RATZINGER'S *LOGOS* THEOLOGY

AND

THE HEALING OF HUMAN RIGHTS:

A Critical Engagement with the Regensburg Lecture

by

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ABSTRACT

Taking the use of the *logos* in Ratzinger's Regensburg Lecture as its starting point, the thesis expands three horizons in Ratzinger studies. Firstly, it extends the understanding of Ratzinger as the author of a *logos* theology. Secondly, it shows how the Regensburg theme of the full breadth of reason, represented by the *logos*, is applied by Ratzinger in a critique of secular modernity. Thirdly, it claims that the *logos* theology of Joseph Ratzinger can provide a repair of the culture of human rights. The thesis argues that if human rights are set exclusively within the framework of secular modernity, they fall sick and fail to meet the criterion of inclusivity and universality. Set within the framework of a Ratzingerian *logos* theology, their power is strengthened and their promise of inclusivity and universality restored. The thesis calls for a mutually reparative dialogue about human rights, based on the full breadth of reason, between the three constituencies of Christianity, the religions and secular modernity. The thesis concludes that the Regensburg Lecture, far from damaging the dialogue with Islam, and with secular modernity, opens up a new intercultural bridge based on a mutually enriching engagement with a *logos*-based culture of human rights.

DEDICATION

I dedicate my doctoral thesis

to my wife, Bernadette.

Without her encouragement and interest,

I could never have contemplated embarking on a Ph.D.

Without her unwavering support and enthusiasm,

I could never have completed it.

RATZINGER'S *LOGOS* THEOLOGY AND THE HEALING OF HUMAN RIGHTS
A Critical Engagement with the Regensburg Lecture

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CHAPTER ONE   INTRODUCTION

1.1. STARTING POINT: THE REGENSBURG LECTURE

The Regensburg Lecture provides the starting point and the structure for this thesis. The lecture was delivered by Joseph Ratzinger as Pope Benedict XVI on 12 September 2006, in the second year of his pontificate. The lecture starts with a controversial discussion of the purportedly non-rational, and therefore potentially violent, character of Islamic faith. The argument then proceeds through three phases. Firstly, Ratzinger argues that Christianity was born out of an inner rapprochement between biblical faith and the *logos* of Greek rationality. This encounter is presented as providential and beneficial, both for Christianity and for the wider culture. Ratzinger goes on to make the second, related claim that the encounter with Greek rationality is not just a moment in history, but has a permanent significance. As part of this second claim Ratzinger laments the successive attempts to remove the *logos* of Greek thought from the tradition of Christian thought, the process called 'dehellenization.' The third phase proposes that the reinstatement of the concept of the *logos* has the potential to heal the wounds of contemporary culture. The structure of this thesis follows Regensburg by moving in the same three phases.

Part One responds to the first phase of the Regensburg Lecture, where Ratzinger argues that Christianity bears within itself a synthesis between biblical faith and Greek rationality. Part One explores the meaning and significance of *logos* theology in the early foundations of Christianity. This involves an examination of the *logos* in three expressions, in Greek thought, in the New Testament and in the Patristic period.

Part Two responds to the second phase of the Regensburg Lecture, where Ratzinger deplores attempts to sunder this synthesis of biblical faith and Greek rationality. Part Two

explores the loss of *logos* theology in the Western intellectual tradition. This involves the dual task of exploring the development of the concept of human rights and the development of the concept of natural law.

Part Three responds to the third phase of the Regensburg Lecture, where Ratzinger calls for a dialogue of cultures based on a broadening of reason. Part Three explores the potential of *logos* theology to speak to two major debates in contemporary society, the strengths and weaknesses of secular modernity and the relationship of Islam to secular modernity.

The subtitle of the Regensburg Lecture is 'Faith, Reason and the University.' On the one hand, the lecture argues that people of faith must not become divorced from reason, lest they lose their right to participate in public discourse and run the risk of condoning violence. On the other hand, it argues that secular society must not allow its reasoning to become divorced from faith. If it does, it might deprive itself of the wisdom of centuries of tradition, find it impossible to build true community and might compromise its capacity for dialogue with people of faith.

This thesis takes the Regensburg argument one step further by bringing the concept of human rights to bear on the relationship between the secular and the religious. The thesis argues that people of faith must not become divorced from human rights, but that human rights must not be deprived of the insights of people of faith. Reason, religion and rights therefore form a co-dependant triad, with each of the elements dependant for its health on the restraining and enriching presence of the other two.

1.2:   THE HEALING OF HUMAN RIGHTS

The concept of human rights, which enjoys such a global charisma, hardly seems to stand in need of healing. However, even a brief encounter with the human rights literature soon uncovers the three key areas of debate around the concept and culture of human rights. The three areas where questions are raised are: the theoretical grounding of human rights, the historical roots of human rights, and the cultural universality of human rights. In each of these three areas, there is a clear choice and a considerable debate between secular and religious perspectives, and between what can be termed 'thin' and 'thick' theories of rights.

In a global context characterised by problems of inequality, armed conflict, economic crisis, religious divisions and environmental degradation, the human family is searching for ways of meeting, and these are often based on the concept of human rights. The aim of this research project is to strengthen the concept of human rights as a basis for dialogue between secular, Christian and other religious actors. The thesis responds to perceived problems in the relationship between each of these three constituencies.

Secular modernity prefers a 'thin' discourse of human rights as positive law, where rights are understood as a socio-historical construct, fabricated in response to the contingent contexts of the contemporary world. This secular framework of rights has an impressive record, especially in terms of the core civil and political rights which have been rendered justiciable by legal enshrinement. At the same time, it faces the problem of producing a theoretical underpinning of human rights, the practical problem of securing allegiance to the doctrine of rights from a pluralist citizenry as well as the problem of its own ongoing violations of human rights.

The Roman Catholic Church has traditionally sought to uphold a 'thick' framework for the articulation of the concept of human rights. This religious engagement with rights could be said to have an impressive legacy, especially in terms of economic, social and cultural rights and their grassroots promotion. At the same time, the Catholic Church faces the same challenges as the secular world, of producing a coherent Christian theory of human rights, securing genuine commitment to human rights in its adherents and subjecting its own doctrines and practices to a critique in the light of the culture of human rights.

Adherents of the world religions in general, and of Islam in particular, are faced with the problem which has already had to be faced by the Roman Catholic Church, of choosing either accommodation or resistance to secular modernity's commitment to the concept of human rights. This thesis argues that secular modernity, Christianity and Islam can find common ground in the culture of human rights, but that this can only happen if human rights themselves are conceived as an expression of unchanging moral truths, derived as a response to fundamental truths about the nature of reality and of the human person. The thesis finds in the *logos* theology of Joseph Ratzinger a proposal for the strengthening of human rights through a recovery of its philosophical and theological roots in natural law and the dignity of the human person.

1.3: CONTRIBUTION TO RATZINGER STUDIES

This study makes three contributions to Ratzinger studies: i) it engages critically with Ratzinger as theologian of the *logos* ii) it organizes Ratzinger's thought into seven key themes, all understood within the over-arching theme of the self-limitation of reason, and iii) it links Ratzinger to human rights.

1.3.1 Ratzinger as theologian of the *logos*

The Ratzinger corpus consists of over several hundred published titles, articles and allocutions, and the number of themes which can be drawn out from the Ratzinger literature is almost unlimited. Relatively few scholars have made the choice to identify Ratzinger as a theologian of the *logos*.[1] My study will seek to demonstrate that throughout this body of teaching, one theme stands out above all and that is the theme of the *logos*, so that Ratzinger is pre-eminently a theologian of the *logos*. The central meaning of *logos* is reason, and Ratzinger's concerns about modernity can be summed up in terms of the loss of the *logos* and the self-limitation of reason. In the Regensburg Lecture (para.17), *logos* is described as 'a reason that is creative and capable of self-communication, precisely as reason.' The lecture uses the term *logos* thirteen times and 'reason' thirty times, all in a call for the broadening of reason.[2]

1.3.2 Ratzinger as philosopher of rationality

If there is one overarching story which embraces the entire Ratzinger project, it is this persistent critique of the limited rationality of the Enlightenment or of secular modernity. My

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[1] Two titles, both based on doctoral dissertations, do portray Ratzinger as a theologian of the *Logos* or Word. These are Christopher S. Collins, *The Word Made Love: The Dialogical Theology of Joseph Ratzinger / Benedict XVI*, (Collegeville, MN: Liturgical Press, 2013), and John J. Lynch, *The Logos as Reason, Word and Love in the Theology of Joseph Ratzinger,* self-published work available from https://www.amazon.co.uk. The centrality of the *Logos* has also been highlighted by Marc. D. Guerra, *Liberating Logos: Pope Benedict XVI's September Speeches*, (South Bend, IN: St. Augustine's Press, 2014) and by David G. Bonagura, 'Logos to Son in the Christology of Joseph Ratzinger / Benedict XVI', *New Blackfriars*, Vol.93, Issue 1046, July 2012, pp.475 – 488.

[2] Throughout the thesis, *logos* (lower case) will be used when referring to *logos* as rationality, and *Logos* (upper case) will be used when referring to *Logos* as Divine Word. Both forms will be italicized. In quotations from sources, whatever form was used in the original text will be preserved. In the phrase '*logos* theology', *logos* will be used with lower case, even though Ratzinger's *logos* theology incorporates *logos* in both its Greek philosophical mode as rationality and its Judaeo-Christian theological mode as Divine Word. The Johannine *logos* will also be referred to with lower case.

thesis holds that Ratzinger's overarching theme is the loss of the *logos* and the self-limitation of reason. This self-limitation of reason will be explicated in this thesis in terms of seven key themes, understood as seven self-limitations or losses, which emerge from the Regensburg Lecture and which provide the structure for the thesis.

1.3.3 Ratzinger as theorist of human rights

The Ratzinger literature is not associated with human rights and contains no sustained reflection on human rights. It could be argued that the overall tenor of Ratzinger's doctrinal programme is inimical to the concept of human rights, given that Ratzinger is critical of aspects of modernity, and human rights are a key product of modernity. This study, however, argues that Ratzinger offers significant purifications to the theology and philosophy of human rights, providing the groundwork for future development and application of the human rights framework and releasing the potential of human rights discourse as a meeting point between secular society, the Christian faith, the religions in general, and Islam in particular.

Speaking from the religious perspective, Ratzinger raises important questions for each of the three problematic areas of the culture of human rights. Thus, in terms of the theoretical grounding of human rights, he questions whether we can base our lives on values that have no firm foundation. In terms of the historical roots of human rights, he questions whether we can live in denial of our Christian past. In terms of the cultural universality of human rights, he questions whether we can create a true dialogue of cultures without any reference to faith.

Ratzinger's answers to these three questions can be captured by the theological term, the *logos*. In brief, in terms of theoretical grounding, he is convinced that our values are most secure when they are grounded in the *logos*. In terms of historical roots, Ratzinger wants to say that the deepest values of our cultures have come from the *logos*. In terms of the cultural

universality of human rights, he is adamant that only the values that are grounded in the *logos* can achieve the universality required to speak effectively in the dialogue of cultures.

1.4: CONCEPTUAL FRAMEWORKS

1.4.1   Ontology, epistemology and ethics

From the discipline of philosophy this study will refer repeatedly to the primordial tripartite framework of ontology, epistemology and ethics. Ontology poses the question of what is at the root of reality, existence or being. Epistemology poses the question of what we can know and how we can know it. Ethics raises the question of what we should do and how we should live. The use of this framework has three purposes.

Firstly, it is a straightforward strategy for the organisation of material. The purpose here is to bring clarity to both theological and philosophical understandings of the concept of the *logos*, as well as to the positions of the various theologians and philosophers encountered in the course of discussion, assisting the reader to understand when these theologians and philosophers are making ontological points, when they are making epistemological points and when they are making ethical points. It is intended that the thought-processes and arguments of the Regensburg Lecture become clearer when read through this tripartite lens.

Secondly, it is a framework which is particularly appropriate for the study of Joseph Ratzinger in general and of the Regensburg Lecture in particular. At Regensburg, and repeatedly elsewhere, Ratzinger critiques the self-limited nature of the rationality of enlightened modernity and proposes a broadening of reason or rationality as a healing of the dialogue of cultures and by implication of human rights. The thesis seeks to clarify what Ratzinger means by rationality by analysing it in terms of ontology, epistemology and ethics.

It seeks to demonstrate that the broadening of reason proposed by Ratzinger at Regensburg is *primarily* a broadening of epistemology, so that Ratzinger invites modernity to increase its knowledge by going beyond the limitations of empirical epistemology and entertaining the insights of faith. While I acknowledge that the threefold framework is not deployed explicitly or self-consciously by Ratzinger, I maintain that one of the central themes of his output, the broadening of reason, is best understood when broken down into these three crucial areas.

Thirdly, it is a framework which is appropriate for an engagement with human rights. Human rights are generally proposed as free from any contentious epistemological and ontological presuppositions. In other words, we do not need to concern ourselves with how we know them or what they are. This is often regarded as a strength, on the grounds that their ontological and epistemological indeterminacy renders them cross-culturally inclusive. It will be argued that the ontological and epistemological deficits in human rights theory can lead to loss of conviction in the dialogue of cultures and render human rights less, rather than more, inclusive.

The framework will be deployed with an awareness of the potential pitfall that, given the fact that they exist in a dynamic of interdependence, the separation of ontology, epistemology and ethics could be construed as a rigid and artificial imposition which distorts rather than clarifies. As has been suggested, emphases and approaches in one area will have significant implications for the other two. By refusing to engage in questions of ontology, modernity's epistemology, in Ratzinger's view, produces distorted or limited theories of ethics. In response to this problem, it is important to clarify the nature of the relationship between the three areas by coming to a view on which of the three has priority.

My answer to this question is twofold. On the one hand I acknowledge that epistemology will always be the fulcrum around which the other two aspects will hinge, in the sense that epistemology will always be the starting point and the end-point for any inquiry into human rights and the relationship between faith and reason, the subject of the Regensburg Lecture. As soon as we ask about the ethical content, or the ontological nature of human rights, we come up against the epistemological question of the source of our knowledge of these rights. At the same time, a restoration of ontological considerations, a revival of transcendence and a recovery of Being are such prominent features of so much of Ratzinger's output, and of the Regensburg Lecture, that I believe that Ratzinger's thought will not be distorted if his material is organized with ontology as a starting point. The most important point here is not to start with ethics, since in Ratzingerian theology *logos* always precedes *ethos*, but to start with the ontological and the epistemological. We will arrive at an appropriate reconciliation or synthesis of this problematic, as soon as we understand that, if the ground of all being is self-communicative, is *logos*, then ontology and epistemology are contained in each other.

