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Catholic Cosmopolitanism and the Future of Human Rights

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Abstract: Political Catholicism began in the 20th century by presenting a conception of confessional politics to a secularizing Europe. However, this article reveals the reworking of political Catholicism's historical commitment to a balance of two powers—an ancient *Imperium* and *Sacerdotium*—to justify change to this position. A secular democratic faith became a key insight in political Catholicism in the 20th century, as it wedded human rights to an evolving cosmopolitan Catholicism and underlined the growth of Christian democracy. This article argues that the thesis of Christian democracy held a central post-war motif that there existed a *prisca theologia* or a *philosophia perennis*, semblances of a natural law, in secular modernity that could reshape the social compact of the modern project of democracy. However, as the Cold War ended, human rights became more secularized in keeping with trends across Europe. The relationship between political Catholicism and human rights reached a turning point, and this article asks if a cosmopolitan political Catholicism still interprets human rights as central to its embrace of the modern world.

Keywords: political Catholicism; Christian democracy; human rights

1. Introduction

The arrival of a cosmopolitan Catholic rights-based tradition in the early 20th century has problematized histories of human rights and political Catholicism. The history of human rights is often presented as a secular affair, while research in political Catholicism tends to steer clear of the development of international law. Nevertheless, with the growth of international institutions founded on the rule of law in the 20th century, numerous Catholic cosmopolitans became involved in that process, contributing a new political Catholicism to make sense of that project. This article presents a historical context of the Catholic view of the social and political order where each function could not be separated from the other (Pope Pius XII 1942, § 9–24). To bridge this affiliation, Christian Democrats established a stance on human rights to provide a basis for a humanism rooted in natural law. The intellectual project of political Catholicism stemmed from the long Catholic tradition of jurisprudence and was applied to the new political and social context of the 20th century. This article argues that a thesis of a post-war New Christendom relied upon an understanding of the natural law believed to lie imperceptibly in human consciousness described as a *prisca theologia* or *philosophia perennis*. The process of building civilization after a global war implied identifying imperceptible bonds made recognizable and tangible, first through the natural law, and then through the Christian democratic embrace of human rights. This article uncovers the reworking of political Catholicism as a revision of Catholicism's historical commitment to a balance of two powers—an ancient *Imperium* and *Sacerdotium*—to justify this change. Cosmopolitan Christian Democrats proposed a new secular democratic faith that believed human rights would retain a *prisca theologia* or *philosophia perennis*, which in turn could be embraced by secular Europeans and religious believers in a transnational legal framework. Human rights would fulfil the ancient role of the *Sacerdotium*, keeping check on the growing power of the secular state. Therefore,

human rights could embody the fundamental and sacred rights of the person that preceded the state, and stood above it, a public role previously envisaged exclusively for the Church. However, as this article reveals, further pluralistic and secularizing developments in the human rights project following the Cold War and articulated in the 1990's during the World Conference on Human Rights had not fully foreseen the resistance that such a move would garner. Papal pronouncements identified a significant turning point during this period in the trajectory and the purpose of human rights. The passage of human rights in Europe did not fulfil the role of spiritual governance, drawing exclusively on a Catholic vision of natural law found in political Catholicism. This article concludes by detailing the criticism that has gradually become more vocal about the apparent compromises that left the church a powerless companion to a secularizing post-Cold War project of democratization and human rights. In Europe, the future of human rights was initially bound to the success of Christian democracy and the intellectual project of political Catholicism. Uncoupled from that history and trajectory, the future of human rights in a cosmopolitan political Catholicism has broken open to further evaluation.

Catholicism has been formative in the development of Western legal culture. During the 20th century, those self-same resources became instrumental in developing an cosmopolitan political Catholicism that took seriously the role of human rights, as well as to respond to the changes of the period. Those actors are described as cosmopolitan because they looked beyond the domestic plain to consider their contribution to international institutions and bodies, while they collaborated transnationally, and viewed the project of political Catholicism as an international concern. While this might not be a liberal position, there was an embrace of the pluralism found in liberal democracy. This is a cosmopolitanism that looked to the long Catholic tradition evident in the legal and political history of the Western world, and is often made peripheral to histories of cosmopolitan thought. Periodically, the Western legal tradition has returned to the resources located in international law's older categories, principally the natural law tradition. Political Catholicism can be shown to have embraced concerns for the uses of law, the nature of sovereignty, and the exercise of political power to interpret the democratic project. Indeed, these are not new preoccupations in political Catholicism but for Catholic cosmopolitans in the 20th century they become valuable resources to present political Catholicism in the idiom of human rights, liberal democracy, and modern international law. Catholic cosmopolitans sought to resolve the problem of the political form of the state in the 20th century and, furthermore, contribute to the international institutions that shaped the development of human rights ideas to secure that future (Taylor 2020, p. 5). Drawing on a historical thesis that saw political power as defused and decentered, where once temporal and spiritual sovereignty might be shared between papal and monarchical authority, they imagined international legal instruments to defuse the excesses of newly forming nation states in the 20th century.

2. A Strategy for a Cosmopolitan Political Catholicism

Political Catholicism took shape during the 20th century in response to the growth of democratic politics. While there has always been a concern with the nature of political systems and the nature of the state in Catholicism, this later development of a political Catholicism implied a new response to a democratic and secular political order. Over the course of a century, the Catholic Church developed its ideas about democracy and 'sought to challenge publicly the secular character of modern life' (Conway 1996, p. 22). More recently, the papal encyclical *Fides et Ratio* reaffirmed the idea that Catholicism has no particular affinity to any one political program or philosophy (Pope John Paul II 1999, § 49; Pope Pius XII 1950, § 12; Schall 2004, p. 160).

