

## Introduction

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*Sarah Shortall and Daniel Steinmetz-Jenkins*

In 2008, Pope Benedict XVI marked the sixtieth anniversary of the Universal Declaration of Human Rights in a statement before the General Assembly of the United Nations. The pope celebrated the legacy of this all-important document, which had made human rights the “common language and the ethical substratum of international relations.” While acknowledging that the Declaration was the product of a convergence between various religious and cultural traditions that shared a commitment to the dignity of the human person, Benedict nevertheless singled out the specific contribution that the Christian tradition had made to the genesis of the international human rights movement.

In his speech, the pope praised the United Nations’ (UN) efforts to promote human rights around the world. But he also raised grave concerns about the dangers lurking in a mistaken interpretation of the nature and foundations of these rights. Human rights are rooted in the objective and universal dictates of natural law, the pope argued, but some had forgotten this and risked “yielding to a relativistic conception, according to which the meaning and interpretation of rights could vary.” The problem lay in the “thin” understanding of rights advanced by mainstream liberalism, which stripped these rights of their religious and ethical foundations and defined them in purely abstract, formal terms. “When presented purely in terms of legality,” Benedict warned, “rights risk becoming weak propositions divorced from the ethical and rational dimension which is their foundation and their goal.”<sup>1</sup> He therefore called on the assembly to recapture the original meaning of the Declaration by anchoring human rights in the unchanging dictates of natural law, by reminding people of the duties that necessarily go along with these rights, and by redoubling their efforts to protect religious freedom in particular.

<sup>1</sup> Benedict XVI, “Address to the General Assembly of the United Nations” (April 18, 2008): [https://w2.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf\\_ben-xvi\\_spe\\_20080418\\_un-visit.html](https://w2.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080418_un-visit.html).

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Benedict's comments at the UN reveal the complicated relationship between Christianity and human rights. On the one hand, the pope presented the Catholic Church as a staunch advocate for human rights, and even attributed the emergence of a modern idiom of rights and international justice to the influence of a much older theological tradition associated with early modern Scholasticism. On the other hand, the pope signaled the distance that continues to separate the Catholic account of human rights from the mainstream liberal discourse that informs much constitutional and international law, which accounts for the Church's long-standing suspicion of the rights tradition that emerged from the French Revolution. Benedict's remarks are thus a testament to the important contributions that Christianity has made to the development of modern human rights, as well as to the continuing tensions that exist between religious and secular accounts of their foundation, scope, and legitimacy.

The nature and history of the relationship between Christianity and human rights has long been a source of vigorous debate among historians, theologians, and philosophers. A standard line of interpretation, often put forward by Christian scholars, suggests that contemporary rights talk grew out of the "Judeo-Christian" tradition and locates the origins of this discourse in the Bible, Scholasticism, or the Protestant Reformation. This perspective has a long history and has most recently been defended by legal scholar John Witte, philosophical theologian Nicholas Wolterstoff, and canon law historian Brian Tierney.<sup>2</sup> In contrast, the standard secular interpretation of the origins of human rights, reaffirmed most recently by Jonathan Israel, maintains that human rights are the product of the Enlightenment revolt against religion.<sup>3</sup> *Pace* Israel, a secular Enlightenment perspective on human rights, is not necessarily incompatible with a longue durée perspective on their pre-Enlightenment

<sup>2</sup> John Witte, *The Reformation of Rights: Law, Religion and Human Rights in Early Modern Calvinism* (Cambridge: Cambridge University Press, 2009); John Witte and Frank Alexander, *Christianity and Human Rights: An Introduction* (Cambridge: Cambridge University Press, 2011); Nicholas Wolterstoff, *Justice: Rights and Wrongs* (Princeton, NJ: Princeton University Press, 2008); Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law, 1150–1625* (Grand Rapids, MI: Eerdmans Press, 1997); Annabel Brett, *Liberty, Right and Nature: Individual Rights in Later Scholastic Thought* (Cambridge: Cambridge University Press, 1997) and "Human Rights and the Thomist Tradition," in *Revisiting the Origins of Human Rights*, ed. Pamela Slotte and Miia Halme-Tuomisaari (Cambridge: Cambridge University Press, 2015), 82–102.