1.4.2   Exclusivism and inclusivism

The threefold conceptual paradigm of exclusivism, inclusivism and pluralism is well established as a framework developed by Christian theologians in order to clarify what is the appropriate relationship between Christianity and other religions. Because this paradigm, as originally formulated, is predicated on soteriological, ecclesiological and Christological concerns, it may not seem relevant to a study of human rights. I will use these terms more loosely to help us to understand the function of the culture of human rights in its relationship to other cultures. I take exclusivism as the view that I am right and others are wrong, inclusivism as the view that I am right and others are partially right and can be included in my

stance, pluralism as the view that we are all equally right or indeed equally wrong. Central to the paradigm is a concern with truth and with the relationship between global religious cultures, and this is highly relevant to the issue of human rights. The culture of human rights has always been presented as inclusive and universal.

Ratzinger's *logos* theology of human rights emerges from a Christian, specifically a Catholic, perspective, but sees itself as a tool both for a critique of, and an engagement with, the belief systems of secular modernity and of the religious cultures. Central to Ratzinger's theology is a defence of the possibility of truth and its presence in the Christian tradition. It is therefore important to examine whether Ratzinger approaches human rights in exclusivist, inclusivist or pluralist modes. The Regensburg Lecture in particular, alongside Ratzinger's theology in general, is often perceived negatively as unacceptably exclusivist. The culture of human rights, by contrast, is generally perceived positively as inclusivist.

Applied to the issue of human rights, the threefold paradigm calls into question how the Christian, or specifically the Catholic, view of rights relates to secular and other religious views of rights. If Ratzinger is adopting an exclusivist stance, then he is proposing that in the concept of the *logos* can be found the whole truth about rights, dignity and justice. If he is inclusivist, then secular modernity and the other religions are in possession of the partial truth about rights, dignity and justice, which can then be brought to its fullness by the Christian or Catholic understanding. If his approach is pluralist, then no single understanding of human rights is the complete one; all approaches are in possession of precious insights about rights, dignity and justice and all could be enriched by an encounter with the other.

This thesis will portray Ratzinger's stance on human rights as one of 'open inclusivity'. By this I mean that Ratzinger stands firmly in the truth of his own tradition,

expects that tradition to provide a critique of other traditions, both secular and religious, but is open to his own tradition being purified and modified through encounter with other traditions, both secular and religious. It is on this basis that I will claim that Ratzinger's *logo*s theology offers an inclusive approach to the presentation of human rights, and will contrast this with the exclusive tendency of secular liberal modernity.

1.4.2   Personal background

My own theological background is that of the Roman Catholic tradition. It is because of my Catholic background that the theology of Joseph Ratzinger commands my attention and engagement, especially in the light of his elevation to the papacy and his eight-year period of leadership of the Roman Catholic faithful. I will seek throughout the thesis to place some distance between myself and Ratzinger, by bringing as many voices as possible into the conversation so that Ratzinger's thought can be subjected to a genuinely critical engagement.

The study provides me with an opportunity to revisit my first degree in Classics by studying the relevant Greek and Latin texts in the original. It also affords me the opportunity to harmonise and reconcile my classical studies with my theological studies and to bring both strands to fulfilment.

1.5   STRUCTURE OF THE THESIS AND SEVEN KEY THEMES

The main body of the thesis consists of seven chapters, Chapters 3 – 9. The subject of each of these seven chapters is a variation on the overarching Ratzinger theme of the self-limitation of reason. These seven chapters are organized within three parts of the thesis.

Part One of the thesis is called 'Foundations of *logos* theology' and contains three chapters, Chapters Three, Four and Five. It explores three foundations of *logos* theology in

the form of Greek thought, as exemplified by Plato, the scriptures, as exemplified by the Prologue to the Fourth Gospel and the Fathers, as exemplified by Justin Martyr.

The first key theme is the self-limitation of reason through *the loss of transcendence*. This is explored in Chapter Three, 'The Greek *logos* and the Hellenization of Christianity.' The second key theme is the self-limitation of reason through *the loss of the concept of creation*. This is explored in Chapter Four, 'The Johannine *logos* and the Hellenization of Judaism.' The third key theme is the self-limitation of reason through *the loss of the synthesis of faith and reason*. This is explored in Chapter Five, 'The *logos* theology of Justin Martyr.'

Part Two of the thesis is called 'Restoring the *logos* to the culture of human rights' and contains two chapters, Chapters Six and Seven. This part of the thesis explores two losses which occurred in the intellectual history of Western thought. The concept of human rights emerged from a theological voluntarism which resulted in a self-limitation of reason and a severance of the link with the divine. In a parallel development, a further self-limitation of reason occurred when natural law became untethered from its classical roots in Greek philosophy and Catholic theology. The fourth key theme of the thesis is the theme of the self-limitation of reason through *the loss of the Christian past*. This is explored in Chapter Six, 'The Genealogy of Human Rights.' The fifth key theme is the self-limitation of reason through *the loss of the classical tradition of natural law*. This is explored in Chapter Seven, 'Ratzinger, Natural Law and Rights.'

Part Three of the thesis is called 'The *logos* at work in the dialogue of cultures' and contains two chapters, Chapters Eight and Nine. The sixth key theme is the self-limitation of reason through *the loss of the voice of religion in the public square*. This is explored in Chapter Eight, 'Ratzinger, Democracy and Public Reason.' This chapter explores the crisis of cultures caused by totalizing theories of secularization which seek to secure social and

political harmony through a deliberate self-limitation of reason which confines religion to the private sphere. The seventh key theme is the self-limitation of reason through *the loss of the philosophical tradition in Islam*. This is explored in Chapter Nine, 'Ratzinger, Islam and Rights.' This chapter explores the possibility that a self-limitation of reason has taken place in Islam, resulting in totalizing theories of religious truth which seek social, political, religious and cultural harmony by rejection of the culture of human rights.

Thus through an exploration of seven losses, understood as seven modes of self-limitation, it will be argued, the 'Ratzinger Project' comes into focus and displays its significance for the culture of human rights.

Chapter Two will provide a way in to the main body of the thesis by setting out the nature and significance of the relationship between Ratzinger, reason and rights.

CHAPTER TWO

INTRODUCING RATZINGER, REASON AND RIGHTS

'the subjective "conscience" becomes the sole arbiter of what is ethical. In this way, though, ethics and religion lose their power to create a community and become a completely personal matter. This is a dangerous state of affairs for humanity.' [1]

INTRODUCTION

This chapter will argue that human rights, when solely framed within modernity's restricted rationality, are not genuinely inclusive, nor truly universal. They fail to defend the dignity of the human person or to critique the law. Human rights proposed by a *logos* theology rest on reason and revelation. This broader epistemology gives access to a deeper ontology of the human person and a more enduring foundation for human dignity.

The relationship between Ratzinger and rights has received relatively little attention in the Ratzinger literature.[2] The aim of this chapter is to make good this deficiency by clarifying the Ratzinger position on human rights. The starting point for this chapter is the invitation in the Regensburg Lecture to a dialogue of cultures based on the use of the full breadth of reason. The chapter will be confined almost exclusively to one document, *Christianity and the*

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[1] *The Regensburg Lecture*, paras.48-49. Paragraph references for the Regensburg Lecture throughout the thesis will be taken from the version provided in Appendix I in James V. Schall, *The Regensburg Lecture*, (South Bend, IN: St. Augustine's Press, 2007), pp.130-148.

[2] Taking four distinguished studies of Ratzinger's theology, Nichols (2007) contains no reference to human rights, Rowland (2008) two references, Twomey (2007) three references and Rourke (2011) eight references. Rowland (p.119.) connects human rights to natural law, while Twomey (p.106.) understandably links human rights to conscience, the overarching theme of his treatment. Rourke's comprehensive treatment of the social and political thought of Ratzinger links human rights to the Ratzingerian themes of natural law (pp.53-54.), democracy (p.57.), the right to life (p.92.), reason (p.97.), truth (p.134.) the environment (p.136.).

Crisis of Cultures.[3]   This document contains Ratzinger's explicit teaching on human rights

and sets it in a framework of the themes that make his teaching on human rights intelligible

and which also inform what we might call the 'Ratzinger project.'[4] This chapter is based on

the premise that Ratzinger's concerns about human rights can only be understood in the

context of the network of concerns which recur repeatedly throughout his theological output.

Examining Ratzinger's treatment of human rights therefore fulfils a second aim, to bring the

themes of the Ratzinger corpus into a coherent and intelligible whole.

Ratzinger has famously stated 'I have never tried to create a system of my own, an

individual theology.'[5] In the same breath he does suggest that 'God is the real central theme of

my work' and quickly supplements this with 'the concept of truth.'[6] The volume of his work,

its diffuse, repetitive interconnectedness, its multi-faceted diversity and its provisional,

fragmentary character all create challenges for Ratzinger scholars. Despite Ratzinger's

protestations, I insist that it is appropriate a) to try to discern (not to impose) an overall

guiding principle or hermeneutic key with which to unlock the riches of his work, and b) to

try to appreciate and define the individual character of this highly distinctive theologian.

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[3] Joseph Ratzinger / Benedict XVI, *Christianity and the Crisis of Cultures*, trans. Brian McNeil, (San Francisco: Ignatius Press, 2006). This text contains the *Subiaco Address*, delivered at the Convent of St. Scholastica, Subiaco, 1st April 2005, on the day before Pope John Paul II died. There is an introduction by Marcello Pera, Ratzinger's atheist interlocutor in *Without Roots*. See J. Ratzinger and M. Pera, trans. M.F.Moore, *Without Roots: the West, Relativism, Christianity, Islam*, New York: Basic Books, 2006. A further address is appended, called *The Right to Life*, delivered at the School of Catholic Culture in Santa Croce, in Bassano, shortly before Ratzinger's election to the Papacy. Adrian Walker's alternative translation of the *Subiaco Address* can be found in Tracey Rowland, *Ratzinger's Faith*, (Oxford: Oxford University Press, 2008), pp. 156-165 and in David L. Schindler and Nicholas J. Healy, *Joseph Ratzinger in Communio, Vol.2, Anthropology and Culture*, (Grand Rapids, MI: Eerdmans, 2013), pp. 188-199, where it is titled 'Europe in the Crisis of Cultures.' Weigel explains that *Christianity and the Crisis of Cultures* was introduced at a conference at the United Nations, co-sponsored by Ignatius Press, Edizioni Cantagalli, the Path to Peace Foundation, and the Sublacense Life and Family Foundation. See George Weigel, *Review of Christianity and the Crisis of Cultures*, Ethics and Public Policy Center. Available at: http://eppc.org/publications/on-christianity-and-the-crisis-of-cultures/ (Accessed: 10 November 2015).

[4] With eight references, Rourke is the author who has made most extensive use of *Christianity and the Crisis of Cultures*. See Thomas R. Rourke, *The Social and Political Thought of Benedict XVI*, (Lanham, MD: Lexington Books, 2011).

[5] J. Ratzinger, trans. Adrian Walker*, Salt of the Earth - The Church at the End of the Millennium: An Interview with Peter Seewald*, (San Francisco: Ignatius Press, 1997), p.66.

[6] *Ibid.,* p.67.

As stated in the introduction, I present the theme of the self-limitation of reason as the major overarching theme that incorporates all the other themes, and this constitutes the 'Ratzinger project', the broadening of reason. This theme of reason is also the theme of *God* as well as the theme of *truth*. No matter what subject he discusses, the theme of the self-limitation of reason will always be there, so his approach to human rights cannot be fully explained without an appreciation of this theme.

The chapter will show how Ratzinger deploys his *logos* theology both to endorse and critique human rights. It will situate this endorsement and critique in the wider context of the Ratzingerian endorsement and critique of modernity.

2.1: THE *LOGOS* AND HUMAN RIGHTS

In a key passage in *Christianity and the Crisis of Cultures*, Ratzinger says Christianity must always remember that it is 'the religion of the Logos' and that belief in this *logos*, the ontology of everything, gives Christianity 'its philosophical power'.[7] Either the world comes from an irrational source, (often considered the only rational and modern view), or it comes from reason, 'so that its criterion and its goal is reason.' Christianity chooses this second thesis 'and has good arguments to back it up, even from a purely philosophical point of view.' A reason that comes from the irrational 'does not offer a solution to our problems.' Ratzinger's 'reason' or '*logos*' is not just the rationality at the root of the human person, in which dignity resides, but the divine Logos, the *Creator Spiritus*. 'Only that creative reason which has manifested itself as love in the crucified God can truly show us what life is.'[8] I note

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[7] *Christianity and the Crisis of Cultures,* p.49.
[8] *Ibid*., p.49. Rourke (p.34) says that 'this understanding of reason will be telling in the entire development of Benedict's thought on the subject of politics.'

here how one sentence has brought together four cornerstones of Ratzinger's Christological emphasis: reason, love, the cross, and God.[9]

This passage can be re-worked to provide an accurate representation of the Ratzinger position on the theoretical grounding of human rights. Belief in the *logos*, the ontology of everything, gives the concept of human rights its philosophical power. Either human rights come from an irrational source, as a mere by-product of the struggle for survival and power, often considered the only rational and modern view, or they come from reason, so that their criterion and goal is reason. A concept or culture of human rights that has its origin in the irrational does not offer a solution to the crisis of cultures. Only that creative reason, which has created the human person in the image of its own rationality, and which has manifested itself in the person of Jesus Christ, whose sacrifice on the cross is a sign of God's love for humanity, can truly show us what human rights are. Herein lies both an endorsement and a critique of human rights, a critique of 'the only "rational" and modern view'.[10]

If the term *logos* is as important as Ratzinger claims it is, then a primary and foundational task for this thesis will be to return to the sources of the concept of the *logos*. We need to examine critically the appropriateness of Ratzinger's characterization and deployment of the concept, but also to evaluate the potential significance of Ratzingerian '*logos* theology' for the repair of the concept of human rights. The first three chapters of the thesis will therefore be dedicated to a patient listening to the foundational sources of the *logos*. In Chapter One it was suggested that there were three areas of uncertainty in the concept of human rights: theoretical grounding, historical roots, and cultural universality. I will now visit

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[9] De Gaál is the author who has done most to elucidate the Christological emphasis at the heart of Ratzingerian thought. See Emery de Gaál, *The Theology of Pope Benedict XVI: The Christocentric Shift*, (New York: Palgrave Macmillan, 2010).

[10] *Christianity and the Crisis of Cultures,* p.49.

each of these areas of discussion, in order to elucidate Ratzinger's essentially positive orientation towards human rights.

