholicism but wide strands of Protestantism as well had with the growing political culture of secular modernity and the very idea of human rights and civil political equality, as Christians we have to affirm this with a certain humility. At the same time, however, as Christians we should have what has been called a “complex of superiority”⁵: we should know that, once accepted as the logic of the secular world and of pluralism as the result of freedom, Christian revelation and Christian faith provide the strongest *cognitive* – and thus, indirectly, also political – support for a political culture based on the legal enforcement of human rights. It is precisely on this level and in this sense that the Magisterium of John Paul II on Human Rights, has made its most decisive contribution. Particularly in his encyclical *Centesimus annus*, we find the reconciliation of secular political modernity (constitutionalism, democracy, the priority of freedom, human rights) with a transcendental, metaphysical and ultimately religious foundation of the moral basis of modern secularity.⁶ This logic of politics is necessary and fully suited to provide a common platform for the cooperation of citizens under conditions of pluralism. But the logic of this politic is not able to uphold its moral legitimacy and uprightness without having roots in what is essentially not only “political”.

4. *Secular pluralism and its defense against destructive forms of multiculturalism*

In what I have called “Christian secularity” there is, thus, a paradox: it is the paradox of the existing need in modern secular and pluralistic societies and in international public life of both minimalist political justification of human rights, political justice etc., and a metaphysical ethical anchoring of these which not only goes largely beyond such merely political justifications, but also supports them.

This paradox seems to me, first, to prove the ineluctable validity of the modern – in its original Hobbesian form one-sided – principle *Autoritas, non veritas facit legem*, that is, the principle of the institutional, legal and practical primacy of the political over the metaphysical. Of course, I am far from pleading for the Hobbesian solution of this problem, which submits truth claims and the norms of justice entirely to the factuality of positive law.⁷ But I sub-

⁴ See my (forthcoming) 2005 Natural Law Lecture (Notre Dame Law School) *The Political Ethos of Constitutional Democracy and the Place of Natural Law in Public Reason: Rawls’s “Political Liberalism” Revisited*, «The American Journal of Jurisprudence» 50 (2005).

⁵ This expression was frequently used by Saint Josemaría Escrivá.

⁶ Cf. Russell Hittinger, “The Pope and the Liberal State,” *First Things* 28 (Dec. 1992), 33-41.

⁷ See my “*Autoritas non veritas facit legem: Thomas Hobbes, Carl Schmitt und die Idee des Verfassungsstaates*,” *Archiv für Rechts- und Sozialphilosophie*, 86 (2000), and *La filosofia politica di Thomas Hobbes. Coerenza e contraddizioni di un paradigma* (Roma: Armando, 1997).

scribe to the maxim in the sense of the need of recognizing the democratic legitimacy and thus legal validity of law even though it is considered to be, in certain limits, unjust, untruthful and in need of being overturned by equally legal and democratic means. This is the price we have to pay for peaceful social and international cooperation, prosperity, justice – always imperfect – and, mostly, political and civil freedom. Yet, this price is rather low and certainly a reasonable one to pay. As we know from history, the alternatives are the continuous threat of civil war or, in other cases, authoritarian or even totalitarian repression in the name of some truth-claiming ideology, and on the international level, unjust domination and war.

Second, and precisely for the reason as the ineluctable practical primacy of the political over the metaphysical, the citizens' being embedded in the truth about man is to be reinforced. Exactly as a result of *political* freedom on the national level and rights of participation in international organizations are defined and legitimized not by their relation to moral and religious truth, but to *political* values like peace, liberty, equality, economic efficiency, development etc., the consciousness of the relation of freedom to truth must be reinforced on the non-political or pre-political level. It must be primarily cultivated in the family and, generally, in educational practice. The educational system of society cannot follow the pluralistic and merely political logic of public justification, though it must also respect fundamental values of civil liberty and equality. Education has to promote moral virtues. While politics and law predominantly speak the language of "rights" (which, of course, always generate duties of third parties), education and the moral virtues must mainly, though not exclusively, speak the language of duties and of commitment to the truly good. Finally, the relation between freedom and truth should also be respected by the mass media, without thereby curtailing their freedom – not even their freedom to stupidity –, but by fostering their sense of responsibility and by *democratically* sanctioning misbehavior: manipulation and stupidity should be punished by means of the laws of the market, that is, by refusing the consumption of products which offend human dignity or are simply indecent.