However, Catholicism has sought to navigate from a position of supporting the longstanding system of a balance of two powers—an ancient *Imperium* and *Sacerdotium*—for addressing other political forms (Pope Leo XIII 1885). Pope Leo XIII restated an idealized version of the organic Christian state that upheld the political philosophy of the *ancien regime* late into the 19th century (Taylor 2020, p 71, 141). He proposed that there existed between these two powers 'a certain orderly connection, which may be compared to the union of the soul and body in man' (Pope Leo XIII 1885, § 14). An alternative

thesis to this was at hand when Bishop Felix Dupanloup of Orleans proposed a ‘hypothesis’, which ‘was acceptable until such time as the “deplorable” religious pluralism had given way’ (Burns 2014, p. 17). The thesis followed the thought of the Jesuit Bellarmine and ‘had held that an officially established Catholic Church, with preferential treatment, was the preferred or perfect institutional arrangement everywhere’ (Burns 2014, p. 17).

The transformation of political Catholicism to respond to the centralizing and state-building projects of national governments across the Western world involved moving out of the ‘ghettoization’ of the Catholic Church in Europe from the late 19th century (Conway 1996, p. 19; Kalyvas 1996, p. 22). This process involved a reassessment of the political form of the state that in turn established an understanding of sovereignty and of political authority for a new period of history. This process included various approaches from disjointed and initially uncoordinated directions, including the mobilizing of the church’s mass organization towards confessional political parties but also towards confessional trade unions, and voluntary associations, which might mobilize Catholics to participate in newly forming democratic politics (Conway 1996, p. 14; Kalyvas 1996, p. 23). This activism on the ground sought to fill the newly opening public sphere with Catholic action, upon recognizing that it could otherwise be a contested space and hostile to church teaching and ministries. Where a popular democratic system of representative government became dominant, the supposed secular and neutral ground of education, healthcare, and voluntary services became part of the bulwark to defend and promote Catholic interests, where political advancement through confessional parties were ineffective. By asserting a strong presence in the ostensibly secular and neutral spheres of civil society, Catholic culture might remain assured despite the everchanging movement of political parties in power.

The strategy outlined in papal documents began to delineate a broad social teaching for Catholicism on political and social issues, a process that is especially evident in Pope Leo XIII’s encyclical on the Christian state *Immortale Dei* (Pope Leo XIII 1885). His proposal, deliberated upon in this encyclical, would ‘endeavor to bring back all civil society to the pattern and form of Christianity which We have described’ (Pope Leo XIII 1885, § 46). Leo XIII adds, ‘in matters merely political, as, for instance, the best form of government, and this or that system of administration, a difference of opinion is lawful’ (Pope Leo XIII 1885, § 46). Sigmund observes that ‘as late as the 1940’s, the official Vatican position on politics was still that enunciated in *Immortale Dei*’ (Schooyans 1996, p. 24). The encyclical had proposed ‘the incompatibility of [the Church’s] notion of authority with the very essence of democracy’ (Pope Leo XIII 1885; Simon 2011). However, in the midst of World War II, in the radio message *Benignitas et humanitas*, Pius XII ‘refers to the equal dignity of each person, and his right to freedom—an elliptical reference to the great declaration on human rights as the basis of a peaceful society’ (Pope Pius XII 1942, pp. 9–24; Schooyans 1996, p. 24). Schooyans further observed that this ‘pioneering but too little-known declaration holds the seeds of the teaching that he would devote to democracy two years later’ (Schooyans 1996, p. 24). Looking to an earlier text, Pius XII stated that the Church ‘does not disapprove of any of the various forms of government [. . .]. It is not forbidden to prefer temperate, popular forms of government, without prejudice, however, to Catholic teaching on the origin and use of authority’ (Pope Leo XIII 1892b). Therefore, in his 1944 Christmas message “Democracy and a Lasting Peace”, the Pope gave similar legitimacy to democratic government that also judged the legitimacy of “republics” and “monarchies” with precisely the same logic. He further observed that ‘democracy, broadly defined, admits of various forms, and can be realized in monarchies as well as in republics’ (Langan 2005, p. 20). Popular democracy might form the basis for the legitimate exercise of sovereignty, an uneasy point that remained a concern for the theory of political Catholicism, but also led to the development of measures that would protect Church interests in such a polity.

The language of human rights grew in importance over this period of the early to mid-20th century becoming central to political Catholicism’s response to the emergence of nationalism in the 19th century, and in turn liberal democracy. Beyond the thesis of two powers that bound spiritual and temporal power together, new modes of influence dominated, including human rights rooted in the natural law, and became uppermost in political Catholicism’s philosophy. Reference to and acceptance

of human rights appears almost banal within Catholic political thought today because rights language had become gradually common place by the mid-20th century (Eisbernd 1985). However, this was a novel departure from an earlier era of hostility and rejection of ideas that might appear to limit the exercise of temporal sovereignty, where such a role to set limits on the scope of sovereignty was viewed as the domain of the spiritual power of the Church. Human rights could only be understood as immutable spiritual values with divine foundation that belonged to the *Sacerdotium*, for the Church and political Catholicism to consider offering such limits to political and social power. Shifting from a period of proclaiming ‘error has no rights’, to the promotion of rights as fundamental to the political form of the state was a significant movement (Pope Leo XIII 1901, § 4). In fact, the encyclical *Graves De Communi Re* (Pope Leo XIII 1901) had rejected the idea of the politicization of a Christian form of democracy, stating ‘under the shadow of its name there might easily lurk a design to attack all legitimate power, either civil or sacred’ (Pope Leo XIII). Key papal encyclicals during this period, from *Rerum Novarum* (Pope Leo XIII 1892a) to *Quadragesimo Anno* (Pope Pius XI 1931), lent support to that transformation of political Catholicism to adapt to the new vocabulary of democracy, which included the gradual constitutionalization of national political systems of government, and internationalization of human rights at the European and global arena (Pope Leo XIII 1892a, § 5; Pope Pius XI 1931). Human rights language was viewed with suspicion in early forms of political Catholicism because it risked acceptance of the pluralism that came with liberal democracy, yet this new path also opened up new opportunities in civil society for Catholic activism and democratic participation (Pope Pius XI 1931).