<sup>3</sup> Jonathan Israel, *Democratic Enlightenment: Philosophy, Revolution, and Human Rights, 1750–1790* (New York: Oxford University Press, 2011). On the eighteenth-century origins of human rights, see also Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007).

Christian origins. The attempt to bring both traditions together, something now associated with the notion of “post-secularism,” has been articulated by German philosopher Jürgen Habermas, who argues that secular human rights emerged out of the “Judeo-Christian tradition.”<sup>4</sup> What unites these conflicting approaches, whether secular or theological in outlook, is their emphasis on the long historical roots of contemporary human rights discourse. Taken together, they constitute what can be described as the “traditional” or “classical” historiography of human rights.

In the past ten years, a “new” historiography of human rights has emerged that has challenged these sorts of narratives. Far from seeking the origins of human rights in the distant Judeo-Christian past, or the somewhat less distant past of the age of Enlightenment and democratic revolution, scholars have begun to show that international human rights are in fact a remarkably recent invention.<sup>5</sup> This has led to a reconsideration of the more recent religious past and the role that Christian ideas and actors in particular played in the rise of international rights projects during the twentieth century. For instance, Samuel Moyn – the scholar who pioneered the new historiography of human rights – has argued that human rights first emerged in Europe during the 1930s and 1940s, as “a project of the Christian right not the secular left.”<sup>6</sup> Marco Duranti has echoed this claim, revealing the instrumental role that Christians played in the “conservative human rights revolution” that led to the creation of the European Court of Human Rights.<sup>7</sup> This Christian conception of human rights, Moyn and Duranti contend, was taken up by Christian Democratic parties and enshrined in documents like the Universal Declaration of Human Rights or the European Convention on Human Rights, and thus played a key role in the construction of a conservative Cold War order. Other scholars, meanwhile, have focused on the way Christian concepts were translated into secular laws governing religious freedom and thus continue to shape how

<sup>4</sup> Jürgen Habermas, *Time of Transitions* (New York: Polity Press, 2006), 150–151. See also Habermas’ conversation with Benedict XVI in *The Dialectics of Secularization* (San Francisco: Ignatius, 2006).

<sup>5</sup> See esp. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap/Harvard University Press, 2010); *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2010); Hoffmann, “Human Rights and History,” *Past & Present* 232 (2016): 279–310.

<sup>6</sup> Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015), 8.

<sup>7</sup> Marco Duranti, *The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention* (Oxford: Oxford University Press, 2017).

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national and international law manages, among other things, the status of religious minorities.<sup>8</sup>

The focus of this scholarship, by and large, has been on what Christianity can tell us about human rights and not the reverse. In some cases, the goal of recovering the Christian roots of such projects seems above all to cast doubt on the legitimacy or universality of human rights. And yet the past five years have also witnessed the emergence of a vibrant new scholarship on the twentieth-century history of Christianity, which takes seriously the ideas and aims of Christians themselves. A new generation of scholars has offered fresh insights into how Christians encountered the modern world and negotiated the challenges of twentieth-century politics, from the rise of fascism and communism, to the postwar development of Christian Democracy, to the end of empire.<sup>9</sup> Many of these authors have expanded upon, but also complicated, Moyn's account of the relationship between Christianity and human rights.<sup>10</sup> Some have delved more deeply into the twentieth-century Christian sources of human rights theory – most notably, ideas about dignity, religious freedom, and the human person.<sup>11</sup>

<sup>8</sup> For the new global politics of religious freedom, see Elizabeth Shakman Hurd, *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton, NJ: Princeton University Press, 2015); Saba Mahmood, *Religious Freedom in a Secular Age: A Minority Report* (Princeton, NJ: Princeton University Press, 2015); *Politics of Religious Freedom*, ed. Winnifred Sullivan, Elizabeth Shakman Hurd, Saba Mahmood, and Peter Danchin (Chicago: University of Chicago Press, 2015); Linde Lindkvist, *Religious Freedom and the Universal Declaration of Human Rights* (Cambridge: Cambridge University Press, 2017); Anna Su, *Exporting Freedom: Religious Freedom and American Power* (Cambridge, MA: Harvard University Press, 2016).