2.2: THE RATZINGER ENDORSEMENT OF HUMAN RIGHTS

2.2.1 Theoretical grounding of human rights

In a key statement Ratzinger calls for support for the Universal Declaration:

> The Universal Declaration of Human Rights, signed by almost all the countries of the world in 1948 in the aftermath of the terrible ordeal of the Second World War, expresses fully (even in its title) the awareness that human rights – the most fundamental of which is, of course, the right to life itself – belong to man by nature; that the state recognizes them but does not in fact confer them; and that they are applicable to all men as such, not because of other secondary characteristics of particular individuals, which others would be entitled to define at their pleasure.[11]

We note that Ratzinger deliberately distances himself from any Hobbesean account, where rights are granted by the sovereign power as it seeks to referee society's warring factions. He sides to some extent with the approach taken by the Enlightenment's rights philosophers such as Rousseau, who uphold the pre-political nature of human rights. This move is essential if rights are to be considered inalienable. He also relates human rights to human nature, not to human qualities, an essential move if rights are to be regarded as universal. He also sees the historical achievement of the Universal Declaration as emerging as an aftershock from the human rights violations of the 1930s and 1940s.

Ratzinger proposes a clear theological rationale for human rights: 'the splendour of the fact that he is the image of God – the source of his dignity and his inviolability.'[12] Christianity 'has always defined men – all men without distinction – as creatures of God,

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[11] *Christianity and the Crisis of Cultures*, pp.63-64.
[12] *Ibid.,* p.26.

made in his image, proclaiming the principle that they are equal in dignity.' Human rights represent a moral truth, 'the truth of the unique and unrepeatable value of this person made in the image of God', a truth which inevitably involves some restriction on the rights and freedoms of others.[13] At the same time Ratzinger is realistic about the practical application of the principle of dignity, which must be 'within the given limits of societal order'.[14] Because he believes in this theoretical underpinning of human rights, Ratzinger is happy to see the Christian task of 'announcing the dignity of man and the duties of respecting life that flow from this dignity' as synonymous with 'the task of proclaiming the good news of the faith'.[15] We can say that Ratzinger has an ontology of human rights, a theory about the essence of human rights, based on an ontology of the human person.

An acceptance of Ratzinger's proposal that the dignity of the human person provides the theoretical grounding of human rights begs the question of the theoretical underpinning of this dignity. To some extent he answers this with the concept of the human person made in the image of God. He also answers it with the idea that human rights 'belong to man *by nature*'. This belief in human nature raises the question of natural law as a theoretical underpinning for human rights. The story of the part played by natural law in the theology of Ratzinger and in the theory of human rights will be examined in Chapter Seven.

2.2.2 Historical origins of human rights

When Ratzinger refers to human rights, it is often in a list of those aspects of 'the Enlightenment culture' which he considers we should welcome as Christians.[16] Rather than

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[13] *Christianity and the Crisis of Cultures,* p.66.
[14] *Ibid.,* p.48.
[15] *Ibid.,* p 72.
[16] Rourke (p.36) suggests that Ratzinger's positive comments about the Enlightenment in *Christianity and the Crisis of Cultures* should be understood in the wider context of the Roman Catholic debate about *Gaudium et Spes* and its attempt to reposition Enlightened modernity and Roman Catholicism in a fruitful relationship.

talk about rights themselves, Ratzinger prefers to think about the 'values' underlying rights. In *Crisis of Cultures*, he accepts 'that a new moralism exists today. Its key words are justice, peace, and the conservation of creation.'[17] Ratzinger is being genuinely positive: 'these are words that recall essential values, of which we genuinely stand in need.' However, I sense a cautious note in the term 'moralism,' almost implying a pseudo-morality. The word 'recall' is also interesting, suggesting perhaps that words like 'justice' and 'peace' bear a different meaning today from the one they held in the past. The important point here is that Ratzinger is positive about the achievements of Western liberalism, and that this includes the entire structure of liberty, equality, non-discrimination, which provide the natural habitat in which the culture of human rights can thrive. This raises the question of the sources of these values. 'Thin' theories see rights as the result of pragmatic power plays and political compromise. 'Thick' theories see them emerging from deeper and more historical values, particularly from Christianity. The Enlightenment for Ratzinger has a Christian origin and 'it is not by chance that it was born specifically and exclusively within the sphere of the Christian faith.'[18] For human rights to regain their charisma and their moral persuasiveness, we need to re-narrate their true origin in the genealogy of cultures, so that we can get back behind modernity and recover their true greatness.

Ratzinger consistently shows that he is a keen supporter of the key cornerstones of liberal modernity's democratic settlement, explicitly approving of religious freedom, the religious neutrality of the state, freedom of speech, parliamentary democracy, the

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Ratzinger has devoted considerable energy to critiquing the theology of *Gaudium et Spes*. See 'The Struggle Over Schema XIII' in *Theological Highlights of Vatican II*, trans. H. Traub, G.C. Thormann and W. Barzel. (New York: Paulist Press, 1966), pp.212 – 244 and *Principles of Catholic Theology: Building Stones for a Fundamental Theology*, trans. Sr. M.F. McCarthy (San Francisco: Ignatius Press, 1987), pp. 378-393. Ratzinger's position with regard to *Gaudium et Spes* is subjected to a thorough discussion in Rowland, '*Gaudium et Spes* and the Importance of Christ', Chapter Two of *Ratzinger's Faith*, pp.30 – 47. See also my own brief discussion of what I call 'the Ratzinger ambivalence' below, p.30ff.

[17] *Christianity and the Crisis of Cultures,* p.27.
[18] *Ibid.,* p.48.

independence of the judiciary. He places all these in the context of human rights, 'the protection of the rights of man and the prohibition of discrimination,' all of which are gathered under the banner of 'the rights to liberty.'[19] He is reluctant to descend into the detail of particular rights or the values that underpin them:

> I do not intend to provide an exhaustive list of the contents of this canon of the Enlightenment culture. It is obvious that it contains important values that are essential for us, precisely as Christians, and we do not wish to do without them.[20]

The Enlightenment has a Christian origin, but because Christianity became 'mere tradition' and entwined with political power 'the voice of reason had become excessively tame.' In a statement of considerable significance Ratzinger shows his genuine respect and even gratitude towards the Enlightenment:

> It was and remains the merit of the Enlightenment to have drawn attention afresh to these original Christian values and to have given reason back its own voice.[21]

2.2.3 Universality of human rights

As part of his appreciation of the Enlightenment, we hear Ratzinger championing one right in particular, which he believes Christianity contributed to the Enlightenment; Christianity 'denied the government the right to consider religion as part of the order of the state, thus stating the principle of liberty of faith.'[22] This right to religious freedom is of enormous importance to Ratzinger, and a crucial issue in the dialogue with Islam.

Together with the right to religious freedom, Ratzinger gives pre-eminence to the right to life and the theme of the sanctity of life brings us naturally to Ratzinger's reservations about modernity which are also reservations about rights. The Ratzinger project is conducted

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[19] *Christianity and the Crisis of Cultures,* p.34.
[20] *Ibid.,* p.35.
[21] *Ibid.,* p.48.
[22] *Ibid.,* p.48.

not primarily to restore an enervated Christianity, but as a pastoral duty to the wider world: 'we are taking seriously our tremendous responsibility for humanity today.'[23]

According to Ratzinger, the values that underlie human rights are justice and peace, but he has three reservations about these grand values. Firstly, they are vague, secondly they are used as slogans in party politics, thirdly, they are always conceived as claims upon others, 'rather than a personal duty in our own life.'[24] Here we see a positive component of Ratzinger's teaching on human rights, that they must always be presented and understood within a corresponding framework of duties.[25] The 'dignity of man' involves the 'duties of respecting life.'[26] He expresses this reciprocity of rights eloquently when he says,

> The way I look at the other is decisive for my own humanity. I can treat him quite simply like a thing, forgetting my dignity and his, forgetting that both he and I are made in the image and likeness of God. The other is the custodian of my dignity. This is why morality, which begins with this look directed to the other, is the custodian of the truth and the dignity of man.[27]

In this sense, the universality of rights lies not just in their rationality but in their relationality. For Rourke, this is the very essence of Ratzinger's theological anthropology.[28]

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[23] *Christianity and the Crisis of Cultures,* p.32.

[24] *Ibid.,* p.28. In her Chapter 6, 'Modernity and the Politics of the West', Rowland quotes extensively from this passage of *Christianity and the Crisis of Cultures*. The term 'values' is endlessly elastic and open to abuse, and is a poor substitute for binding ethical norms. See Rowland, *Ratzinger's Faith*, p.115, quoting from *Christianity and the Crisis of Cultures*, pp.28-29.

[25] The theme of the co-dependence of rights and duties is fully explored by Ratzinger as Benedict XVI: 'Individual rights, when detached from a framework of duties which grants them their full meaning, can run wild, leading to an escalation of demands which is effectively unlimited and indiscriminate. An overemphasis on rights leads to a disregard for duties. Duties set limits on rights because they point to the anthropological and ethical framework of which rights are a part, in this way ensuring that they do not become licence. Duties therefore reinforce rights and call for their defence and promotion as a task to be undertaken in the service of the common good.' See Benedict XVI, *Caritas in Veritate: Encyclical Letter on Integral Human Development in Charity and Truth*, (London: Catholic Truth Society, 2009), p.53 (para.43).

[26] *Christianity and the Crisis of Cultures,* p.72.

[27] *Ibid.,* pp. 69-70.

[28] Rourke (p.18.) is struck by *Christianity and the Crisis of Cultures* pp.112-116, where Ratzinger identifies a series of walls; one separating me from my true self, one separating me from others, one separating me from the world as it is intended by God, one separating me from the memory of God inside me.

2.3: THE RATZINGER CRITIQUE OF HUMAN RIGHTS

This section will highlight eight '-isms' of modernity against which Ratzinger repeatedly inveighs. These will be placed within the threefold framework of ontology, epistemology and ethics, which provides a conceptual framework for the thesis. If modernity's engagement with ethics has gone wrong, then there must be something wrong with modernity's epistemology. If modernity's epistemology is mistaken, it must be based on a false ontology. The essential Ratzingerian task then is to re-propose the ancient ontological tradition of reason's capacity to understand and grasp divine being.

2.3.1 Modernity's mistaken ontology

Part One of the thesis, Chapters 3, 4 and 5, will be devoted to a recovery of an ontology of the human person that was there in the Greek inheritance, in the biblical witness and in the foundational period of Patristic thought and doctrine. Here we will encounter the theme of the self-limitation of reason through three Ratzingerian themes of loss: loss of transcendence, (Plato) loss of creation, (John) and loss of the synthesis of faith and reason (Justin). We can only understand Ratzinger's critique of the theoretical underpinning of human rights if we place it in the context of this wider lament of modernity's self-limitation through the loss of ontology. Ratzinger's analysis of modernity's loss of ontology can be explicated in four interconnected ideologies: materialism, exclusive humanism, atheism and agnosticism.

Materialism wants to analyse 'isolated fragments of reality that we might in some way take in our hands, verify experientially, and then master.'[29] But this ignores that which 'exercises its lordship over us and over the whole of reality'.[30] Ratzinger asks us not to ignore

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[29] *Christianity and the Crisis of Cultures,* p.89.
[30] *Ibid.,* p.89.

the question of 'the very foundation of all rationality', 'the foundations of everything,' 'the depths of being.'[31]

Materialistic humanism represents the reduction of the ontology of man to a thing, not the image of God, which Ratzinger has said is the source of human dignity, but 'nothing more now than the image of man.'[32] Deprived of transcendence, man can 'lose his dignity in the world of things.'[33] Modernity's 'emancipation of man' is Ratzinger's 'mutilation of man', the 'total exclusion of God, leading to the 'annihilation of man.'[34] When we encounter another human person, we cannot penetrate his true ontology, 'the vast expanses of his spirit,' the 'totality of his being.'[35] Ratzinger's real objection to the philosophies of materialistic positivism is that they are 'anti-metaphysical ... so that ultimately there is no place for God in them.'[36]

Atheistic modernity is proud of 'the radical emancipation of man from God', and human rights are part of this culture of emancipation.[37] But the exclusion of God is a potential source of violence and conflict. The clash of cultures will be between 'this radical emancipation of man' and 'the great historical cultures.'[38] Modernity 'would like to see God eradicated' because talk of God is intolerant and offensive to non-theistic religions and to atheists and agnostics.[39] Yet scientist atheism makes an absurd claim. Its materialist

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[31] *Christianity and the Crisis of Cultures,* pp.89, 90 and p.114.
[32] *Ibid.,* p.26.
[33] *Ibid.,* p.70.
[34] *Ibid.,* p.51. Ratzinger (p.69.) cites his hero Guardini on this point: 'We treat a thing like a thing when we possess it, use it, and finally destroy it – or if we are speaking of human beings, kill it.'
[35] *Ibid.,* p.90.
[36] *Ibid.,* p.40.
[37] *Ibid.,* p.44.
[38] *Ibid.,* p.44.
[39] *Ibid.,* p.44.

interpretation of the universe seems self-evident, but 'it will never lead to the scientific certainty that God does not exist.'[40]

That leaves agnosticism, the standard view of 'the average person with a university education today.'[41] Despite 'the prestige enjoyed by the agnostic solution' it does not stand up to close examination because it proposes a programme that cannot be realized. It masquerades as an illuminating epistemological insight, but the question it is dealing with, is different from all other questions. It is nothing less than the question of 'the very foundation of all rationality.'[42] Faced with this 'ineluctable' question, the agnostic tries to abstain from casting a vote, but the question of God, admits of only two responses, affirmative or negative.[43] To engage with this question is not to engage with 'the sphere of the irrational.'[44] It can be answered, but only if we listen to the messages given to us by a) 'our own existence', b) 'the world' and c) 'the religious experience of humanity.'[45]

2.3.2 Modernity's mistaken epistemology

Chapters Six and Seven, which constitute Section Two of the thesis, will narrate how a broader understanding of the capacity of human reason was lost in the historical development of modernity and how this impacted on the philosophy and theology of human rights. Here we will encounter the theme of the self-limitation of reason through the genealogical loss of the Christian past and the loss of the classical tradition of natural law.