3. Social Justice and Natural Rights

Central to the political Catholicism of these new cosmopolitans was the value of the natural law, drawn from various Catholic encyclicals that sustained a Catholic tradition of jurisprudence. The encyclical letter *Aeterni Patris* (Pope Leo XIII 1879), made Thomistic philosophical and theological ideas ‘mandatory for the whole church’ (Pope Leo XIII 1879, § 31). This initiated a revival and return to the legal sources of Catholic political thought, prompting further reflection on natural rights as understood since the Enlightenment. Many new points of thought emerged, including how ‘as early as 1923 Pius XI had already equated Thomistic legal justice with social justice’ (Benestad 2011, p. 151). The term ‘social justice’ was coined by Luigi Taparelli in the 1840’s (Behr 2019, pp. 141–54) and canonized in 1931 by Pope Pius XI in the Encyclical *Quadragesimo Anno* (Newman 1954, p. xvi; Pope Pius XI 1931). Concern for the social conditions of workers during the early industrialization of Europe provided the context for new expressions of the concept of justice. The turn of traditional natural law thought towards concern for those social conditions to give basic expression to the natural rights of workers and to those caught between the nation state and industrialization, provided the seeds for a new rights language in political Catholicism. From that period, the *lingua franca* of social justice was recognized as a valuable reflection of natural law that was ‘neither a creature of the state nor of the church’ (Witte and Alexander 2007, p. 10). With the disentanglement of the church and state at the turn of the 19th century, the Thomistic response proposed there existed an innate humanism that formed the basis of society, ‘beginning with human nature itself, and including matrimony, family, church, and body politic’ (Witte and Alexander 2007, p. 14).

The process of identifying fundamental norms superior to the laws imposed by civil laws and laws of the social contract of the nation state became a preoccupation for Catholic cosmopolitans (Witte and Alexander 2007). The process of identify a humanist foundation in scholastic thought adequate for the modern context led scholars to the works of Francisco de Vitoria (c. 1492–1546) and Francesco Suárez (c. 1548–1617), to reconcile the claims of natural rights in the nation state with the tradition of natural law (Brust 2012, p. 343). They “crossed a watershed” in their reflection on the nature of rights by understanding *jus* as ‘a kind of moral power [*facultas*] which every man has, either over his own property or with respect to that which is due to him’ (Finnis, p. 207). The long tradition of jurisprudence in Catholic thought from the medieval period that was ‘saturated with a concern for rights’ (Tierney 1997, p. 60) to the Neo-Scholasticism of de Vitoria and Suárez, offered an opportunity

to recognize how natural law might offer a basis for the exercise of rights within the newly emerging political order (Garcia 1997). In the scholastic tradition Tierney observes:

(...) it is not surprising that, when Aristotle or Aquinas sought to define *dikaion* or *ius*, they did not proclaim the rights and powers of individuals. They were concerned rather with a harmonious structure of relationships, right portion, *juste partage*.

(Tierney 1997, p. 22 emphasis added)

This emphasis reveals how natural law thought departed from the view of natural rights developed during the Enlightenment as “small scale sovereignty” (Finnis 2011, p. 228), to reaffirm themes that might be usefully applied to a concern for the individual in the modern nation state. In that sense, the neo-scholastic tradition of natural law proposed their foundation for modern human rights rooted not in the Kantian doctrine of autonomy and self-legislation alone or in natural rights sourced in human nature. While this appeared as a departure, their reading of individual liberty, returned to a common source of natural law thought that embraced Cicero’s *sequi naturam* (living according to our rational nature), and the various medieval and early modern works on natural law (Tierney 2011). Papal Encyclicals would emphasize natural law in relation to the modern state in the late 19th and early 20th century, and begin to propose human rights on the basis of this tradition (Pope Leo XIII 1892b).

Notably, Jacques Maritain gave this neo-scholastic approach to rights a philosophical foundation by emphasizing human dignity and the philosophy of Personalism to ‘re-establish human rights on the basis of a true philosophy’ (Maritain [1936] 1973, p. 84). Maritain develops this point to say that the natural law tradition goes back in history via Grotius, Suárez, de Vitoria, and Aquinas, suggesting the latter’s thought, ‘was expressed in an insufficiently clarified vocabulary, so that its deepest features were soon overlooked and disregarded [...]’ (Maritain [1951] 1998, p. 84). To found human rights on natural law rather than the Enlightenment’s turn to natural rights was justified on the basis that only natural law could guarantee the fundamental rights of the person. In Maritain’s view, an alternative positivistic philosophy or one rooted in idealistic or materialistic thought was,

(...) powerless to establish the existence of rights which are naturally possessed by the human being, prior and superior to written legislation by the agreements between governments, rights which the civil society does not have to *grant* but to *recognize* and sanction as universally valid, and which no social necessity can authorize us even momentarily to abolish or disregard.

(Maritain [1951] 1998, p. 96)

Therefore, Maritain argued that with this basis in natural law, the requirement is upon the state to recognize the inviolability human person and protect their fundamental rights. Even though human rights, derived from the Enlightenment’s natural rights tradition, was treated with suspicion, over the course of the early part of the 20th century a natural law foundation made human rights plausible for political Catholicism. Addressing both to the domestic and international use of human rights ideas this natural law approach became a vehicle to restrain states of the tendency to centralize political power.