<sup>9</sup> A small sampling of some of the most recent works includes: James Chappel, *Catholic Modern: The Challenge of Totalitarianism and the Remaking of the Church* (Cambridge, MA: Harvard University Press, 2018); Giuliana Chamedes, *A Twentieth-Century Crusade: The Vatican's Battle to Remake Christian Europe* (Cambridge, MA: Harvard University Press, 2019); Sarah Shortall, *Soldiers of God in a Secular World: The Politics of Catholic Theology in Twentieth-Century France* (Cambridge, MA: Harvard University Press, forthcoming); Piotr Kosicki, *Catholics on the Barricades: Poland, France, and "Revolution," 1891–1956* (New Haven, CT: Yale University Press, 2018); Darcie Fontaine, *Decolonizing Christianity: Religion and the End of Empire in France and Algeria* (Cambridge: Cambridge University Press, 2016); Elizabeth Foster, *African Catholic: Decolonization and the Transformation of the Church* (Cambridge, MA: Harvard University Press, 2019); Udi Greenberg, "Protestants, Decolonization, and European Integration, 1885–1961," *Journal of Modern History* 89, no. 2 (2017), 318–354.

<sup>10</sup> See, for instance, the roundtable devoted to Moyn's *Christian Human Rights: "Christianity and Human Rights," The Immanent Frame* (May 29, 2015–July 28, 2015): <https://tif.ssrc.org/category/exchanges/book-blog/book-forums/christian-human-rights/>. See also the special issue of the *Journal of the History of Ideas* devoted to Christianity and the new historiography of human rights, which includes articles by Sarah Shortall, Gene Zubovich, Paul Hanebrink, and Dan Edelstein: "Special Forum on Christianity and Human Rights," *Journal of the History of Ideas* 79, no. 3 (July 2018), 407–495.

<sup>11</sup> Piotr Kosicki, "Masters in Their Own Home or Defenders of the Human Person? Wojciech Korfanty, Anti-Semitism, and Polish Christian Democracy's Illiberal Rights-Talk," *Modern Intellectual History* 14, no. 1 (2017), 99–130; Udi Greenberg, "Catholics,

Others have disputed the identification between Christian human rights and conservative politics, pointing to the progressive and anti-racist Christian voices that helped to push human rights to the forefront of international law in the interwar and Cold War eras.<sup>12</sup> Finally, scholars working on Latin America, Africa, and Asia have questioned the extent to which historical arguments about the relationship between Christianity and human rights in Europe and North America can be applied to other parts of the world.

This volume brings together, for the first time, this rich new historiography on human rights and Christianity by leading scholars in the fields of history, law, theology, and political theory. The chapters offer fresh readings of some of the key themes and concepts explored in Moyn's recent work, such as dignity, personalism, religious freedom, the role of ecumenical and transatlantic networks, and the relationship between Christian and liberal rights theories. But they also move well beyond the temporal and geographical limits of the existing scholarship, exploring the connection between Christianity and human rights, not only in Europe and the United States, but also in China, Sudan, Latin America, and West Africa. In the process, they offer alternative chronologies and bring to light overlooked aspects of this history, including the role of race, gender, decolonization, and interreligious dialogue. Above all, these chapters foreground the complicated relationship between global rights discourses – whether Christian, liberal, or otherwise – and local variations.

By bringing together these essays, this volume showcases the new historiography on Christianity and rights, which moves beyond the traditional and predominantly confessional literature on this subject. Part I offers a set of general reflections on the relationship between Christian and liberal rights theory since the French Revolution, in conversation with Moyn's recent work. The chapters in Part II focus on the European Catholic encounter with human rights from the 1930s to the present. Part III turns to American Protestant voices, while Part IV examines the relationship between Christianity and human rights beyond Europe and North America. *Christianity and Human Rights Reconsidered* thus provides the first global account of the historical relationship between Christianity and human rights. In the process, it

Protestants, and the Tortured Path to Religious Liberty," *Journal of the History of Ideas* 79, no. 2 (July 2018), 461–479.