The reason Christian ethics morphed into utilitarianism and relativism is because of the supremacy of modernity's restricted epistemology, which confines what can be known for

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[40] *Christianity and the Crisis of Cultures,* p.85.
[41] *Ibid.,* p.84.
[42] *Ibid.,* p.90.
[43] *Ibid.,* p.89.
[44] *Ibid.,* p.90.
[45] *Ibid.,* p.91.

certain to the realm of the scientific and empirically verifiable. 'This is a purely functional rationality that has shaken the moral consciousness.'[46] Rourke calls it 'the negation of truth in favour of what is convenient'.[47] The merits and rewards of positivism are readily conceded, so far as they apply 'in the technological sphere' where they contain 'important elements of truth'[48] and make 'positive and important contributions'[49] of which 'all of us, to a greater or lesser degree, make use.'[50] Extrapolated to the level of the universal and only acceptable form of reason, an 'absolutization'[51] which entails 'the mutilation of man'[52] and the 'self-limitation of reason'.[53] This form of rationality is not as universally valid or complete as it thinks it is. The great religious cultures show that human reason is capable of reaching beyond the scientifically verifiable. This is possible because 'we are not simply blind vis-à-vis God.'[54] There is 'a wall of prejudices' that keeps 'truth a prisoner' and 'prevents people from seeing God.'[55] The truth is that 'in silence and recollection' there exists 'a direct access to the Creator.'[56]

2.3.3 Modernity's mistaken ethics

The ethical crisis of modernity is a crisis of reason. Reason was the Enlightenment's slogan and the key watchword of modernity. As always, Ratzinger starts by acknowledging the plausibility of the opposing argument, that 'we have at last achieved a philosophy that is universally valid and completely scientific, a philosophy in which reason common to all men finds expression.' Again, he welcomes the Enlightenment's key cornerstones, the 'important

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[46] *Christianity and the Crisis of Cultures,* p.30.
[47] Rourke, *The Social and Political Thought of Benedict XVI*, p.41.
[48] *Christianity and the Crisis of Cultures,* p.40.
[49] *Ibid.,* p.43.
[50] *Ibid.,* p.80.
[51] *Ibid.,* p.44.
[52] *Ibid.,* p.40.
[53] *Ibid.,* p.41.
[54] *Ibid.,* p.115, or alternatively, 'Man is not condemned to remain in uncertainty about God', *ibid.,* p.96.
[55] *Ibid.,* p.112.
[56] *Ibid.,* p.103.

gains that can claim a general validity.'[57] These are i) the assurance that religion cannot be imposed by the state ii) respect for the fundamental rights of man iii) the separation of powers. Where he becomes nervous is when 'the modern philosophies inspired by the Enlightenment', among which we can count human rights, are elevated to the status of 'the last word of that reason that is common to all men.' This cannot be the last word and it cannot be common to all men, because a) it's a 'self-limitation of reason' and b) it's a product of one determined cultural situation.[58] Other cultures of the present and the past do not have the sociological presuppositions required to underpin democracy and do not agree with 'the total neutrality of the state.'[59] Modernity's reason, or enlightenment philosophy,

> 'consciously cuts off its own historical roots, depriving itself of the powerful sources from which it sprang. It detaches itself from what we might call the basic memory of mankind, without which reason loses its orientation, for now the guiding principle is that man's capability determines what he does.'[60]

The phrase basic memory may carry a double meaning. Firstly, it refers to the historical wisdom tradition of modernity's Graeco-Roman and Judaeo-Christian roots. Secondly, it may allude to conscience as *anamnesis*, our basic memory of the true and the good. Deprived of its religious context, morality loses its 'proper environment'[61] and cannot breathe. All that is left is 'the cynicism of a secularized culture that denies its own foundations.'[62]

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[57] *Christianity and the Crisis of Cultures,* p.39.
[58] *Ibid.,* p.41.
[59] *Ibid.,* p.40. Ratzinger is presumably referring to Islam. This issue will be discussed in Chapter Nine.
[60] *Ibid.,* p.41. Glenn uses this page of *Christianity and the Crisis of Cultures* and comments that 'Enlightenment may have arisen within the bosom of Christianity but it has now left that shelter behind.' See Gary D. Glenn, 'Is Secularism the End of Liberalism? Reflections on Europe's Demographic Decline Drawing on Pope Benedict, Habermas, Nietzsche and Strauss', *The Catholic Social Science Review*, 13 (2008), pp.91-106, at p.93.
[61] *Christianity and the Crisis of Cultures,* p.70. Habermas strongly agrees with the point that the West is deluding itself if it thinks it can indefinitely sustain New Testament morality while rejecting the New Testament God. If one is seeking a sure foundation for human rights and democracy it is in 'the Judaic ethic of justice and the Christian ethic of love' and there is no alternative available. See Jürgen Habermas, *Time of Transitions*, (Malden, MA.: Polity Press, 2006), pp.150-151.
[62] *Christianity and the Crisis of Cultures*, p.33. Rowland (p.120.) makes use of this quotation to make the point that Ratzinger respects the fact that Islam would not want to 'undergo its own eighteenth century style Enlightenment' and end up with cynicism and secularism of the West. Glenn believes that the natural consequence for Europe's abandoning Christianity for the cynicism of liberal secularism is that Islam will fill the

Technology, that which is possible, becomes the guiding force of modernity's advance, a project cut free from the restrictions of morality. 'If you know how to do something, then you are also permitted to do it.' The problem is that 'man knows how to do many things.'[63] The catalogue of technological developments deplored by Ratzinger includes cloning, the storing of organs and nuclear warfare, which are all accepted as reasonable by man's 'self-authorization.'[64] Global crises of inequality, poverty, environmental degradation, disease, famine and conflict are all evidence that 'the growth of our possibilities is not matched by an equal development of our moral energy' and 'moral strength has not grown in tandem with the development of science.'[65]

Ratzinger pays relatively little attention to a critique of Kantian deontology. This is because he claims that the preferred ethical philosophy of Enlightened modernity is consequentialism, or we might say, utilitarianism, and it is this that he habitually rejects and seeks to combat. 'In a world based on calculations, it is the calculation of consequences that determines what should be considered moral or immoral.'[66] The instrumentalization of the human person opens up the possibility of abortion.[67] The Greek question of 'the good' has disappeared.[68] The result is that 'man no longer accepts any moral authority apart from his own calculations.'[69] Alongside utilitarianism, relativism is a key feature of Enlightenment ethics. Ratzinger defines relativism as 'nothing is good or evil in itself.'[70] It is a dogmatism that thinks it possesses 'the definitive knowledge of human reason' and consigns traditional

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vacuum and flourish. Glenn (p.99) reflects 'with sadness' upon this prospect, but wonders whether Islam may protect human dignity more effectively than secularism. (p.102). See also footnote 76 below.

[63] *Christianity and the Crisis of Cultures,* p.41.

[64] *Ibid.,* p.42.

[65] *Ibid.,* p.27.

[66] *Ibid.,* p.31.

[67] *Ibid.,* p.69. Ratzinger includes a 244-word passage 'by a great Italian-German thinker, Romano Guardini'. The Guardini passage is taken from '*I diritti del nascituro*' in *Studi cattolica*, May/June 1974.

[68] At this point Ratzinger expresses agreement with Kant, the great opponent of utilitarianism.

[69] *Christianity and the Crisis of Cultures,* p.40.

[70] *Ibid.,* p.31.

wisdom to the obsolete past.[71] Non-negotiable values such as the sanctity of life 'may be considered relative, in view of the pluralism of opinions we find in modern society.'[72] I will return to the issue of relativism in my discussion of natural law in Chapter Seven.

Chapters 8 and 9, which constitute the third and final section of this thesis, constitute a search for a deeper universalism and inclusivism, beyond modernity's pluralism and relativism. Their purpose will be to test whether human rights, conceived in the framework of Ratzinger's broadened reason, can be brought to bear upon a renewed dialogue of cultures which brings together Christian faith, secular reason, and the faith of the religious cultures. Here we will encounter the Ratzinger theme of the self-limitation of reason through the theme of the loss of the voice of religion in the secular public square, and the possible loss of the philosophical tradition in Islam.

2.4: CRITIQUING RATZINGER

My aim in this chapter has not been to engage critically with *Crisis of Cultures*, nor to resolve the complex issues it raises. I have used it as a gateway to an understanding of the relationship between Ratzinger, the rationality of modernity and the culture of human rights. However, I will now use two reviews of *Crisis of Cultures* to provide an insight into common reactions to the Ratzinger project. This will help to signpost the difficult issues the document raises and which will be further explored in the thesis.

2.4.1 Catholic and Muslim perspectives

Sullins, a Catholic academic, regards Ratzinger as 'one of the most original and influential minds of our time'.[73] He admires the perception, insight, and creativity' of *Crisis of Cultures* but is embarrassed by its 'provocative' and 'blunt' tone. He understands its aim,

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[71] *Ibid.,* p.45.
[72] *Christianity and the Crisis of Cultures,* p.60.
[73] Paul Sullins, 'Book Review: Christianity and the Crisis of Cultures and Values in a Time of Upheaval by Joseph Ratzinger', *Journal of Church and State*, April 2007, 368-370. Available at: http://faculty.cua.edu/sullins/published%20articles/ccc-vtu (Accessed 10 November 2015).

to provide 'a rationale for the Christian faith that seeks to convince non-believers,' but concludes that 'those looking for a systematic argument will be disappointed.' I accept this as a valid point, explicable by Ratzinger's uniquely diffuse style of exposition, combined with the fact that two quite separate addresses have been artificially stitched together. Sullins draws out three positive take-home Ratzinger messages for human rights; rights are absolute, they are antecedent to and above the law of the State, and it is the Church's task to safeguard these two principles.[74]

Sohail, a Muslim academic, picks up on the same key teachings, but, accurately in my view, senses Ratzinger's ambivalence to a culture of human rights which has 'superseded all other values.'[75] The same ambivalence is detected in Ratzinger's attitude to the Enlightenment. Ratzinger seems unsure whether to distance himself from it, as essentially non-Christian, or to 'take ownership of it' because the 'basic liberties' represented by human rights are 'superior to other cultures.' Where Sullins demurs from identifying a clear line of argument, Sohail provides a thought-provoking parody. Once upon a time Europe was Christian. Because it was Christian, Europe found that it could not make scientific progress. So it broke away from Christianity and developed a secular ideology called Enlightenment. Enlightenment culture is good because it establishes human rights. The Church doesn't like some of those rights, such as the right to an abortion. Enlightenment culture, including democracy and human rights, is not universal. It arose in Christian lands and can only flourish in Christian lands. But it can only flourish by making a break with Christianity. The result is that the Church finds it impossible to keep people Christian within the framework of

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[74] For an alternative view, see Weigel's *On Christianity and the Crisis of Cultures*, *op.cit.* Weigel says that Ratzinger 'synthesizes his arguments into a series of finely tuned propositions on which all men and women of good will would do well to reflect.' In brief, these four propositions are i) imbalance between technological and moral development, ii) denial of Christian roots of Europe, iii) dehellenization leading to exclusive humanism and iv) recovery of the *logos* as a path to truth.

[75] Shazia Sohail, 'Book Review: Christianity and the Crisis of Cultures by Joseph Ratzinger'. Available at: www.alislam.org/egazette/articles/Christianity-and-Crisis-of-Cultures.pdf.
(Online blog, no page numbers.) (Accessed: 10 November 2015).

Enlightenment culture. Europeans have stopped believing, because Christianity is contradicted both by the positivistic reasoning of science and by the ethical reasoning of human rights. Nevertheless, they should behave as if they did believe in God, so that they could rediscover some of the non-negotiable Christian values.

Sohail is useful because she gives us a feel for the probable reception of the *Crisis of Cultures* argument, and indeed for the reception of the overall argument of this thesis among Ratzinger's two most important interlocutors, secular atheistic Western modernity and believing political Islam. She finds that Ratzinger's treatment of abortion takes no account of 'a wider social malaise' which is seen in the Western disregard for modesty, chastity and celibacy. Her sub-text is that the Qu'ran represents the best synthesis of faith and reason and that Islam represents the best hope for Western civilization.[76]

One of the most challenging and puzzling moments in Ratzingerian thought is the invitation to non-believers to adhere to their atheism and agnosticism but to act as if God really did exist. This would open up their minds to a consideration of some of the non-negotiables proposed by Christian faith. Sohail is horrified by this proposal, an 'upside-down way of doing things' that simply goes against human nature and so has no chance of success. Sullins is also unhappy at this point. He charges Ratzinger with utilitarianism, since such a proposal would represent a mere instrumentalization of Christianity, surrendering to the values of modernity instead of arguing with confidence for the faith of the Church and Bible. The result would be the kind of 'civil religion' approach that has already ensured the death of Christian Europe.

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[76] Glenn (p.102) draws from his reading of *Christianity and the Crisis of Cultures* the conclusion that if human dignity is ultimately sustainable only through belief in God, and if secular Europe has effectively abandoned belief in God 'it becomes thinkable that it may be Islam through which this providence will restore the "sight of God" to a Europe "hollowed out" by secularism.' He quotes *Christianity and the Crisis of Cultures* pp.44-45: 'we must not lose sight of God if we do not want human dignity to disappear.'

Criticisms notwithstanding, Sohail concludes by calling for a trilateral discussion between the Christians, atheists or agnostics and Muslims, with the aim of finding the right balance between faith and reason. Sohail's own engagement with the thought of Ratzinger provides an example of the value of just such a discussion and thereby, in my view, validates the, albeit 'provocative' and 'blunt', forays of Ratzinger into the contemporary dialogue of cultures. Her 'trilateral discussion' is exactly the destination towards which this thesis attempts to trace a path, guided by the Ratzingerian conviction that 'reason' 'religion' and 'rights' need each other, if they are to maintain their health and strength.