4. Discovering a “Prisca Theologia” or “Philosophia Perennis”

Papal appeals for a new foundation for the international order during World War II was pointed in its criticism of the legal order that had given rise to abuses and excesses in politics. In the Catholic view, the social and political order could not be separated from each other and the prospect of unifying those elements remained foremost in the papal encyclicals of the time. Pope Pius XII indicated that “erroneous postulates” had destabilized the international order, stating, these included ‘legal positivism, which attributes a deceptive majesty to the enactment of purely human laws, and paves the way for an effective detachment of the law from morality’ (Pope Pius XII 1942, § 9–24). To identify the solution, the proposals of the time became based upon a number of key factors, including grounding the future of the international order in the values of human dignity and fundamental human rights, the defense of family

life and marriage, the dignity of work and a fair wage, including basic property rights, the rejection of legal positivism and utilitarianism and to establish the legal system on natural and inalienable rights, and, finally, the organization of the state along Christian principles (Pope Pius XII 1942). This growth of rights language was not new in political Catholicism but gained greater authority at the turn of the 20th century (Eisbernd 1985). The historian Karl-Egon Lönne observed a not unfamiliar list of earlier Christian democrats programs, represented by the Centre Party during the Weimar Republic, which included many of those same key factors found in papal encyclicals of the period (Lönne 1996, pp. 160–61). Christian Democrats established a platform along similar principles that embodied their response to the growth of secular and liberal democracies in Europe (Müller 2013).

On this basis, Catholic theorists began to recognize a *prisca theologia* or primitive anticipation of Christianity, revealing a semblance of the natural law and thereby advanced in what way the expression of the political form the state might provide a basis for a common humanism. This basic concept of a *prisca theologia* or *philosophia perennis* was used by Catholic theologians and philosophers as a term to describe the basic intuitions of the natural law towards the common good in the conscience of all people. The jurist Heinrich A. Rommen identified that in response to the excesses of totalitarianism and the abuses of the political order a new approach would be rooted in the natural law as a common source for legal thought in the Western hemisphere. He proposed:

As a consequence, the internal and external opponents of totalitarianism have had to base their defense and their criticism on the perennial idea of natural law as it has been preserved in the *philosophia perennis*, in common sense, and in the juridical tradition of Western civilization.

Furthermore, he proposed:

But modern totalitarianism has provided the *reductio ad absurdum* of the axiom, *Voluntas facit legem*; indeed, it has revitalized in its victims and adversaries the idea of natural law. For resistance to totalitarianism, in which the end results of positivism appear as ethical and intellectual nihilism, had to look for support beyond any mere national tradition or *status quo ante* and base itself on something superior to history, race, class, scientific method, and the like.¹

(Rommen [1946] 2013, Kindle Locations 2637–2639)

The intellectual project of political Catholicism stemmed from the tradition of natural law as it might be applied to a new political and social context in the 20th century by identifying a humanist tradition in the long existents of Western legal thought. In this milieu, philosophers such as Jacques Maritain saw the protection of the civil and public sphere in the newly forming liberal democratic states throughout the Western world as a new environment for Christians and for their Christian social and political activism. Maritain's thesis of a New Christendom relied upon a common understanding of the natural law that lay imperceptibly in human consciousness and he worked towards a common project essential for a post-World War future (Maritain [1936] 1973). This *prisca theologia* or primitive anticipation of Christianity could be harnessed to embrace the new goals of Christendom that Maritain sought to outline, which embodied the very practical tasks of rebuilding civilization after a global war, built on new foundations of a New Christendom (Maritain [1936] 1973). Democracy and human rights had the potential to be rooted in those natural law principles common to all civilized people that had been dormant but part of a longer tradition of Western legal and political thought, giving room to articulate common political, social and constitutional projects (Salomon 2017).

Maritain's vision imagined a common 'civic or secular faith' without the affectations of ideological commitments prevalent across Western Europe, organized with essentially cosmopolitan obligations to the first principles of practical reason, to the natural law ((Maritain [1951] 1998, p. 111). This project

¹ My translation of "non ratio sed voluntas facit legem": (it is) not reason, but will (which) makes the law.

was cosmopolitan as it transcended traditional loyalties and commitments because of the common basis of the natural law. The natural law would be attractive because the

[...] secular faith in question deals with practical tenets which the human mind can try to justify—more or less successfully, that’s another affair—from quite different philosophical outlooks, probably because they depend basically on simple, “natural” apperceptions [...].

(Maritain [1951] 1998, p. 111.)

The resources for renewal of culture and the international order had been ‘obscured in the depths of human history’ but there remained a capacity to identify common principles from this natural law, upon which secular believing people could value ‘truth, human dignity, freedom, brotherly love, and the absolute value of moral good’ (Maritain [1951] 1998, p. 11). The social compact of modern liberal democracies could take as a source for its formation the foundation of natural law thought, which had at its basis the values of human dignity and fundamental rights belonging to Western legal thought. The place of liberal democracy had been thoroughly debated in Catholic political thought (Adler and Farrell 1941; Sigmund 1987, p. 35). Various approaches to the state and the use of political power became uppermost for Catholic cosmopolitans, who had to negotiate a path from confessional politics to a position on liberal democracy. This period encompassed,

[...] the fierce debate in the 1920’s and 1930’s between Catholic social theorists who supported parliamentary democracy and independent trade unions and those who disseminated authoritarian versions of “Catholic corporatism”.

(Sigmund 1987, p. 402)

Pius XI relied on Jesuits who belonged to the parliamentary democracy group to draft the papal encyclical *Quadragesimo Anno* Pope Pius XI (1931), setting out the future relationship between the church and the state (Pope Pius XI 1931). Christian democrats across the Western world embraced ideas now evident in political Catholicism that drew from authors like Maritain, and believed the natural law would form a basis for a well ordered domestic and international regime (McCool 1979, pp. 134–35). Indeed, Moyn points out Maritain’s

[...] personalist and communitarian recasting of the language as a new option for Christianity helps explain why commitments to human dignity and human rights could become as prominent as they did in the post-war European order.