"Christian secularity", thus, means to acknowledge the secularity of the political institutions and to simultaneously support them and even to permeate them with the moral substance of Christian faith and uprightness; this is done mainly on the level regulated by natural law, which as such is not "Christian", but simply human, although at present it is mostly promoted and defended by Christians. For example: to legally grant a right to abortion and support corresponding choices by the public health system is certainly a great evil and opposes the common good of human society; but it is not the fault of the democratic political culture or the secularity of the state, but rather the problem of civil society and its predominant value system which renders such laws or jurisprudence possible. It is exactly and predominantly on this level where the Christian ferment is called to come to bear, and on the international level it sometimes finds allies in other cultures.

So, the famous and flogged dictum by Ernst- Wolfgang Böckenförde that the modern secular state lives from presuppositions which it itself cannot create and guarantee may be once more invoked and even extended to international public life and its institutions of political self-organization: these presuppositions are the moral substance of its citizens and of society as a whole, and of entire nations, respectively.⁸ It is also on this level that I see the role of the Church as a hierarchical and authoritative institution: to act through her teaching and pas-

⁸ E.-W. Böckenförde, *Die Entstehung des Staates als Vorgang der Säkularisation*, in E.-W. Böckenförde, *Staat, Gesellschaft, Freiheit. Studien zur Staatstheorie und zum Verfassungsrecht* (Frankfurt/M.:Suhrkamp, 1976), 60.

toral care upon the consciences of citizens, but not to participate directly in politics herself. To engage in politics is the task of Christian laity, and they will do this as citizens, but as citizens of faith, using thereby their political rights freely and responsibly.⁹

In my view we have still to discover the modern Christian citizen for whom the secular character of public life and pluralism is not simply nuisance or even outrage, but who feels at home in it and acknowledges pluralism as the outcome of political freedom as a fundamental political value to be defended. Secularity, however, is not a project of secularizing the public square in the sense of an ideology of laicism which aims at the absence of any reference to religion or religious values in it. Secularity is not freedom *from* religion, but freedom *of* religion which is only possible when the state neither enters into an alliance with any religious creed, nor yields to temptations in defining or even imposing some religious truth. I admit that religious freedom also means the protection of public institutions which involve the coercive power of the state *from* religion. Yet, to attain this, no public culture of “non-religion”, “anti-religion”, “agnosticism” or something like this is needed. What is needed, instead, is a public awareness not only of the incompetence of coercive state power in defining and enforcing religious truth, but also, and simultaneously, of the importance for society to be formed by citizens who hold firm moral convictions – be they rooted in some religion or not – which support and nourish the secular political culture. The ideal of the secular state and secular political culture is not endangered by such a presence of religion in national and international public life.

So, even under conditions of modern secularity and pluralism there are many possibilities of integrating religious beliefs and metaphysical truth claims with a constitutional and liberal (in the broad sense) democratic understanding of political life. The concrete shaping of this integration, on the level of single countries, will depend upon the traditions and peculiarities of different nations. In presence of the challenges of multiculturalism, essentially the presence of an increasing number of Muslim citizens in European countries, who do not share the common occidental and Christian heritage, Europe will have to become conscious of its Christian roots, not in order to “re-Christianize” public life in the sense of reversing the process of modern secularization and discriminating against non-Christians, but exactly on the contrary: to maintain and, if necessary, defend the peacemaking and integrating force of a secular political culture based on human rights and fundamental political liberties. Perhaps it will become more and more obvious that we need to recall the Christian roots of modern secularity and political culture precisely in order to successfully defend and develop it further *in its very secularity*. On these grounds we will be able to also offer real integration as citizens to those whose cultural origin is different from ours: without urging them to enter into a Christian culture, but also without denying that this secular modern world is a mature fruit of the historic civilizing feature of Christianity, able to become a global patrimony in a multicultural world. What finally will happen on the level of international public life cannot be anything other than a reaction to the successful accommodation between religion, culture and secular values in the life of single nations.

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⁹ Cf. my “Laici e cattolici: oltre le divisioni. Riflessioni sull'essenza della democrazia e della società aperta,” *Fondazione Liberal*, n. 17 (2003), 108-116.