2.4.2 The Ratzinger ambivalence

Concepts of rights, dignity and natural law take us into the territory of Vatican II's *Gaudium et Spes*, and the debates initiated by Ratzinger over whether that document in particular, and the Council in general, had arrived at the correct discernment of the relationship between Christian faith and the 'signs of the times' it encountered in modernity.[77] One of the features of the modern world to which *Gaudium et Spes* had to react was the culture of human rights, where important groundwork had already been achieved in *Dignitatis Humanae*, with its endorsement of religious freedom. The Church's answer to the underpinning principle of human rights was explicated in *Gaudium et Spes* in a 3,700 word opening chapter, 'The Dignity of the Human Person', with a ringing endorsement of rights:

> But forms of social or cultural discrimination in basic personal rights on the grounds
> of sex, race, colour, social conditions, language or religion, must be curbed and

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[77] Tanner highlights the central importance of this document in the dialogue of cultures: 'There was pleasure and satisfaction that such a monumental task had been undertaken – almost a new type of document for an ecumenical council, especially the attempt to dialogue with the world, - and the results were worthwhile, indeed commendable, and had caught the imagination of the public, both Catholic and non-Catholic, as witnessed especially by coverage in the press.' Norman Tanner, *Rediscovering Vatican II: The Church in the World*, (New York: Paulist Press, 2005), p.36.

eradicated as incompatible with God's design. It is regrettable that these basic personal rights are not yet being respected everywhere.[78]

This was based on the concept of dignity:

> It is up to public and private organizations to be at the service of the dignity and destiny of man; let them spare no effort to banish every vestige of social and political slavery and to safeguard basic human rights under every political system.[79]

Dignity in turn was set in a framework of natural law:

> Deep within his conscience man discovers a law which he has not laid upon himself but which he must obey. Its voice, ever calling him to love, and to do what is good and avoid evil, tells him inwardly at the right moment: do this, shun that. For man has in his heart a law inscribed by God. His dignity lies in observing this law.[80]

There was also a genuinely Christological vision: 'In reality it is only in the mystery of the Word made flesh that the mystery of man truly becomes clear' as well as a Christ-centred theological anthropology: 'Man can fully discover his true self only in a sincere giving of himself.'[81]

Despite the sound Ratzingerian reasoning at the core of the document, Ratzinger was quick to initiate a debate that would continue up to the year of his resignation.[82] While

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[78] *Gaudium et Spes: Pastoral Constitution on the Church in the Modern Word*, *7 December 1965*, in Austin Flannery OP (ed.), *Vatican Council II: The Conciliar and Post Conciliar Documents*, (Leominster, Fowler Wright, 1981), pp.903-1014 at p.929, para.29

[79] *Gaudium et Spes*, para.29 in Flannery, p.930.

[80] *Gaudium et Spes*, para.16 in Flannery, p.916.

[81] *Gaudium et Spes*, para.24 in Flannery, p.925. Weigel explains the crucial role played by Karol Wojtyla, later Pope John Paul II, in the composition of para.24. Weigel calls para.24 'the Council's philosophical and moral linchpin' at the heart of which lies Wojtyla's great teaching that 'The Law of the Gift was the fundamental dramatic structure of the human condition.' See George Weigel, *Witness to Hope: The Biography of Pope John Paul II*, (New York, Harper Collins, 1999), pp.166-169, this quotation from p.169.

[82] Ratzinger voiced his concern about *Gaudium et Spes* as early as 1966, in his report on the Fourth Session of the Council. See J. Ratzinger, *Theological Highlights of Vatican II*, (New York: Paulist Press, 1966), pp.212-243. Only ten years after the Council, Ratzinger highlighted the importance of *Gaudium et Spes*, but he now spoke of the Church in crisis, reeling from the shock of 'a generational change of decisive importance in the overall intellectual situation of mankind and especially of the Western world.' The new movement meant 'a farewell to history and a farewell to metaphysics', resulting in 'asphyxiation in a world that offers everything

endorsing the document's 'openness to authentic human realism and thus to modern thinking, speaking and questioning', he criticized a flawed methodology which, lest modernity be frightened by 'theological ghosts', took an accommodation to modernity as its starting point, with the result that almost as an afterthought 'it had to embarrassedly admit that there were other things that had to be mentioned.'[83] Yet these other things, essentially that man is saved by Christ alone, should not be confined to a theological ghetto, where faith becomes ideology, but must be presented wholeheartedly, since 'faith is essentially certainty.' Modernity deserves nothing less than this, for 'its dark nights ask for God.'[84]

From her thorough discussion of Ratzinger's relationship with this document, Rowland draws the message that dialogue with unbelievers can certainly be pursued around the notion of *humanitas*, but that philosophy and theology, or reason and faith, must not be severed by being merely juxtaposed. Christology is essential for sound anthropology, and the dialogue of cultures must assume that secular humanism will always be inadequate: 'The insight that faith provides the key to the meaning of our human experiences is a presupposition of dialogue between faith and unbelief.'[85] It is in line with this Ratzinger ambivalence that this study starts with a search within the foundations of the *logos* for critical tools with which to discern between human rights as signposts of authentic humanity and human rights as standing in need of healing and repair.[86]

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except a reason why,' a world which 'abolishes the *Logos*.' The authentic *Gaudium et Spes* was to be found in 'a theology and a piety that developed essentially on the basis of Sacred Scripture, the Fathers of the Church, and the great liturgical heritage of the universal church.' See J. Ratzinger, 'Ten Years After the Beginning of the Council: Where do we stand?' in *Dogma and Preaching*, pp.377-384.

[83] J. Ratzinger, *Theological Highlights of Vatican II*, (New York, Paulist Press, 1966), pp.220-223.

[84] J. Ratzinger, 'Ten Years After the Beginning of the Council', in *Dogma and Preaching*, p.383.

[85] Rowland, *Ratzinger's Faith*, p.33

[86] O'Connor sees 'ambiguity of thought' as a distinguishing feature of Ratzinger's work. Garry O'Connor, *Subdued Fires: An Intimate Portrait of Pope Benedict XVI*, (Stroud: The History Press, 2013), p.221.

CONCLUSION

Allen, who is often critical of Ratzinger, acknowledges that

> Over the course of his intellectual career, he has identified many positive elements in the contemporary social order that should be defended and built upon, chief among them democracy, and the respect for human rights upon which it is based.[87]

This chapter has argued that Ratzinger has an essentially positive orientation towards human rights, exemplified in his respect for the Universal Declaration, human dignity, democracy, the values of modernity, religious freedom, the right to life, and the idea of duties. This chapter has also suggested that Ratzinger's whole approach to human rights is hedged about by qualifications and reservations which are rooted in deeper and wider concerns about the trajectory of modernity. The chapter has outlined the seven major themes to be discussed in the following seven chapters of the thesis. It has presented these themes as modernity's great losses, for each of which a healing or repair is proposed by the *logos* theology of Joseph Ratzinger. Analysis of *Christianity and the Crisis of Cultures*, and of reactions to it, has shown that engagement with enlightened modernity, and engagement with non-Christian religions must lie at the heart of any Christian engagement with human rights. If Ratzinger's *logos* theology, as a 'thick' theory of human rights, is to play a universalist and inclusivist role in the dialogue of cultures, then it must join an intercultural dialogue about human rights, triangulated from the three stances of Christianity, secular modernity and the religions in general, but Islamic faith in particular. The following quotation confirms the centrality of the *logos* to Ratzinger's thinking about human rights and the dignity of the human person:

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[87] John L. Allen, *The Rise of Benedict XVI: The Inside Story of How the Pope was Elected and What It Means for the World*, (London: Penguin Books, 2005), p.172.

God himself is Logos, the rational primal ground of all that is real, the creative reason that gave birth to the world and that is reflected in the world. God is Logos – meaning, reason, and word, and that is why man corresponds to God when his reason is open and he pleads the cause of a reason that is not allowed to be blind to the moral dimensions of existence. For Logos designates a reason that is not merely mathematical: it is the basis of the good and guarantees the dignity of the good. Faith in the God who is Logos is at the same time faith in the creative power of reason. It is faith in the Creator God and faith that man is created in the likeness of God and therefore shares in the inviolable dignity of God himself. It is here that the idea of human rights finds its deepest foundations, although its historical development and elaboration have taken other paths. God is Logos.[88]

Before putting this *logos* theology to work in the dialogue of cultures, it is essential to understand its character by an examination of its foundational sources.

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[88] J. Ratzinger, *Values in a Time of Upheaval*, (San Francisco: Ignatius Press, 2006), p.112. In 2004, a year before his election to the papacy, 11 of Ratzinger's essays and public addresses were gathered together and published under the title *Werte in Zeiten des Umbruchs: Die Herausforderungen der Zukunft bestehen*. The subtitle can be translated as 'Future Challenges'(my translation). After his election, the title was reissued as *Values in a Time of Upheaval* by the Ignatius Press. The quotation is taken from Chapter 6, Searching for Peace – Tensions and Dangers. This address was originally entitled *Auf der Suche nach dem Frieden* and was given on the sixtieth anniversary of the landing of the allies in France, June 6, 2004.

PART ONE

FOUNDATIONS OF LOGOS THEOLOGY

CHAPTER THREE:

THE GREEK *LOGOS* AND THE HELLENIZATION OF CHRISTIANITY

CHAPTER FOUR:

THE JOHANNINE *LOGOS* AND THE HELLENIZATION OF JUDAISM

CHAPTER FIVE:

THE *LOGOS* THEOLOGY OF JUSTIN MARTYR

CHAPTER THREE

THE GREEK *LOGOS* AND THE HELLENIZATION OF CHRISTIANITY

'A profound encounter of faith and reason is taking place here, an encounter between genuine enlightenment and religion. From the very heart of Christian faith and, at the same time, the heart of Greek thought now joined to faith, Manuel II was able to say: Not to act "with logos" is contrary to God's nature.'[1]

INTRODUCTION

The starting point for Chapter Three is the championing of Greek thought in the Regensburg Lecture.[2] The chapter examines Plato and the Ratzinger theme of the self-limitation of reason through the loss of transcendence. Ratzinger argues that Platonic philosophy had a significant and beneficial impact on early Christianity. Many theologians have held that Platonic influence must be removed to reveal authentic Christian faith. This chapter builds on Ratzinger's *logos* theology by arguing that Platonic thought is still a valuable resource in critiquing modernity and in developing a framework for an inclusive culture of human rights.

The Regensburg Lecture was delivered on 12 September 2006, in the second year of the pontificate of Benedict XVI. This address will forever be associated with remarks that alluded to the potentially non-rational character of Islamic faith. The ensuing furore overshadowed Regensburg's central claim: Christianity was born out of an inner rapprochement between biblical faith and the *logos* of Greek rationality. This encounter was providential and beneficial, both for Christianity and for wider culture. Ratzinger makes a second, related claim: the encounter with Greek rationality was not just a moment in history, but has a permanent

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[1] Ratzinger, *The Regensburg Lecture*, para.24.
[2] The translation and paragraph references used in this study are taken from the version provided in the appendix to Bainard Cowan (ed.) *Gained Horizons: Regensburg and the Enlargement of Reason* (South Bend, IN: St. Augustine's Press, 2011) pp.109-125.

significance. As part of this second claim Ratzinger laments the successive attempts to remove the *logos* of Greek thought (or 'Plato') from the tradition of Christian thought, a process called 'dehellenization.' A third claim is that the reinstatement of the concept of the *logos* has the potential to heal the wounds of contemporary culture.

This chapter evaluates the validity of Ratzinger's narrative of Hellenization and dehellenization, examines the nature and purpose of Ratzinger's championing of Platonic thought and extends Ratzinger's recovery of the Greek tradition by exploring its implications for a healing of the contemporary culture of human rights. The contribution this chapter seeks to make to Ratzinger studies lies in its bringing together of Plato, Ratzinger and human rights. Plato is analysed in terms of inclusivity and exclusivity as well as within the philosophical framework of ontology, epistemology and ethics. Ratzinger's statements on Plato are evaluated in the light of scholarly opinion. The contribution to the study of human rights is to use Ratzinger's *logos* theology, with its recovery of Greek thought, as a paradigm for an inclusive formulation of the concept of human rights.

3.1: HELLENIZATION AND DEHELLENIZATION

3.1.1 Two enlightenments, four moments of Hellenization

Approximately half of the 4,500 word Regensburg Lecture is devoted to the story of Hellenization and dehellenization. Hellenization is a word that encapsulates for Ratzinger 'the reasonableness of faith.'[3] It is defined as 'the profound harmony between what is Greek in the best sense of the word and the biblical understanding of faith in God.'[4] Repeatedly at Regensburg, Ratzinger praises 'the encounter between the Biblical message and Greek thought'

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[3] Ratzinger, *The Regensburg Lecture*, para.5.
[4] *Ibid.*, para.17.

and 'the intrinsic necessity of a rapprochement between biblical faith and Greek inquiry.'[5] This 'profound encounter of faith and reason' was an encounter between 'genuine enlightenment and religion' which constituted 'a mutual enrichment.'[6] The message is clear: the 'critically purified' Greek heritage forms an integral part of Christian faith, such that the intimate relationship between faith and the use of human reason 'are part of the faith itself.'[7]

Dehellenization, by contrast, is the term applied to the historical process whereby the intimate relationship between faith and reason, or Christianity and Greek thought, was sundered. Ratzinger highlights three key figures responsible for this rupture: Luther, Kant, and von Harnack. Luther wanted to liberate faith from the rationality of metaphysics; Kant strove to limit the rationality of faith to the sphere of practical rationality; von Harnack wanted to remove the false overlay of rationality that had claimed divinity for Christ, in order to align Christianity and Christology with modern rationality. The end result of these processes was 'the self-limitation of reason' which made modernity's scientific empiricism the only acceptable rationality.[8]

Ratzinger's *Introduction to Christianity* and *Truth and Tolerance* can be used to supplement Regensburg's Hellenization and dehellenization narrative, which is summed up in Rowland's words: 'At its very origins Christianity sides with reason and considers this ally to be its principle forerunner.'[9] Ratzinger's aim is to champion 'the inalienable right of Greek thought to a place in Christianity.'[10] He argues that the encounter between the biblical message and

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[5] *The Regensburg Lecture*, para.19.
[6] *Ibid.,* paras.24 and 22.
[7] *Ibid.,* paras.31 and 53.
[8] *Ibid.,* para.40.
[9] See J. Ratzinger, trans. J.R. Foster, *Introduction to Christianity*, (San Francisco: Ignatius Press, 1969, 2004), J. Ratzinger, trans. Henry Taylor, *Truth and Tolerance: Christian Belief and World Religions*, (San Francisco, Ignatius Press, 2004) and Tracey Rowland, *Ratzinger's Faith: The Theology of Pope Benedict XVI*, (Oxford: Oxford University Press, 2008), p.62.
[10] *Introduction to Christianity*, p.78.

Greek thought did not happen by chance: 'I am convinced that at bottom it was no mere accident that the Christian message, in the period it was taking shape, first entered the Greek world and there merged with the inquiry into understanding, into truth.' Ratzinger believes that the encounter between the faith of the Bible and Greek philosophy 'was truly providential.'[11] In these two works he provides a narrative of six moments of demythologization, movements towards enlightenment and the realisation of the *logos*.

Two enlightenments, one Greek, one Judaic, occur independently of each other. In the Platonic enlightenment, a transcendent being is proposed as an alternative to the Homeric tradition of a pantheon and its attendant mythology. In the Mosaic enlightenment, a pure monotheism is embraced and the gods of surrounding peoples rejected.