(Moyn 2008)

Christian democrats had found an antidote to the threat of totalitarianism that had swept Europe, and established a common cause to stabilize and rebuild the nation state based on the political form of a liberal democratic order (McCool 1979, pp. 134–35). This pathway for Christian democrats meant revising political Catholicism’s historical commitment to a balance of two powers: an ancient *Imperium* and *Sacerdotium*. In exchange, their new secular democratic faith allowed for new institutions and international mechanisms rooted in the natural law to check the power of the state. The Church too would take up a new role of guardian of political Catholicism in the civil and public sphere by emphasizing cosmopolitan values that would be echoed in the later documents of the Second Vatican Council. The work of Maritain on the concept of “integral humanism”, which embodied his thesis on natural law in modern democracies found validation in later social encyclicals of the Catholic Church, and ‘played a pivotal role in the development of this social teaching’ (de Torre 2001, p. 203). A cosmopolitan Political Catholicism no longer needed to rely on confessional politics because the roots of the new post-War political order would be grounded in a *prisca theologia* or primitive anticipation of Christianity, specifically in the natural law as a foundation for human rights based protections of the civil and public spheres of newly forming democracies (Taylor 2020, pp. 195–217).

5. Cosmopolitan Post War Christian Democracy

The development of Christian democracy arose on foot of those new approaches on the ground. Through this intellectual struggle within the history of political Catholicism, which had sought to reconcile a balance of power between two forms of sovereignty, emerged a spiritual and secular governance of the *ancien regime*. This was transformed into a balance between a democratic and popularly elected government, with the important role of various secular institutions to hold those in power accountable. This significant task to reconcile historical approaches to systems of government with the new political realities of the 20th century fell to a reliance on the role of natural law, and specifically natural law's function in the development in national constitutions across Europe, and other international agreements, most especially the project of human rights. Specifically, human rights would protect the public sphere where a Christian culture might thrive, unencumbered by the politics of the era, especially when confessional politics might wane (Müller 2013, p. 215). This view proposed that to restrain the reach of the state, national sovereignty should be defused across various institutions, with human rights laws safeguarding fundamental rights.

After World War II, European Christian democrats became more successful politically and produced a conservative consolidation of Christian ideas in both politics and the social order (Taylor 2020, p. 187). A Papal encyclical letter looked to the father of Western Monasticism Saint Benedict, as a patron and founder of the European ideal for the renewal of Europe, which was in the Pope's view given out of concern over the division of Europe (Pollard 2014, pp. 366, 398; Sutton 2012, p. 35). Pope Pius XII wrote that '(...) even our age troubled and anxious for the vast material and moral ruins, perils and losses that have been heaped up, can borrow from him the needed remedies' (Pope Pius XII 1946, § 25). Some earlier Christian democratic corporatist thought remained in the form of a commitment to subsidiarity in international cooperation, and a commitment to the organic and natural law basis to national constitutions, and other European wide legal mechanisms, including in economic cooperation (Chappel 2015, pp. 25–28). Notable leaders of the new post-war Europe had embraced political Catholicism's underpinning of Christian democracy and shared in their cosmopolitan outlook for Europe. They shared a cosmopolitan concern for the uses of national sovereignty and sought political institutions that might mediate the exercise of power, instead they 'advocated subsidiarity and a Europe united in its "Christian-humanist" heritage' (Müller 2011, p. 141). On assuming the Chancellorship of the German Federal Republic, Adenauer said:

We have overcome the nationalist ideas of the 19th and early 20th century. From then originated the nationalism that led to a fragmentation of European life. If we wish to retrace the origins of our common European culture originating in Christendom, we must aim at recreating the unity of European life in all its areas.

(Pulzer 2004, p. 10)

For a period, Maritain's book *Integral Humanism* (Maritain [1936] 1973) set out the relationship between democracy and fundamental rights and became 'the blueprint, or in the French phrase "*petit livre rouge*" (little red book), of a whole generation' of Christians Democrats in Europe and the Americas (McCauliff 2011, p. 598). According to McCauliff, the vision of Maritain and appropriated by Montini (future Pope Paul VI) of a new Christian civilization would be:

(...) lay rather than clerical, democratic rather than authoritarian, and capable of inspiring a mass political party in which all who shared "Christian values" could participate. The Church's influence would be indirect rather than direct, accepting autonomous institutions (like political parties and trade unions) and imbuing them with a Christian spirit.

(McCauliff 2011, p. 598)

The strategy of political Catholicism gradually shifted in the mid-20th century from supporting corporatist and confessional politics that was in some cases strongly authoritarian, reflecting previous

allegiances to the politics of the *ancien regime*, to supporting more broadly cosmopolitan Christian democratic and liberal governments, which Greenberg observes, was a ‘decision of Christians to reconstitute their politics around support for democracy [and] was therefore just as revolutionary as their new commitment to pan-Christian unity’ (Greenberg 2015, p. 328). For Christian Democrats and socialists, ‘democracy had become a regime and a principle to be celebrated and defended, as well as the defining political identity of a new place: Western Europe’ (Greenberg 2015, p. 328). Robert Schuman, a principle founders of the European Union, and influenced by Maritain and the French philosopher Maurice Blondel, wrote in 1963:

Democracy owes its existence to Christianity. It was born on the day that man was called in his temporal existence to realize the dignity of the human person, in individual freedom, in the respect of everyone’s rights, and in the practice of fraternal love towards all. Never before Christ had such ideas been formulated. Democracy is thus linked to Christianity, both doctrinally and chronologically.