<sup>12</sup> Sarah Shortall, "Theology and the Politics of Christian Human Rights," *Journal of the History of Ideas* 79, no. 2 (July 2018), 445–460; Gene Zubovich, "American Protestants and the Era of Anti-Racist Human Rights," in the same volume, 427–443; P. MacKenzie Bok, "Did the Christians Ruin Rights?" *New Rambler Review* (February 15, 2016): <https://newramblerreview.com/book-reviews/history/did-the-christians-ruin-rights>.

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promises to reshape our understanding of both human rights theory and the history of Christianity in the twentieth century.

### Human Rights Reconsidered

As historians have shown, Christians made crucial contributions to the development of the human rights model that found expression in documents like the Universal Declaration of Human Rights, the European Convention on Human Rights, and the postwar constitutions of European states. In making this case, they have privileged figures like Catholic philosopher Jacques Maritain, who believed that it was possible for believers and nonbelievers to reach a practical agreement on a common charter of human rights. Such rights, he reasoned, ultimately come from God, but because they are inscribed on the human heart in the form of natural law, it is possible to apprehend them without having access to Christian revelation. This is why Maritain believed that human rights could function as a “*civic or secular faith*” ultimately rooted in Christianity but also intelligible to non-Christians.<sup>13</sup> Several of the following chapters build upon this historiography. Gene Zubovich (Chapter 7), for instance, recovers the contributions of liberal Protestants such as William Ernest Hocking to the mid-century debates at the UN. P. MacKenzie Bok (Chapter 8) reveals the little known influence of Maritain on John Rawls, while Camille Robcis (Chapter 6) shows how a Catholic concept of dignity made its way into secular French law.

But what emerges even more forcefully from the chapters in this volume, and where they break new ground, is the extent to which Christian accounts of human rights and dignity frequently *do not* fit the prevailing rights model enshrined in democratic constitutions and international law. Catholics and Protestants may have embraced the language of human rights and dignity in the course of the twentieth century, but this does not mean that they embraced a *liberal* conception of human rights. Instead, they were often profoundly critical of the grounds, implications, and limits of mainstream liberal rights discourse. The contributions to this volume thus reveal the extent to which human rights were and remain a highly contested terrain.

Many of the chapters highlight the divergence between Christian and liberal accounts of human rights. As Carlo Invernizzi Accetti (Chapter 4),

<sup>13</sup> Jacques Maritain, *Man and the State* (Washington, DC: Catholic University of America Press, 1998), 110 (emphasis in original). Maritain’s most robust theorization of human rights is *The Rights of Man and Natural Law* (New York: Charles Scribner’s Sons, 1943).

Julian Bourg (Chapter 2), Udi Greenberg (Chapter 5), and John Milbank (Chapter 1) show us, Catholics in particular have long taken issue with the individualist premises of the subjective rights claims so central to the liberal tradition. Christians see several problems with this model. In the first place, it threatens to dissolve the social bond by prioritizing the rights of the individual at the expense of the equally important duties we possess as members of a community. In addition, many Catholics have complained that a purely formal and subjective account of human rights serves to decouple them from any substantive notion of the good, to which such rights and human life itself are necessarily oriented. To do this, as Pope Benedict has argued, is to build one's house on the sand of relativism. Instead, like the pope, many Catholics have sought to anchor human rights in the ostensibly objective foundations of natural law. Finally, many Christians have taken issue with the way documents like the 1789 Declaration of the Rights of Man and Citizen empower the state by allowing it to define and enforce rights claims. These sorts of philosophical differences are far from insignificant. They have made many Christians wary of the prevailing rights tradition that emerged with the eighteenth-century revolutions and that continues to inform the work of international organizations. If many Christians came to embrace human rights in the course of the twentieth century, then, it is by no means clear that they meant the same thing by these rights as their non-Christian counterparts. And this suggests that we need to attend not only to the way Christians have contributed to the rise and spread of human rights as a global movement, but also to the way they have contested or transformed these rights. In other words, it is crucial to consider *which* rights we are talking about when we talk about human rights.