Two processes of Hellenization then occur within Judaism: the Hebrew Old Testament is translated into Greek, creating the Septuagint, and rendering the Judaic faith accessible to the Greek mind. The Wisdom literature employs Greek categories of thought to deepen the radical monotheism of the Old Testament. These are followed by two specifically Christian moments of Hellenization. The New Testament is written in Greek, using the Greek version of the Old Testament. The Greek Fathers use Greek philosophical categories to establish the credal formulae of the early church.

Of these six processes, I will focus in this chapter on the first, the Platonic enlightenment, in order to understand the essence of Hellenization. The first task is to understand why Ratzinger ascribes such significance to Plato; the second task is to question whether he is right to do so.

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[11] *Truth and Tolerance*, p.95.

3.1.2 The God of Faith and the God of the Philosophers

In raising the issue of dehellenization at Regensburg, Ratzinger is revisiting a theme which he learned from Söhngen, namely the relationship between the God of faith and the God of the philosophers. At Regensburg, (para.37), he refers explicitly to the origin of this phrase in Pascal, and references his own Inaugural Lecture of that same title, delivered at the University of Bonn on 15 April 1959.[12] In that lecture, Ratzinger expresses the dehellenization thesis as forcefully as possible through the arguments of Emil Brunner.[13] Brunner held that the Fathers and the Scholastics made a fundamental error, reading back a synthesis of the God of faith and the God of the philosophers into the Christian faith, whereas in fact the truth was the exact opposite, and that the Fathers thereby fundamentally distorted and falsified the very essence of Christian revelation. Ratzinger regards the arguments surrounding the God of faith and the God of philosophy as a difficult and serious problem which for him crystallizes many of the central problems of fundamental theology, especially the problem of the restriction of reason or rationality. Once Kant had set up 'an unbridgeable gap between metaphysics and religion', then religion could no longer find a place to sit in 'Reason's room' and once religion could no longer be rationalized, it could no longer propose any intelligible dogma.[14]

To oppose Brunner's thesis, Ratzinger recommends the synthesis of Aquinas, in which the God of faith and the God of philosophy are 'in one another' but 'distinguished'. Without faith, philosophy expresses the highest possibility of the human spirit. Faith does not destroy or replace the philosophical God. It 'exceeds' it, takes it up into itself and fulfils it. Aristotle and

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[12] *Der Gott des Glaubens und der Gott der Philosophen*: *Ein Beitrag zum Problem der theologia naturalis*, (Trier: Paulinus Verlag, 2006). This document has not been translated into English. All English quotations from the document are my own translation.

[13] Swiss Protestant theologian, b.1889. Ratzinger references *Die christliche Lehre von Gott: Dogmatik I*, (Zurich: Zwingli Verlag, 1953), pp.121-140.

[14] *Gott des Glaubens,* p.13.

Plato *did* know the true God; it is just that faith knows God in a way that is deeper and purer.[15] Ratzinger cites Varro's Stoic schema of three pre-Christian theologies, the mythical, the political and the natural. The first two were *not* concerned with truth, nor with the Absolute as accessible to reason. Christianity rather allies itself with natural theology and with monotheism, which Ratzinger describes as the 'hyphen' which conjoins the two Gods. In retaining natural theology, he is able to retain the *analogia entis*, just as he does at Regensburg (para.27), as 'a necessary dimension of Christian reality, the removal of which would be an actual repeal of the claim which Christianity requires.' The Regensburg claim of the constitutive status of Greek philosophy within Christian faith, had already been clearly stated at Bonn:

> The accomplished synthesis of biblical faith with the Greek spirit as the representative of the philosophical spirit was not merely legitimate, but was necessary in order to bring the essential claim and seriousness of biblical faith to its fullest expression.[16]

Ratzinger accepts, however, that we must 'give room' to the legitimate request of Emil Brunner and recognize that in order to become the God of faith, the God of philosophy had to be converted into faith through 'a necessary profound purification and transformation' that took place when the 'the Absolute which philosophy already knew' was recognized as 'the Absolute which speaks in Jesus Christ, is Word, and can be spoken to', the God who for Brunner, in naming Himself opens Himself to humanity. Ratzinger even goes further and concedes that, legitimate and essential as it was, the process of Hellenization was not always sufficiently critical. 'Philosophical statements were often adopted unthinkingly and not subjected to the necessary critical purification and interpretation.'[17] This process of the critical purification and

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[15] *Gott des Glaubens,* pp.15-16.
[16] *Ibid.*, p.29.
[17] *Ibid.*, p.34.

interpretation of Greek philosophy will be made clearer in this thesis through an examination of Ratzinger's own appropriation of Greek thought, and through an examination of the appropriation of the term *logos* in both John and Justin, in which Ratzinger's theme of purification and interpretation will recur through my own deployment of theme of welcome and correction.

Ratzinger's 1959 use of Varro's tripartite understanding of pre-Christian theology sets up another theme which recurs throughout his thinking right up to Regensburg. Alongside the welcome of natural theology, we should note the rejection of political theology, or what we might call civil religion. In Ratzingerian social and political thought, the separation of church and state will always be of crucial importance. The political take-over of theology or religion and the theological or religious take-over of politics always constitute for Ratzinger a mutual betrayal. When the Church becomes entwined with political power its true nature is compromised. If it succumbs to the temptation to turn positive Church law into state law, it abandons its true vocation, which is to critique the positive law of the state from the standpoint of truth. These issues will come to the fore in Chapters 8 and 9 of this thesis, in the dialogue with the secular and the dialogue with Islam. A third theme of the Varro paradigm is that of mythical religion. Here we encounter the process of demythologization, which this chapter will show to be of central importance to Ratzinger's understanding of the intimate relationship between biblical and philosophical thought.

3.1.3 Ratzinger's Platonic enlightenment as demythologization

Socrates and Plato, just like the *logos* itself, are a powerful presence in Ratzinger's writings, to which this brief survey cannot do full justice. For Ratzinger, Socrates' achievement was to question the truthfulness of Greek mythology. As a result of this, the entire system of Greek

religion suffered a loss of credibility. Socrates was motivated by 'the longing for an appropriate form of religion, which would yet go beyond the capacity of reason itself.'[18] Ratzinger is willing to go so far as to describe Socrates as 'a prophet of Jesus Christ.'[19] The distinguishing feature of Greek philosophy was that 'it did not rest content with traditional religions or with images of the myths; rather, in all seriousness, it put the question about truth.'[20] The Greek search for God and for the truth resulted in 'a self-criticism of that world's own culture and its own thought.'[21] There is no contradiction between philosophy and a *logos* theology:

> The way of doing philosophy ... received what we might call a "salvation-historical privilege," which means it made it a suitable vessel for the Christian Logos, which is concerned with liberation by means of truth and liberation for truth.[22]

Plato's criticism of myth represented an attempt 'to replace the classical Homeric mythology with a new mythology appropriate to the *logos*.' Because they were using their reason to question the religious myths of their day, 'the ancient world knew the dilemma between the God of faith and the God of the philosophers in a very pronounced form.' When the ancient religion did collapse, it was because a gulf had grown up between the God of faith and the God of the philosophers, the result of 'the total dichotomy between reason and piety.'[23]

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[18] *Truth and Tolerance*, p.153.
[19] J. Ratzinger, trans. Brian McNeil, *Values in a Time of Upheaval*, (San Francisco: Ignatius Press, 2006), p.89.
[20] *Truth and Tolerance*, p.95.
[21] *Ibid.*, p.200.
[22] *Values in a Time of Upheaval*, p.89.
[23] *Introduction to Christianity*, pp.138-9. Such a narrative was central to the work of Karl Jaspers, by whom Ratzinger was influenced. See Karl Jaspers, *The Origin and Goal of History*, (1949), (London, Routledge Revivals, 2011) and *The Great Philosophers*, trans. Ralph Manheim, (London: Rupert Hart-Davis, 1962). Following Jaspers, Habermas sees the Enlightenment as a re-run, or logical extension of the work of disenchantment which metaphysics and religion, i.e. Socrates and biblical faith, once directed against myth. See Jürgen Habermas, *The Liberating Power of Symbols: Philosophical Essays*, trans. Peter Dews, (Cambridge: Polity Press, 2001), pp.37-38. Ratzinger says in *Salt of the Earth*, '...Jaspers interested me a great deal.' See J. Ratzinger, *Salt of the Earth: The Church at the End of the Millennium – An Interview with Peter Seewald*, (San Francisco: Ignatius Press, 1997), p.60.

Rowland identifies Romano Guardini as 'one of the seminal influences on Ratzinger's intellectual formation' and 'one of the great scholars of twentieth century Catholic Germany.' She says that Guardinian themes 'appear like a watermark on the pages of Ratzinger's essays.'[24] Guardini, who is referenced in the thirteenth footnote of the Regensburg Lecture, reads the *Euthyphro* as a story of demythologisation. 'Men have inwardly abandoned the system of myth ... Mythical thought has lost its real justification.' This means that 'a step forward must now be taken' and that step forward is the posing of the ontological question 'what is the nature of things.'[25] This will be answered by 'that which is essential truth, existing above phenomena; it is likewise the true and imperishable reality.'[26] Elsewhere, Ratzinger tells us that 'Romano Guardini emphatically urges that the question of truth is the core of all Socrates' philosophical endeavours.'[27]

3.1.4 Ratzinger's dehellenization as a self-limitation of reason

Regensburg describes three waves of dehellenization, conceived as *six* ruptures of faith and reason. Luther, seeking 'faith in its pure primordial form' abandons the metaphysics of philosophy and confines himself to *sola scriptura*.[28] Kant limits the capacity of *reine vernunft,*

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[24] Rowland, *Ratzinger's Faith*, p.146 and *Benedict XVI: A Guide for the Perplexed*, (London: T&T Clark, 2010), p.18. Romano Guardini (1885-1968) was an Italian-born Catholic priest who held posts at Berlin (1923-1939), Tübingen (1945-1948) and Munich (1948-1962). The most obvious connection between Ratzinger and Guardini is their respective publications *The Spirit of the Liturgy*. Ratzinger's 2000 publication is written as an homage to Guardini's work of 1937. Guardini wrote two theses on Bonaventure, influenced Josef Pieper and Hans Urs von Balthasar. Rowland (*A Guide for the Perplexed* p.17.) says that Pieper's first book was inspired by a lecture entitled 'About the Classical Spirit', delivered by Guardini at Castle Rothenfels on the Main in 1924. Von Balthasar paid homage to Guardini in his work *Romano Guardini: Reform from the Source*, (San Francisco: Ignatius Press, 2010). Guardini was also the subject of an unfinished doctoral dissertation by Jose Bergoglio, later Pope Francis. Francis references Guardini eight times in his second encyclical, *Laudato Sí*. Georg Ratzinger also cites Guardini as an important read for both brothers. See Georg Ratzinger (with Michael Hesemann) trans. Michael J. Miller, *My Brother the Pope*, (San Francisco: Ignatius Press, 2011), p.151. In *Salt of the Earth*, p.178, Ratzinger mentions Guardini as part of a post-WW1 disillusion with liberal modernity. In *Milestones*, Ratzinger lists him alongside Josef Pieper as one of the 'voices that moved us most directly.' See Ratzinger, J. (1988) *Milestones: Memoirs 1927 – 1977*, trans. E. Leiva-Merikakis. (San Francisco: Ignatius Press, 1988), p.43.
[25] Romano Guardini, trans. Basil Wrighton, *The Death of Socrates: An Interpretation of the Platonic Dialogues: Euthyphro, Apology, Crito and Phaedo*, (New York: Sheed and Ward, 1948), p.12.
[26] *Ibid.*, p.103.
[27] *Values in a Time of Upheaval*, p.89, n.11.
[28] *The Regensburg Lecture,* para.34.

or pure reason, and confines himself to *praktische vernunft*, or practical reason, thereby denying reason 'access to reality as a whole.'[29] Pascal, attempting to recover authentic biblical faith, abandons *le dieu des philosophes* and confines himself to *Dieu d'Abraham*.[30] von Harnack, the central figure in this narrative, abandons the divine Christ of Faith and confines himself to the Jesus of History, who becomes merely 'the father of a humanitarian moral message.'[31] These four ruptures were initiated by Christians seeking to liberate authentic religious faith from alien philosophical distortion. On the secular front, natural science then abandons rational speculation and confines itself to empirical 'verification or falsification through experimentation.'[32] The human sciences are also thus forced to abandon the question of God and confine themselves to the 'canon of scientificity.'[33]

Reading Regensburg, we can identify five self-limitations of Christian rationality. Firstly, the question of the existence of God can only be believed in faith and is not susceptible to rational inquiry. Secondly, all Christological and Trinitarian formulations are likewise 'unreasonable'. Thirdly, religious faith must be confined to the realm of the subjective. Fourthly, the discipline of theology is no longer a rational inquiry into the metaphysical but is reduced to phenomenological investigation into the historical, cultural and linguistic aspects of religion. Fifthly, the original synthesis between Greek and biblical thought is relegated to the status of a historically conditioned phenomenon which can be legitimately discarded or superseded.

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[29] *The Regensburg Lecture,* para.35.
[30] Blaise Pascal; (1623 – 1662), French mathematician, physicist, inventor, writer and Christian philosopher.
[31] *The Regensburg Lecture,* para.38. Adolf von Harnack (1851 – 1930), German Lutheran theologian and prominent church historian.
[32] *Ibid.,* para.42.
[33] *Ibid.,* para.45.

Ratzinger's championing of Hellenization depends on the twin convictions a) that there *was* in fact a historical marriage of Greek and Christian thought and b) that Christianity benefited from this Platonic-style synthesis of faith and reason. It is important to review the literature to understand the arguments for and against these hypotheses.

3.1.5 Support for Ratzinger's historical narrative.

Werner Jaeger tells the story of how 'the classical heritage is incorporated in the structure of Christian thought,' examining the material from a cultural and educational perspective.[34] He agrees with Ratzinger that a key moment of Hellenization was the use of Greek for the New Testament. Then in the patristic period 'Greek culture and tradition streamed into the church and became amalgamated with its life and doctrine.'[35] Like Ratzinger, he sees a deep-seated commonality between Judaeo-Christian monotheism and Greek philosophy, the only two contenders for the prize of universality or catholicity.

Arnold Toynbee shares Jaeger's interest in the broad sweep of cultural history. In his discussion of 'Hellenism' he points up the self-assured universality of Greek culture: 'Like present day Westerners, the Greeks assumed that mankind's coming common civilization would, as a matter of course, be theirs.'[36] His view of demythologization supports Ratzinger's: 'Disbelief in the gods of the old poets and the popular religion was as old as philosophy itself.'[37]

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[34] (1888 – 1961) Werner Jaeger was a classicist, philologist and patristics scholar, who moved from Berlin to Harvard in 1936. He delivered his Gifford Lectures on 'The Theology of the Early Greek Philosophers' in 1936-1937. See Werner Jaeger, *Early Christianity and Greek Paideia*, (Cambridge, MA: The Belknapp Press of Harvard University Press, 1962). p.21.