(Fimister 2008, p. 124; Sutton 2012, p. 42)

Maritain’s thesis of a secular democratic faith embodied how many Christian democrats could participate in a pluralistic democracy to build a common Europe but not to replace this project with a temporal Christian utopia. However, gradually after the war, the ‘models of a specifically Catholic-inspired political system that had proliferated in preceding decades were largely abandoned’ (Conway 2020, p. 191). Christian democratic parties became entrenched in Cold War politics, neo-liberal market economics, and conservative policymaking. Arguably, by the late 20th century the time had passed for Catholicism to be the guardian of civil society and its articulation of human rights ideas. A secular international human rights tradition reasserted and replaced a nascent Christian human rights movement, returning it to a periphery. While not quite breaking with Christianity, secular liberal informed human rights ideas drew from different sources and continued on a path of greater liberalization and secularization. Similarly, it could be said that the tensions within Catholicism about the role of the Catholic Church in the state was never completely resolved, with some proposing a return to anti-modern ideas in light of these changes. In the early Cold War years, that examination of the intellectual inheritance of European culture produced a reflex towards conservative consolidation of European Christian ideas in both politics and the social order. The Cold War itself prolonged the rehabilitation of European liberal and secular humanism, while giving a new lease of life to Christian democratic and humanist values. The politicians who had initiated the process of European cooperation had a complex relationship with the various strands of European Catholic culture. That relationship determined that Christian democrats participated in a post-Enlightenment struggle with Eastern European socialism, and understood it as another nihilistic ideology that again threatened European civilization (Chappel 2014, p. 13).

6. The End of the Cold War Trajectory

When the Cold War ended there seemed an opportune moment to present the human rights project as a likely aid to promote liberal democratic concerns globally (Mazower 2012, p. 329). Promoting democracy and human rights became the new agenda that formed an international consensus during the period in Europe. Pivoting from the uses of human rights as rhetoric during the Cold War, this vocabulary was

(...) now taken up within the United Nations itself, and it became the instrument of a new civilizing mission that, much like the old one from which it sprang, relied heavily on the language of international law and the appeal to universal moral values for its legitimation.

(Mazower 2012, p. 329)

The appeal of belonging to the international community embodied by the United Nations took shape with an assembly at the World Conference on Human Rights, held by the United Nations in

Vienna, Austria, (United Nations 1993). It was a period that gave credence to the idea of humanitarian intervention by the international community, and sanctioned by the United Nations, gave response to events in Yugoslavia and Rwanda (Mazower 2012, p. 383). The historian Michael Ignatieff summarized the era for those involved, observing how ‘deeply human rights and global ethics shape their ambitions, their moral solidarity, and their allegiances, no longer to their countries of origin alone but to the great causes of global civil society: war, migration, global inequality, poverty, and climate change’ (Ignatieff 2017, p. 24). While human rights rhetoric was mobilized to humanitarian and global security concerns, it was also being used to transform consensus around social issues that lay at the heart of political Catholicism’s commitments. As previously observed, Christian democracy itself had by the 1960’s begun a ‘surprisingly rapid and profound decline’ (Greenberg 2015, p. 329). Greenberg confirms that as the 1960s progressed, ‘the rise of consumer culture, new gender norms, and other social shifts rendered Christian Democracy’s traditionalist message increasingly out dated’ (Greenberg 2015, p. 329). Greenberg continues:

As alarmed Christian Democrats suddenly recognized, the Protestant–Catholic coalition’s principal enemy was neither the return of inter-confessional hostility nor the triumph of Socialist ‘materialism’, but rather stability and religious apathy. By bringing prosperity and ending their prolonged internal feud, Christian Democrats created the conditions that ultimately brought about their own ideological demise.

(Greenberg 2015, p. 329; Mitchell 2012)

Nevertheless, Christian democracy did continue to remain influential across Europe shaping policy ‘through the remnants of Christian Democratic political parties’ (Bailey and Driessen 2016; Driessen 2010, p. 61). In fact, electoral results of Christian Democratic parties in Europe ‘have not been as catastrophic’ as expected, and displayed ‘a high degree of variability’ to date, with stronger performances in some regions of Europe (Invernizzi Accetti 2019, pp. 237–39). Many Christian democratic political parties remained ‘a contentious public voice for laws and decisions on “life” issues’, which included questions of abortion, euthanasia, and war in traditionally Catholic countries (Driessen 2010, p. 61). Though strands of secularization had sought complete separation of church and state, and had contributed to ‘undeniable decline’ of Christian democracy (Invernizzi Accetti 2019, p. 350), political leaders were ‘incapable of forcing a complete religious retreat from the political realm’, and ‘often finished by compromising with these religious leaders over the content of their democratic republics in order to gain a majority approval over democratic institutions’ (Driessen 2010, p. 61).

Significantly, the 1995 encyclical of Pope John Paul II, titled “the Gospel of Life”, was an opening salvo that indicated there were already deep divisions and concerns about the growing secularization and direction of the human rights project on social issues of concern to political Catholicism (Pope John Paul II 1995). The disparity could not be more profound. While the human rights project was coming into global prominence significant fault lines opened up about the trajectory of the internationalized human rights project just as the Cold War came to an end. In a period that advanced human rights within the democratic and international law domain, it was also a period that began, according to Pope John Paul II writing in 1995 just two years after the UN World Conference on Human Rights, to reject some its more fundamental premises, indicating a significant turning point:

In this way, and with tragic consequences, a long historical process is reaching a turning-point. The process which once led to discovering the idea of “human rights”—rights inherent in every person and prior to any Constitution and State legislation—is today marked by a surprising contradiction. Precisely in an age when the inviolable rights of the person are solemnly proclaimed and the value of life is publicly affirmed, the very right to life is being denied or trampled upon, especially at the more significant moments of existence: the moment of birth and the moment of death.