This question has important implications for the politics of Christian rights discourse. For historians like Samuel Moyn and Marco Duranti, the fact that Christian human rights emerged in the 1930s and 1940s out of a rejection of the liberal tradition of the rights of man is evidence that this was a fundamentally conservative project.<sup>14</sup> They point to Christians' efforts to limit individual rights claims by anchoring them in a higher moral order – one that imposes duties as well as conferring rights – as proof that this “was a reactionary program masked in revolutionary garb.”<sup>15</sup> And yet to reject liberalism is not necessarily to embrace conservatism. As many of the chapters in this volume demonstrate, the

<sup>14</sup> Moyn, *Christian Human Rights*; Duranti, *Conservative Human Rights Revolution*.

<sup>15</sup> Marco Duranti, “The Holocaust, the Legacy of 1789 and the Birth of International Human Rights Law: Revisiting the Foundation Myth,” *Journal of Genocide Research* 14, no. 2 (2012), 159–186, at 179.

Christian critique of individual rights could just as easily emerge from the left. David Lantigua (Chapter 12) shows us how liberation theologians in Latin America rejected the prevailing rights discourse emanating from America and Europe on the grounds that it was complicit in the spread of neoliberalism, and instead forged their own account of human rights rooted in the “preferential option for the poor.” Vincent Lloyd (Chapter 9) uncovers a vernacular black Christian tradition of human dignity exemplified in the life and work of Paul Robeson – a vision Robeson believed the Soviet Union had come closer to realizing than his own country had. Meanwhile, James Chappel (Chapter 3) draws our attention to the way European Catholics like Jacques Maritain and Emmanuel Mounier rallied to the defense of workers’ rights and the rights of colonized peoples as early as the 1930s.

This is not to say that Christian human rights should be viewed as a left-wing rather than a right-wing project. Instead, what emerges from the following chapters is a powerful sense of the political plasticity of Christian rights discourse. As Julian Bourg and James Chappel remind us, Christian human rights claims could take a variety of different forms. They could be taken up by far-right Catholics like Robert Linhardt and Henri Massis or by those on the left like Emmanuel Mounier; they could be deployed as a weapon against fascism or as part of a Christian crusade against communism; they could be emancipatory or exclusionary. The common denominator uniting these opposing positions was a critique or at least a suspicion of secular, liberal rights discourse. For John Milbank, this critique suggests that Christianity might still have something valuable to teach us about the limitations of the dominant account of human rights that prevails today. And indeed, the Christian critiques traced in this volume anticipated many of the charges that contemporary scholars have leveled against the human rights project. Whether they see it as complicit in the rise of neoliberalism and the expansion of state power, or simply as “not enough” to redress the economic and environmental crises facing our world, secular scholars continue to reiterate many of the same critiques Christians have long raised.<sup>16</sup>

But as Udi Greenberg and Julian Bourg remind us, the Christian critique of liberal rights theory also comes with its own political baggage. In our effort to recuperate the insights of this tradition, it is therefore

<sup>16</sup> See, for example, Wendy Brown, “‘The Most We Can Hope For...’: Human Rights and the Politics of Fatalism,” *South Atlantic Quarterly* 103 (Spring/Summer 2004), 451–463; Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998). The phrase “not enough” comes from Moyn’s latest work, *Not Enough: Human Rights in an Unequal World* (Cambridge, MA: Belknap/Harvard University Press, 2018).



