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An unwanted legacy: Christianity and the future of human rights

The conceptual history of human rights has received a great deal of scholarly attention over the last decade. Many of the contributions sought to complicate the banal historical narrative that human rights emerged after the Second World War as a universal, liberal answer to the horrors of the Holocaust and totalitarianism. Some historians (including Marco Duranti, Marc Mazower and, of course, Samuel Moyn) have discredited this account as triumphalist and simplistic, or even plainly wrong. However, the intellectual ground from which the idea of human rights stemmed has not yet been fully charted. In his recent project, *Christian Human Rights*, Samuel Moyn makes an important contribution towards clarifying the genealogy of human rights in the twentieth century. He argues that it was the Christian – and more specifically – Catholic notion of "personalism" that provided the conceptual foundation for modern "human rights," and identified the crucial era of its development in the late 1930s and early 1940s. This historical narrative embodies also a significant political point: liberals should beware of celebrating human rights as a liberal achievement because they are in fact imbibed with conservative, Christian ideology. Nonetheless, he adds, by discovering the legacy of Christianity in the history of human rights, we can "transcend its least persuasive aspects."

Moyn's revealing narrative outlines a promising path for discovering the complex and non-linear trajectory of the human rights discourse in the twentieth century. Looking forward to reading Moyn's forthcoming book, I will limit my comment to a few general questions arising from his earlier essay, related to the link between personalism and democracy and to Christian thought beyond Europe. Finally, I will reflect on what makes the Christian legacy of human rights unwanted

In his introduction and essay "Personalism, Community and the Origins of Human Rights" Moyn makes a compelling argument for the important influence of Christian thought on the notion of human rights. He describes the emergence of human rights discourse during the Second World War as an "epoch-making reinvention of conservatism" which sought to safeguard the idea of "humanism" from the clutches of totalitarianism, but also from communism and atomistic liberalism. The notion of "person," which etymologically derives from the Greek word for a mask, entails a social role within a network of relationships. The person is developed in interaction with the family, with the community, and most importantly with God. While the individual is anchored in material aspects of existence, the person embodies the spiritual and religious ones.

Moyn discusses the intellectual exchange between two French philosophers who contributed to the development of the concept of 'personalism' in the 1920s and 1930s, Jacques Maritain and Emmanuel Mounier. However, Moyn does not elaborate in his essay on the distinct difference between Mounier's communitarian personalism and Maritain's Thomist personalism, a difference which entails important implications for the political legacies of the two thinkers. Mounier seems to depict the individual as the outcome of the dissolution of the person into matter. Maritain's interpretation of human nature is based on a duality which includes both the individual and the person. He inserts a notion of hierarchy, rather than mutual cancellation, between the two aspects of the self. In this way, he can distinguish between the religious sphere of action reserved for the spiritual person, and the political arena, where the individual enjoys a status of legitimacy as long as subordinated to the person. An act of faith cannot replace political action, but provides its moral backbone. The outcome of this conceptual duality is that Maritain, unlike Mounier, envisaged a post-war order in which democracy necessarily played a central role as a manifestation of political humanism.

This point brings us to consider the role of democracy within the emerging personalist vision of human rights. In 1947, on his way to Mexico as Head of the French Delegation to the Second Session of the UNESCO General Conference, Maritain received a copy of the World Constitution drafted by a group of academics based at the University of Chicago, including his friend the Italian Catholic literary critic Antonio Giuseppe Borgese. The constitution proposed a democratic world federation, aimed at preserving the spiritual and material well-being of people all over the world. While individual liberty was seen as an important aspect of the post-war world, the constitution focused on a communitarian political structure, in which each person enjoyed spiritual, political and economic rights as well as duties. In his speech, Maritain praised the constitution as "the best among many plans of international organisation which are being elaborated today, and the most comprehensive and well-balanced ideal pattern that outstanding political scientists could work out in order to exasperate the self-styled realists, and to prod the thought and meditation of men of good will."[1] In an unstable post-war world, the groundbreaking world constitution could provide spiritual inspiration rather than a concrete political roadmap. However, as Maritain mentioned in letters to his friend Borgese, the democratic ethos of the constitution was of prime importance. This episode could perhaps shed light on Maritain's commitment to democratic political change after the war, in line with other Christian-democratic thinkers in Europe at the time. Nonetheless, the reconstruction of Europe, and eventually its unification, did not imply for Maritain a notion of democracy grounded in equality, but rather in the idea of the safeguarding the "dignity" of the person as a spiritual being.