(Pope John Paul II 1995, § 18)

Furthermore, he writes:

On the one hand, the various declarations of human rights and the many initiatives inspired by these declarations show that at the global level there is a growing moral sensitivity, more alert to acknowledging the value and dignity of every individual as a human being, without any distinction of race, nationality, religion, political opinion, or social class. On the other hand, these noble proclamations are unfortunately contradicted by a tragic repudiation of them in practice.

(Pope John Paul II 1995, § 18)

The division lines on the meaning, interpretation, and content of human rights could not be clearer on social issues, even as human rights ideas assumed the role as a universal moral language and companion of democratization. Pope John Paul II made the instructive comment on uses of human freedom that lay at the heart of the liberal democratic political project but had in the post-Cold War era become something quite different, stating, ‘when freedom is made absolute in an individualistic way, it is emptied of its original content, and its very meaning and dignity are contradicted’ (Pope John Paul II 1995, § 19). This uncomfortable observation identified the transformation that human rights was embarking upon. The leading political theorist of the time John Rawls had acknowledged that all was not well between modern secular liberalism and religion and at his time of writing he observed:

There is, or need be, no war between religion and democracy. In this respect political liberalism is sharply different from and rejects Enlightenment Liberalism, which historically attacked orthodox Christianity.

(Rawls 1997, p. 804)

Rawls had lauded the modern features of the Catholic Church since the Second Vatican Council, which led him ‘to hope that communities holding different visions of the good life can get somewhere if they are willing to risk conversation and argument about these visions’ (Rawls 1997, p. 785). While theorists like Rawls retained confidence in an overlapping consensus that could provide scope to participation in the public sphere on issues of fundamental social and personal value, the lines had been drawn. Political Catholicism was set on a collision course with human rights over fundamental social issues and on the meaning of fundamental rights of the person. The content of Papal encyclicals that began with a description of modern secular social conditions as a “culture of death” where abortion and euthanasia or the social role of marriage were at stake, contributed to the slow erosion of confidence in the human rights project among Catholics in Europe.

7. Criticism of the Post War Cosmopolitan Consensus in Europe

Those shaping the future of a cosmopolitan and political Catholicism in the 20th century in Europe managed a transition from a preference for solitary confessional and corporate states to multilateral and open liberal democracies that embraced the human rights project to govern the uses of political power (Wiarda 1996). They carried the political ideals on the uses of power and embedded social values of cosmopolitan Christian Democrats to various forms of liberal democracy, where national constitutions, heavily reliant on natural law based human rights language, formed the basis for various early forms of multilateral cooperation. This transition was completely in keeping with the medieval thesis on political power that is characterized by the dispersal of power among temporal and spiritual sovereigns, yet in the modern era human rights rooted in natural law fulfilled the role of spiritual governance of political power, as previously detailed as the *Sacerdotium*. In that sense Müller’s view is correct that Christian democracy is ‘a free standing form of modern political thought’ with its own original political theory on the use of political power rather than a hybrid of other ideas about democracy that had been current, and thereby was responded to by Catholic politicians and clergy as a form of political theology (Müller 2013). Reliant on the theory of medieval papal indirect power (*potestas indirecta in*

temporalibus), Christianity as a constraint was no longer to operate ‘through concrete legal and political institutions (. . .) but as a form of social power’ (Müller 2013, p. 248). This model proposed the advancement of initiatives of lay Catholics in various professions and vocations influencing society as a “leaven”, which would integrate Christian principles into society. However, by shaping that influence through the idiom of human rights rooted in the natural law to fulfil the role of the *Sacerdotium*, they secured a future for political Catholicism and were in keeping with a long-standing tradition of Catholic jurisprudence. Human rights would embody that *prisca theologia* or *philosophia perennis* and provide a *modus vivendi* that could be embraced by secular and religious partnerships in a common legal framework to limit the expressions and excesses of political power.

Nevertheless, this model was problematic because it also restrained Catholicism (and religion generally) from direct participation in politics to speak against abuses of political power, a tactic that was highly criticized because this position indicted the Church to authoritarian or totalitarian regimes around the globe. As early as 1953, Pius XII had acknowledged that political Catholicism, in the modern state and in international law, could not resolve all moral and social questions immediately (Pope Pius XII 1953, § v), and thereby remained an imperfect solution.

The theologian William Cavanaugh details the fault lines in the experience of the Catholic Church in authoritarian Latin American countries, which revealed a charge of silent complicity to authoritarian regimes there (Cavanaugh 1998). In the mid-20th century, Latin American Catholicism had embraced social Catholicism and the position of confining church activities to social concerns and indirect engagement in politics, allowing human rights laws and advocacy for civil liberties to do the work of direct influence of public matters (Cavanaugh 1998). However, when those means of advocacy had been stripped by authoritarian regimes, social Catholicism was left a powerless companion. The initial development of the non-coercive language of human right in Catholicism (as soft power) was meant to be a check on the excesses of the power of the modern state. Critics of Maritain’s proposal of a secular democratic faith believed he had produced “ambiguity and hesitation” because the common good ‘requires a common faith, he [therefore] puts forth his idea of a secular faith in freedom and rights’ (Cavanaugh 1998, p.186). Cavanaugh rejected Maritain’s assertion that accommodation between the temporal and spiritual spheres in the state can be established on those grounds because, ‘[. . .] modern states have *already* replaced, or at least displaced, other religions, including Christianity, either through the privatization of religion or the hostility of an ever expanding state’ (Cavanaugh 1998, p. 187). The policy of social Catholicism had tragic consequences in Latin America when the Church relied on authoritarian states to accommodate to the natural law propositions of civil liberties and nascent human rights advocacy. Political secularism that excludes religion in the development of common structures for a political system is in Cavanaugh’s view problematic because the state is vested in not maintaining restraint or neutrality toward religious concerns, and is unwilling to abide by the accommodation that would ensure the cohesiveness of a shared “secular democratic faith”. Political positions taken by individual Catholics on human rights could appear inconsequential compared with the more important value of a clear political theory that found common ground with the modern state across a range of concerns located in a Catholic social justice and natural law tradition.