equally important to attend to its potential pitfalls. When Christians reject a purely formal account of human rights in favor of a “thick” understanding of the ends to which these rights must be directed, or when they seek to limit the rights of the individual through the imposition of corollary duties, the risk of coercion and exclusion looms large. As Bourq points out, Christianity may well offer a richer and more substantive foundation for human rights than the liberal model can afford, but it does so at the risk of excluding or discriminating against non-Christians. Where, in other words, do non-Christians fit into a robustly Christian rights framework? The chapters by Robcis, Greenberg, and Bourq raise this problem specifically as it pertains to the status of Muslims in contemporary Europe and America. It is worth remembering that a regular ploy of certain right-wing populists today is to say that human rights cannot be disconnected from the Judeo-Christian tradition, when making their Islamophobic cases for why immigration stands to undermine “Western civilization.”<sup>17</sup> And while it seems excessive to blame contemporary Islamophobia on the Christian critique of liberal rights, these chapters draw our attention to the limits of this critique and the things that are worth saving in the liberal tradition. In reconsidering the relationship between Christianity and human rights, the chapters in this volume thus draw our attention to both the value and the limits of human rights as they have found expression in constitutional and international law. Indeed, it is precisely the tension and contestation between Christian and liberal rights theory that opens up the possibility for thinking these rights anew.

### Christianity Reconsidered

If the chapters in this volume push us to rethink the foundations, value, and politics of human rights, they also go beyond the existing historiography by shedding new light on the history of Christianity in the twentieth century. In his preface to this volume, Samuel Moyn suggests that focusing on human rights, which remained a relatively marginal concern for many Christians, may limit our understanding of the richness and complexity of twentieth-century Christianity. It is therefore crucial to cast a wider net. Given that so many Christians were wary of the prevailing secular and liberal rights tradition, they often avoided adopting the language of rights themselves. Indeed, the reader may well be struck by how

<sup>17</sup> For this position, see the interesting essay by Rogers Brubaker, “The New Language of European Populism: Why ‘Civilization’ Is Replacing the Nation,” *Foreign Affairs* (December 10, 2017): [www.foreignaffairs.com/articles/europe/2017-12-06/new-language-european-populism](http://www.foreignaffairs.com/articles/europe/2017-12-06/new-language-european-populism).

many of the chapters that follow engage with human rights only indirectly. Instead, Christians often addressed the question of rights through a variety of cognate concepts with deeper roots in their own theological traditions – especially ideas of personhood and dignity. To grasp the full range of Christian engagement with human rights, it is crucial to explore these cognate concepts, and one of the major goals of this volume is therefore to examine the relationship between theories of rights and related ideas such as humanism, personalism, and dignity.

A number of the chapters take up the theme of dignity in particular and explore whether this concept should be conceived as an extension or limitation of human rights discourse. In her chapter, Camille Robcis explores the Catholic genealogy of the idea of dignity that has found its way into French law since the 1990s. While acknowledging that alternative accounts of dignity can yield different political outcomes, she argues that the Catholic model that has emerged from debates over the reproductive rights of women and same-sex couples, as well as the famous controversy over the Muslim headscarf, was specifically designed to restrict individual rights. Here, dignity functioned as a corporate concept – an appeal to the rights of *humanity* over and against the rights of specific human beings – in order to shore up public order and police national belonging. Vincent Lloyd likewise highlights the distance between the vernacular black Christian concept of dignity and the vision of human rights enshrined at the UN. If Paul Robeson chose this language of dignity, however, it was precisely because he believed it offered greater possibilities for the emancipation of oppressed and marginalized groups than the abstract language of human rights could. For Robeson, dignity was not something possessed inherently by all human beings but something *performed* in and through the struggle against oppression. While Lloyd and Robcis offer very different accounts of the politics of dignity, both present it as a limit or alternative to human rights. On the other hand, as P. MacKenzie Bok and Gene Zubovich show us, many Christians, such as William Ernest Hocking and the young John Rawls, seem to have viewed human rights and dignity as more or less interchangeable.

Another concept Christians frequently preferred to the language of human rights was that of the person. Samuel Moyn has shown the outsized role that the cryptic interwar movement known as “personalism” played in the genesis of international human rights discourse in the 1940s, and most of the chapters in this volume also draw attention to the significance of personalism for the history of Christian human rights.<sup>18</sup>

<sup>18</sup> See esp. chapter 2 in Moyn, *Christian Human Rights*.