[35] *Ibid.*, p.35.

[36] Arnold Toynbee, (ed.) *The Crucible of Christianity: Judaism, Hellenism and the Historical Background to the Christian Faith*. (London: Thames and Hudson, 1969) p.44.

[37] Jaeger, *Early Christianity and Greek Paideia*, p.28.

3.1.6 Markschies' doubts about the Hellenization of Christianity

A contemporary scholar who takes issue with Ratzinger's dehellenization narrative is Markschies.[38] He asks whether it still makes sense today to talk of the Hellenization of Christianity. This term attained totemic significance in the polemics of the world of *Religionsgeschichte*,[39] but has never been defined in terms of either its content or its chronology. So if there is such a thing as Hellenization, nobody can agree on what it is, when it started or when it ended.

For Droysen, the Hellenistic Age could be summed up as 'an era of reconciliation between West and East, Hellenism and Judaism.[40] Droysen characterized this era as 'the eternal longing for reconciliation,' (the Judaic element), and 'the natural human longing for the lost paradise,' (the Hellenic element).[41] Droysen, like Ratzinger, sees the Christian synthesis between the two as a providential aspect of salvation history. Markschies says that for von Harnack, Hellenization meant 'the Christian reception of the standards of rational argumentation in Greek philosophy, exemplified by 'the church-sanctioned dogmatics of rationally explainable doctrines.'[42] For von Harnack this was a wrong step taken by the church as it became tainted by philosophy. So Droysen and von Harnack take opposing views of the

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[38] Markschies graduated from Tübingen in 1988 as a student of Martin Hengel, who published on the subject of Hellenization in 1989. See C. Markschies, 'Does it make sense to speak about a Hellenization of Christianity in Antiquity?'' CHRC 92, 2012, pp.5-34. Available at: www.ingentaconnect.com/content/brill/chrc/2012/00000092/.../art00001 (Accessed: 10 October 2012). Markschies' paper on the subject of Hellenization was delivered in 2011 and published in 2012.

[39] The *Religionsgeschichtliche Schule* developed in German biblical studies during the 19th century and emphasized the degree to which biblical ideas were the product of cultural milieu. Ratzinger consciously references this in para.29 of the Regensburg Lecture: the encounter with Greek thought is not just 'religionsgeschichtlich' but 'weltgeschichtlich', a question of world history.

[40] Johann Gustav Droysen, pupil of Hegel and author of *Geschichte des Hellenismus* (First published 1836, reprint Cambridge: Cambridge University Press, 2011). Jaeger credits Droysen with initiating academic engagement with the concept of Hellenization.

[41] Markschies, *Does it make sense to speak about a Hellenization of Christianity in Antiquity?* p.7.

[42] *Ibid.*, p.11.

process of Hellenization, the former positive and the latter negative. But a key point emerges. Hellenization *did* take place.

Markschies, indeed, concedes the point made by Schlatter, that 'Hellenism is the precondition for everything in the New Testament', Ratzinger's point at Regensburg.[43] He also accepts the scholarly consensus that there *is* such a thing as Hellenization, but only in Hengel's sense of the term as referring to 'this new civilisation which was established through the march of Alexander.'[44] He regrets the use of a term that has spawned simplistic dualisms which artificially pitch Hellenism against Judaism and / or Christianity. To support his reservations, Markschies points out that ancient Christian writers (e.g. Tatianus) use the term Hellenization (*Hellenismos*) to refer to the pagan polytheism of educated Greeks and therefore resisted *Hellenismos*, as re-hellenization.[45] This enables him to conclude, contra Droysen, that 'well-educated ancient Christians...were not able to regard *Hellenismos* as part of their salvation history and a positive development.'[46]

The whole Hellenization debate is further complicated by the fact that the same phenomenon that some call Hellenization, others think of as dehellenization. Grillmeier used the term *Enthellenisierung*, (dehellenization) to characterize the synthesis of Greek and biblical thinking that Ratzinger calls Hellenization.[47] Likewise Ricken, whom De Vogel quotes, uses dehellenization as a description of the process which took place at Nicea, in which the church

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[43] Adolf Schlatter (1852-1938) biblical scholar, author of *Die Theologie des Neuen Testaments*, published as *History of the Christ: New Testament Theology in two volumes*, trans. Andreas J. Köstenberger, (Grand Rapids, MI: Baker Academic, 1997).

[44] Markschies, *Does it make sense to speak about a Hellenization of Christianity in Antiquity?* p.31.

[45] Jaeger (*Paedeia* p.34) describes Tatianus as a 'champion of anti-Hellenism' who rejected the entire cultural milieu'.

[46] Markschies, *Does it make sense to speak about a Hellenization of Christianity in Antiquity?* p.30.

[47] Aloys Grillmeier (1910 – 1998) was a Jesuit theologian and cardinal of the Catholic Church. He is the author of *Christ in Christian Tradition Volume 1: From the Apostolic Age to Chalcedon (451)* (Louisville, KY: Westminster John Knox Press, 1975). In his endnotes Ratzinger accepts that the literature on Hellenization is vast, but recommends Grillmeier 'above all.' *Enthellenisierung* is the word Ratzinger uses in para.32 of the Regensburg Lecture.

faced the 'crisis of early Christian Platonism.'[48] Subordinationism appealed to Middle and neo-Platonic philosophers, because it maintained the Platonic order of divine principles. Athanasius' *homoousios* therefore represents a dehellenization or 'de-Platonization'; in denying subordinationism it abandons Platonism.

Yet for von Harnack *homoousios* itself represents a deplorable deployment of Greek metaphysics. Markschies points out that von Harnack's view was later taken up with enthusiasm by some Catholic theologians.[49] In criticizing von Harnack's dehellenization agenda, according to Markschies, Ratzinger has fallen into von Harnack's trap of deploying a 'historically highly problematical dualism' and this has resulted in 'a metaphysical glorification of the concept of Hellenization.'[50]

3.1.7   Von Hildebrand's response to Markschies

Guerra makes a useful distinction between 'good' and 'bad' dehellenization.[51] Ratzinger's principal target is von Harnack and his analysis is surely sound; the von Harnack project was to bring Christianity into harmony with modern reason. Dehellenization is 'bad' if it is based on the premise that the scriptures represent pure and simple Christian faith which we can only recover by jettisoning the alien accretion of philosophical thought. The premise is false; Hellenization was already present in the Wisdom literature, Septuagint and New Testament. 'Good dehellenization' is the process whereby Greek thought is purified of the untruth of mythology and arrives at the truth of pure being. This then supports the revealed faith in the personal God, who is identified with this pure being.

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[48] Markschies, *Does it make sense to speak about a Hellenization of Christianity in Antiquity?* p.22.
[49] Markschies (p.22.) cites Hübner. Ratzinger concedes this point, when he says 'When I was a student, and in the early years of my teaching, this programme was highly influential in Catholic theology too.' (*Regensburg Lecture*, para.37).
[50] Markschies, *Does it make sense to speak about a Hellenization of Christianity in Antiquity?* p.32.
[51] Marc D. Guerra, 'Good and Bad De-Hellenization' in Cowan, *Gained Horizons*, pp. 41-48.

If there is a surprising weakness in Ratzinger's presentation it is that he fails to allude to the process of 'de-Platonization', which was required when the patristic period made use of Greek metaphysics to express Christian doctrine. In his defence, Ratzinger reinforces the idea that Greek thought cannot be accepted into Christianity without this process of demythologization with phrases such as 'what is Greek *in the best sense of the word*', 'the best of Greek thought *at a deep level*' and 'the *critically purified* Greek heritage' (emphases added).[52]

Alice Von Hildebrand has spoken of Plato as 'a precursor of Christ.'[53] Von Hildebrand identifies key teachings shared by both Platonism and Christianity, especially the passion for the truth and the identification of the existence of God as the key issue for human inquiry. Striking a Ratzingerian note, Von Hildebrand sees Plato as standing in judgement on some aspects of the modern world. She is critical of modernity's predilection for opinion, as opposed to respect for the truth, which results in the notion of tolerance; this only leads to the notion of the impossibility of certainty and so to indifference. She believes Plato anticipated that when religion was dismissed as 'the cooking up of words and make-believe' (*Laws* 886), humanity would fall back on the dictum of Protagoras, making humanity the measure of all things and creating, as Aristotle did, a secular ethic devoid of any transcendent grounding.[54] Hildebrand's aim is to demonstrate that 'Plato's ethic is noble and is clearly open to Christian ethics.'[55] I note an important point here. Christian Platonists, as with 'radical orthodox' theologians, often enlist Plato's support in their critique of the ills of modernity.

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[52] *The Regensburg Lecture,* paras.17, 22 and 31.
[53] Alice Von Hildebrand, 'Platonism: An Atrium to Christianity', *Logos,* Vol.10, No.2, (2007), pp.29-37. Von Hildebrand is a feminist theologian and philosopher, born in Brussels in 1923, former professor of Philosophy at Hunter College, New York City.
[54] Jaeger (p.66), quoting Laws IV 716c, praises Plato's retort to Protagoras that "God is the Measure of all things."
[55] Von Hildebrand, *'Platonism: An Atrium to Christianity'*, p.37.

3.1.8 Dörrie: Platonism and Christianity as incommensurable

Heinrich Dörrie's view was that Platonism and Christianity could never be compatible because they had radically opposed theologies.[56] 'Christian Platonism' is a contradiction in terms. Platonism was not just a philosophy; it was a faith, with a soteriological dimension. This placed it in direct competition with Christianity, which is why the early Christians opposed Platonism and why Christians must always be anti-Platonists. To support his argument, Dörrie identifies five incommensurable dogmas:

	PLATONISM	CHRISTIANITY
1	Degrees of divinity	Equality of the Trinity
2	Eternal uncreated world	Created world
3	*Logos*, revealed in ancient times	Revelation through Jesus Christ
4	Transmigration of souls	No transmigration of souls
5	Salvation through knowledge	Salvation through faith

As an alternative to the von Harnack demand for dehellenization, but in similar 'anti-Greek' vein, Dörrie wants to assert that Hellenization never took place. All that occurred was a superficial adoption of Platonic vocabulary. It came in useful in the early dogmatic controversies, but was of no lasting significance for Christianity. Christian faith was *not* influenced by Platonic thought.

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[56] Heinrich Dörrie, (1911-1983) Classical philologist who taught at Münster from 1961 – 1980. Author of *Der Platonismus in der Antike*, (Stuttgart - Bad Cannstatt: Frommann-Holzbog, 1987) published posthumously.

3.1.9 De Vogel: Plato and Christianity on common ground

Cornelia Johanna De Vogel is ranked as 'one of the foremost historians of ancient philosophy in the twentieth century.'[57] Discussing the relationship between Platonism and Christianity, De Vogel accepts the accuracy of Dörrie's incompatibilities and concedes that Platonic doctrines had to be de-Platonised before they could become a part of the Christian faith.[58] After a detailed survey of the patristic period, De Vogel concludes that Christians of the early centuries felt a real affinity with Platonic metaphysics and 'did not take an attitude of hostility towards Greek philosophy.' On the contrary, it was something in which they were 'positively interested', which penetrated 'the depths of their inner life', but to which they adopted an attitude of 'critical reserve'.[59]

> On that reality this world depended, in its beauty and its order, in its origin and its existence. "God is good," He is the cause of all things and He holds the world together by His Providence.[60]

Nevertheless, it is an inescapable fact that 'God eternal Light, God eternal and perfect Being, Cause of all things existing, God eternal Wisdom and Goodness, could be thought of in terms of Platonic metaphysics.'[61] De Vogel believes that the Christian use of Greek thought and language goes deeper and further than being 'a mere outward thing', a sort of strategy used to win people over:

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[57] Cornelia Johanna De Vogel (1905 – 1986) Dutch philosopher and theologian, author of a three-volume series *Greek Philosophy*, (3rd edn. Leiden: E.J. Brill, 1963 and Columbia: University of Carolina Press, 2002), regarded as the standard critical study of Plato, Aristotle, Middle Platonism, Neoplatonism and Patristic philosophy. The quotation is taken from M.E. Waite, (ed.) *A History of Women Philosophers: Volume IV: 1900 to today*, (Dordrecht, The Netherlands: Kluwer Academic Publishing, 1994) p.xxxiv.

[58] C.J. De Vogel, 'Platonism and Christianity: a mere antagonism or a profound common ground?', *Vigiliae Christianae* 39 (1985), Leiden: E.J. Brill pp.1-62.

[59] *Ibid.*, p.27.

[60] *Ibid.*, p.28.

[61] *Ibid.*, p.29.

Plato's metaphysics of transcendent and perfect being on which all things visible depend has actually become an essential and even a fundamental part of Christian thinking from the second century onward.[62]

Ratzinger would agree. He calls it 'a profound encounter' or *Begegnung* and an 'inner rapprochement' or *Zugehen* ('reach').[63] Jaeger uses Clement's word *synkrasis*, which he translates as 'mutual penetration' or 'blend'.[64] After a thorough examination of the archaeological evidence, Meyers concludes that Hellenization should not be seen as a challenge or a clash, but as 'the meeting of two traditions that would one day enhance each other.'[65] De Vogel's riposte to Dörrie is to list five beliefs shared by Platonism and Christianity as 'a profound common ground', five principles which in my view permeate Ratzingerian thought:

i)   The visible is not the primary reality

ii)   The visible points to perfect, absolute, primary reality

iii)   This invisible reality is of higher significance than visible reality

iv)   This fundamental fact must rule our life and conduct

v)   The human soul and therefore the human person is of infinite value

De Vogel believes that 'there has been no greater philosopher than Plato. He alone attained to the greatest height that can be reached by human reason, and he alone of philosophers can truly be called a precursor of Christianity,' a philosopher who truly earned the title theologian, 'by lifting the mind to the Invisible and systematically reflecting on its structure.'[66] Thus there

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[62] De Vogel, *Platonism and Christianity*, p.36.
[63] *The Regensburg Lecture*, paras.24 and 29.
[64] Jaeger, *Early Christianity and Greek Paideia*, p.20.
[65] Eric. M. Meyers, 'The Challenge of Hellenism for early Judaism and Christianity', *The Biblical Archaeologist*, Vol.55, No.2, (June 1992), p.91.
[66] De Vogel, *Platonism and Christianity*, p.49.

is a legitimate and living tradition called Christian Platonism, a tradition which could be described as 'Christianity fed by Platonism in its innermost life.'[67]

3.1.10   Taylor on Christianity and Platonism

More recently, the relationship between Christianity and Platonism has been discussed by Charles Taylor.[68] Ratzinger always maintains that Greek thought must be 'critically purified' before it can be accepted into Christianity.[69] Taylor helpfully narrates six such purifications.[70]

These can be tabulated thus:

	PLATONISM	CHRISTIANITY
1.	Body-soul dualism	The whole person as body-soul unity
2.	Time beyond history	Dynamic history with an eschatology
3.	Eventual loss of individuality	Personal salvation and resurrection
4.	Contingency as a negative	Contingency loved and used by God
5.	Emotions as inferior	Emotions as *agapē*, passion for the divine
6.	Divinity as impersonal	Divinity as personal Trinitarian *koinōnia*.