Pointedly, legal philosopher Thomas Pink also addresses the question of political power as understood by Catholicism, where liberties and rights belong to the *Sacerdotium*, and suggests, ‘the secularized state’s own conception of religious liberty, and of religion, has become detached from that held by any particular religion, and especially from that held by Catholicism’ (Pink 2015, p. 17). A secularized view of the human person involves the denial of any pre-political or religious or cultural identity, and is instead subsumed to the defining powers of the state. Similarly, the distinctiveness of religion, and the recognition as a public religion by the state that may be beneficial, is rejected through the secularization of the state (Pink 2015, pp. 19–23). Maritain presumed the attractiveness of his theory, and this was reiterated in papal encyclicals and embraced by cosmopolitan Catholic Democrats, but this was not wholly embraced by the state or the political projects of democratization and human

rights (Pink 2015, p. 30). Pink goes further in his criticism of post-Vatican II's theological approach to the modern state:

The theology, with its sunny optimism about political secularization and its consequences, is by now quite unbelievable. It is increasingly obvious that the secular state will never be respectful of the Church's mission on the terms required by *Immortale Dei* and *Dignitatis Humanae* alike. The more the state is secular, the less the possibility of a shared vision of religion as a distinctive good transcending state authority, a vision that leaves a politically undisputed public space for the Church's mission. Without that shared understanding of the good of religion, an understanding that depends on some form of political recognition of the truth of revealed religion, there can no mutually acceptable articles of peace between Church and state.

(Pink 2015, p. 30)

The problem of a "secular democratic faith" presented by Cavanaugh and Pink are not insignificant for political Catholicism. Consequently, over the course of the 20th century human rights would become a substantial form of coercive direct power but it would be no longer wielded by proponents of political Catholicism. The theory of a *prisca theologia* or *philosophia perennis* as understood to describe the basic intuitions of the natural law towards the common good was not evident as a common bond in the secular sphere. The problem for these critics of 20th century political Catholicism is it has failed by relinquishing the role of the *Sacerdotium* to human rights to protect liberties and rights as understood by the Catholic jurisprudential tradition. More recently, the sociologist Oliver Roy observed the 'paradox is thus that just when the Church had accepted a secular civil society, the common values of society drifted away from those of the Church' (Roy 2019, kindle location 748). To moderate this debate, Roy identified the role of the cultural wars that has become more evident in Europe over the last number of decades:

The problem is that by deciding to focus only on sexual morality and family, a small segment of the Christian way of life, the Church—at least until Pope Francis—has lost sight of other Christian values. This narrow focus also results in short-term political choices that tend to lend support for populist movements. These movements do have a comprehensive vision for society, but it is one that is very different from the view of the Church.

(Roy 2019, kindle location 1076)

In reality, with the decline of Christian democracy in Europe, the significant drift from the principles that underlined political Catholicism and proposed in the 20th century to restate Greenberg's observation, 'rendered Christian Democracy's traditionalist message increasingly outdated' (Greenberg 2015, p. 329). This impacted on the contribution of political Catholicism to the human rights project in Europe and internationally, but also brought the realization that the natural law as a *prisca theologia* or *philosophia perennis* was primarily a modest proposal by Catholic cosmopolitans. Earlier theories of political Catholicism imagined that human rights would first support a confessional state, then a transnational cosmopolitan project of European integration, aligned with the natural law and embody the role of the *Sacerdotium*. Yet the evolution and trajectory of human rights in Europe did not fulfil the role of spiritual governance (as *Sacerdotium*) drawing exclusively on a Catholic vision of natural law, and remains to be resolved.

8. Conclusions

This article addressed the historical context of the rise of political Catholicism in Europe in the late 19th and early 20th century, and examined the theoretical underpinnings of political Catholicism in the natural law. Furthermore, this article uncovers the revision of political Catholicism in the 20th century through transforming Catholicism's historical commitment to a balance of two powers—an ancient

Imperium and *Sacerdotium*—proposing human rights became the vehicle for the articulating sacred and fundamental rights and liberties of the person, a role primarily the domain of religion (the *Sacerdotium*). This article contributes to the continuing academic research on the meaning and interrelationship of political Catholicism to human rights by arguing that post-War cosmopolitan political Catholicism relied upon an understanding of the natural law described as a *prisca theologia* or *philosophia perennis*. Moreover, this article detailed the application of that theory in the conditions of post-War Europe and the consequences of the ensuing secularization by the end of the Cold War. Political Catholicism as a cosmopolitan discourse that embraced human rights has received detailed and sustain critique from various quarters. As European society secularized and drifted from the principles that underlined political Catholicism, and with the decline of Christian democracy in Europe, the possibility of a Catholic cosmopolitanism to underpin the multilateralism of human rights lost an element credibility. Additionally, this article argues that following the Cold War, the further secularization of the human rights project garnered resistance from academic and from papal statements, which viewed this secularization as a turning point in the relationship between political Catholicism and human rights. While the salience of Christian democracy, which embraced both democracy and human rights has significantly declined in Europe, the ideological schema of political Catholicism still holds currency. The transformation of political Catholicism in the 20th century necessitates further research to elucidate how political Catholicism functions as a cosmopolitan discourse in Europe and beyond.

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