Moyn's narrative about the theological foundation of human rights fits into a larger story about the prominent role of religious thought in reconstructing post-war Europe. However, some questions still beg an answer. Why did the right wing and conservative version of personalism overtake leftist renditions? Should we contend with the answer that the turn to conservative Christian thought, in the domestic as well as international level, was motivated by the elite's fear of the rise of left-wing governments, as Marco Duranti's work on the emergence of human rights court implied?[2] While Moyn provides us with a persuasive narrative of the intellectual sources of human rights, he does not explain why they were politically accepted at the time. It is possible that its appeal to a sense of spiritual brotherhood, which imagines the individual as part of a supportive community, made it attractive.

I fully share Moyn's argument in favour of casting a wider intellectual net for the sources of "human rights," however his main points of reference remain bounded within the intellectual history of Europe, entangled with Europe's attempt to redefine its political identity after the war. If Christian human rights provided such salvation to the disaggregated European peoples, what promise could it offer beyond the continent? Even within the context of the Christian history of human rights, there

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[1] For Maritain's speech, see *La Voie de la paix*, Librairie Française, Mexico, 1947. Albert Guérard reported from the UNESCO conference to the Chicago Committee members in a letter from 7 November 1947, providing an English translation of Maritain's speech. See the Records of the Committee to Frame a World Constitution, 1945-1951, the Special Collections Research Centre, University of Chicago, box 36.

[2] See Marco Duranti, "Conservatives and the European Convention on Human Rights", in *Towards a New Moral Order?* Edited by Norbert Frei and Annette Weinke, Wallstein Verlag, 2013, pp. 82-93.

are other regions that deserve further study: the colonial world, Catholic South America, and of course the United States. Maritain, spent time in the United States during the war discussing the post-war order with local thinkers. Doubtlessly, more can be made of his encounter with American democracy, its achievements and fears. While Maritain provided a sustained philosophical reflection on the need for communitarian and spiritual reconstruction, other American voices like Lewis Mumford, Mortimer J Adler and Robert Hutchins, shared his views, denouncing the betrayal of modern materialism and science. After 1945, American international thinkers had not, perhaps, commented on the Holocaust as we would expect, but were concerned about the dangers of the atomic bomb. For some, like cultural critic Lewis Mumford, this implied an urgent need to reconstruct the spiritual, humanistic community of mankind as the foundation for a regime of rights and duties. The interactions between these different strands of thought about spirituality and rights remains to be explored.

Finally, Moyn suggests that we should seek to transcend the legacy of Christianity in human rights. Evidently, the violent and exclusionary history of Christianity cannot be detached from the teachings of Christian theology. However, what remained of these "origins" of human rights in contemporary discourse and practice? In other words, it is important to understand whether the personalist legacy has not been transcended already. Possibly, the fundamental shift in human rights discourse in the 1970s, that Moyn describes in his book *The Last Utopia*, places contemporary debates on human rights in a distinctly different conceptual plane. Furthermore, the 1960s "death of Christianity" may also imply a conceptual transition of human rights away from its 1940s configuration in Catholic thought. I would not venture to address these questions in this forum, but I raise them to highlight the difficulty of outlining the "legacy" of personalism in contemporary human rights discourse, given the various shifts, changes and transformations that the idea of "human rights" has already seen over the last half century.

Moyn invites us to consider not only questions of historical continuity, but also issues pertaining to the realm of moral judgement. He implies that something is inherently morally wrong with the personalist interpretation of human rights, which contemporary theorists should transcend. Yet, in the introduction and paper, he does not provide detailed argument justifying this position, or explaining what exactly is wrong with Christian human rights. One possible limit may be the conservative ethos of Catholicism, which assumes a certain order of being as the pre-established moral structure of the world in which each person occupies a specific place. Another limit may be the universal and all-embracing attitude of the personalist approach, which leaves little place for different interpretations of the self and the nature of social relations. In both cases, a more detailed analysis of the legacy – and the limits – of Christian human rights is required to complete and enrich Moyn's insightful contribution.