These are transformations rather than incompatibilities. Taylor admires the Cambridge Platonists because 'their account of reason had a place for an intuition of the divine'.[71] He also sums up how Plato's *logos* philosophy represents an ontological, epistemological and ethical unity:

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[67] De Vogel, *Platonism and Christianity,* p.47.
[68] Charles Taylor, *A Secular Age*, (Cambridge, MA: The Belknapp Press of Harvard University Press, 2007).
[69] *Regensburg Lecture*, para.31.
[70] Taylor, *A Secular Age*, pp.275-280.
[71] *Ibid.,* p.226.

An order conceived in this way can be called a "meaningful" order; one involving an "ontic *logos*". It sets the paradigm purposes for the beings within it. As humans we are to conform to our Idea, and this in turn must play its part in the whole, which among other things involves our being "rational", i.e., capable of seeing the self-manifesting order.[72]

3.2: READING PLATO WITH RATZINGER

3.2.1 Defining Plato

Regensburg calls for a re-engagement with 'Greek thought', 'Greek philosophical inquiry', the 'Greek heritage' and 'what is Greek in the best sense of the word.'[73] This 'heart of Greek thought' is clearly associated with Socrates and Plato.[74] Yet it is almost impossible to understand what Ratzinger, (or anyone else?) means by 'Plato'. Sallis, for example warns that there is no such thing as 'the philosophy of Plato' and that 'Plato never says anything.'[75] Differences and developments in thought take place within Plato, from the early 'Socratic' dialogues, such as the *Apology*, the 'middle' dialogues, such as the *Phaedo*, and the 'late' dialogues, such as the *Timaeus*. Philosophical convention also distinguishes between 'Middle Platonism', closer to Plato and associated principally with Plutarch (c45CE – 120CE) and 'Neoplatonism', acquiring a more mystical character and associated principally with Plotinus (c204CE – 270CE).[76] Ratzinger says that the works of Plato 'are as topical today as when they were written.'[77] Yet the Ratzinger corpus provides no extended or detailed engagement with

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[72] Taylor, *A Secular Age*, p.284.
[73] *The Regensburg Lecture*, paras.22, 29 and 31.
[74] *Ibid.,* paras.24, 61 and 59.
[75] J. Sallis, *Being and Logos – Reading the Platonic Dialogues* (Bloomington: Indiana University Press, 1996), p.1.
[76] It is Neoplatonism, rather than the classical Plato, that goes on to influence Augustine and then Bonaventure, two of Ratzinger's principle interlocutors.
[77] J. Ratzinger, *Faith and the Future*, (San Francisco: Ignatius Press, 2009) p.82.

the Platonic writings and seems to make little use of that pillar of Platonic thought, the Theory of Forms. The Theory of Forms, could be summed up in this way:

> We cannot understand anything in the visible world until we see it in relation to the stable patterns which exist in the intelligible realm. The world of everyday life is an image in time of the intelligible order which exists in eternity; a flowing, changing image.[78]

Ratzinger does sound thoroughly Platonic when he speaks of 'what cannot be seen' as 'more real than what can be seen,' 'the invisible as the true ground of all things' and 'the pre-existing, world-supporting reality of creative meaning.'[79]

Richard Mohr says that the *Timaeus* is the Platonic dialogue in which all the elements of Plato are seen 'related to each other all within a single frame, and where all the major branches of speculative thought in Plato – epistemology, metaphysics, theology, physics and to an extent logic and ethics – are seen.'[80] I will use *Timaeus* 36D-37C as an illustration of Ratzinger's epistemological and ethical contrast between opinions and truth.[81] Plato is discussing the world-soul:

> Her verdict is true both concerning material and immaterial existence; for when...she deals with sensible, she forms opinions (*doxai*) and beliefs (*pisteis*); but when...she apprehends intelligible being (*to logistikon*), the knowledge (*epistēmē*) and reason (*nous*) which soul alone possesses, are made perfect in her (*apoteleitai* – 'achieve their *telos*').[82]

I summarize Greek thought by using Ratzinger's threefold definition of the content of good Hellenization:

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[78] David Melling, *Understanding Plato* (Oxford: Oxford University Press, 1989) p.150.
[79] *Introduction to Christianity*, p.74 and p.158.
[80] Richard D. Mohr, *The Platonic Cosmology* (Leiden: E.J. Brill, 1985) p.1.
[81] *The Regensburg Lecture*, paras.61 and 15.
[82] R.D. Archer-Hind, *The Timaeus of Plato: Edited with an Introduction and Notes,* (London: Macmillan, 1888), pp.114-115.

i)   'talk about being...the truth of existence' [83]

ii)   'the mathematical structure of matter' [84]

iii)   'to act reasonably' [85]

I then propose that *logos* represents what I will dub 'the three rationalities', creator, creation and creature. The human mind is created by the same creator who creates the natural world and it is therefore capable of apprehending in thought and understanding the creator who is the true being underlying the natural world. I link these three rationalities to the three philosophical areas of ontology, epistemology and ethics. 'Greek philosophical inquiry' then has a content, the three rationalities, but is of course also a *process* or methodology.[86]

I could agree with Guerra, that for Ratzinger 'the question of faith and Greek philosophy is a secondary question' but I would prefer to say 'a foundational question'.[87] Greek thought is more than merely a device Ratzinger uses to attack modernity's restriction of reason. At Regensburg Ratzinger moves discernibly through the three Platonic modes, from the ontological, 'the question of God', to the epistemological, 'empiricism', to the ethical, 'not to act reasonably, not to act with *logos*, is contrary to the nature of God', and all is couched within the Platonic process of dialogue, 'the dialogue of cultures'.[88]

I will therefore now proceed to examine the *logos* in these four modes, both in Ratzinger's thought and in other Christian writers where Platonic thought has been Christianized. I will suggest some influences on Ratzinger and will clarify the purposes that the *logos* fulfils for him,

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[83] *The Regensburg Lecture*, para.61.
[84] *Ibid.,* para.41.
[85] *Ibid.,* para.63.
[86] *Ibid.,* para.61.
[87] Marc D. Guerra, 'Good and Bad De-Hellenization', in Cowan, *Gained Horizons,* p.45.
[88] *The Regensburg Lecture*, paras.7, 40 and 63.

observing how Plato provides support for the Ratzinger critique of modernity, but also drawing key conclusions for the health and integrity of the Christian tradition.

3.2.2 Ontology: *logos* and the rationality of being

In this mode Ratzinger uses Plato to restore the primacy of the metaphysical and to critique modernity's rejection of the transcendent. Greek thought offers a 'glimpse of the eternal, which is the real,' because it seeks the concept of the Highest Being, 'what the Highest Being is like in itself.'[89] This 'absolute Being' is 'the first stage of ontological thinking.'[90] Ratzinger proposes 'the Greeks' ontology - its question concerning is' and 'the Greek expectation and its question concerning truth'.[91] Being is 'the highest culminating concept', 'pure thought', 'pure eternity and unchangeability,' 'the *esse subsistens*', 'the absolute Being, that is discovered in the lonely silence of philosophical speculation.'[92] The Greek enlightenment can be summed up in this way: 'Greek philosophy regarded it as its decisive discovery, that it had discovered, behind all the many individual things with which man has to deal daily, the comprehensive idea of Being, which it had also considered the most appropriate expression of the divine.'[93]

Ratzinger specifically references Guardini and I propose that Guardini's *Death of Socrates* provides an interpretative key to Regensburg. Rowland places both Guardini and Ratzinger in the tradition of Augustine, Newman and Przywara.[94] Guardini associates Greek thought with the posing of the ontological question 'what is the nature of things.'[95] This is

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[89] *Introduction to Christianity* p.160.
[90] *Ibid.*, p.134.
[91] *Truth and Tolerance,* p.105 and p.224.
[92] *Introduction to Christianity,* p.130.
[93] *Truth and Tolerance,* p.224.
[94] Rowland, *Ratzinger's Faith,* p.24. Erich Przywara (1889-1972) was a Jesuit theologian who taught at Munich in the 1920s and 1930s. He studied phenomenologists Husserl and Scheler against the background of Augustine and Newman.
[95] Guardini, *Death of Socrates*, p.12.

answered by 'that which is essential truth, existing above phenomena; it is likewise the true and imperishable reality.'[96] De Vogel provides a summary of Greek ontology:

> For Platonists, indeed, things invisible were far more important than things visible. They alone were the "true reality", and therefore of a far greater interest than things here. This world was regarded as essentially depending on that other Reality which was the only one to be named "Being" in the full and perfect sense.[97]

This Platonic ontology, once Christianized, has been fruitful for theology. De Vogel sums up Christianity as 'the strict transcendency of God to all things created, and at the same time His unsurpassable nearness to man.' She contends that we have drawn on Platonic metaphysics to express this truth. 'Do we have any better or equivalent thinking forms? No, we don't.'[98] She notes how Clement of Alexandria's thoughts 'on the rationality of simple faith' were taken up by John Henry Newman in his Grammar of Assent. Mark McIntosh has illustrated the Platonic strain in Newman's thought, making use of passages from the *Apologia* in which Newman exhibits Platonic ontology.[99] From his boyhood Newman believed in 'the unreality of material phenomena.' He could almost be alluding to Plato's Theory of Forms when he speaks in *Apologia* 29 of 'the doctrine that material phenomena are both the types and the instruments of real things unseen.' It is the concept of sacramentality that raises this doctrine from mere Platonism to Christian Platonism.

From the ontological theme I conclude that to maintain its health the Christian tradition must always uphold a broadened rationality, what McIntosh calls the 'metaphysical vision of

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[96] Guardini, *Death of Socrates*, p.103.
[97] De Vogel, *Platonism and Christianity,* p.28.
[98] *Ibid.*, p.34.
[99] Mark McIntosh, 'Newman and Christian Platonism in Britain', *The Journal of Religion*, Vol.91, No.3, (2011) pp.344-364.

the cosmos, unfolded over centuries,' which 'understood finite creaturely "being" as existing in analogy to Being itself as the source of existence.'[100]

3.2.3 Epistemology: *logos* and the rationality of the universe

In this mode Ratzinger is using Plato to remind modernity that its positivist epistemology relies on the presupposition of the 'mathematical structure of matter', which is 'the Platonic element in the modern understanding of nature', but also to critique modernity's 'reduction of the radius of science and reason'.[101] For Ratzinger, Being is 'the eternal mathematics of the universe', and 'the real truth and ground of all Being'.[102] The central problem is the link between the transcendent and material worlds. Ratzinger tells Seewald 'To a certain extent I am a Platonist. I think that a kind of memory, of recollection of God is, as it were, etched in man, though it needs to be awakened.'[103] The doctrine of analogy explains how this awakening is possible: 'between his eternal Creator Spirit and our created reason there exists a real analogy...'.[104]

I suggest Ratzinger's thinking here has affinities with that of Przywara.[105] He may also be paying homage to his teacher Söhngen, a thoughtful proponent of the analogy of being.[106]

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[100] McIntosh, *Newman and Christian Platonism in Britain,* p.356.

[101] *The Regensburg Lecture*, para.41 and para.46.

[102] *Introduction to Christianity,* p.143.

[103] Ratzinger, *Salt of the Earth,* p.41.

[104] *The Regensburg Lecture*, para.27. Ratzinger references the Fourth Lateran Council (1215) which stated (cap 2) '*Inter Creatorem et creaturam non potest tanta similitudo notari, quin inter eos major sit dissimilitudo notanda.*' 'between the Creator and the creature, however great the similarity, even greater is the dissimilarity to be noted.'

[105] Przywara's 1932 *Analogia Entis* used the Platonic concept of analogy, later developed by Aquinas, to explicate the link between being and non-being. Erich Przywara (1889-1972) was a Munich-based Jesuit and editor of *Stimmen der Zeit*, a Jesuit monthly published by Herder since 1865. Rowland explains that Przywara developed an interest in Newman in the 1920s and encouraged Edith Stein to translate Newman's pre-conversion letters and *The Idea of a University* into German. Rowland sees Przywara's theorizing on the relationship between religion and culture as a further influence on Ratzinger. See Rowland, *Benedict XVI: A Guide for the Perplexed*, p.11 and p.25.

[106] Gottlieb Söhngen (1892-1971) was Ratzinger's teacher in fundamental theology at the seminary in Freising from 1946 to 1951 and supervisor of both his doctoral and habilitation theses. Rowland identifies Söhngen's influences on Ratzinger as Newman, truth, being and the relationship between theology and philosophy. In *Milestones* (pp.55-56), Ratzinger describes Söhngen as one of the persons who had the greatest influence over him. Söhngen's specialities included 'the place of the Platonic and the philosophical in Christianity', the great theme of the Regensburg Lecture. Ratzinger explains that Söhngen traced a theological route for him through

This theory holds that there is an analogical relationship between "being what it is" (*So-sein* or essence) and "being there at-all" (*Da-sein* or existence).[107] McIntosh points out that this epistemology has an eschatological or mystagogical dimension: this is what the world is for, 'God is intimately...present and at work' in his universe and is using it to lead us back to its source and our source in Him.'[108]

McIntosh describes Newman's vision of 'an intelligible cosmos whose visible being is sacramental, whose every creature is an event of intelligent communication.' Newman locates us in 'a speaking universe' and 'existence is resonant with divine meaning because it is 'a continual divine self-communication.'[109] He notes the Platonic influence on Newman of Augustine and Bonaventure, the subjects of Ratzinger's two doctoral dissertations. Chenu, another influence, emphasised the Augustinian Platonic heritage of 'the distinction between the intelligible and the sense-perceptible worlds into which the universe was divided.'[110] McIntosh also cites Bonaventure's expression of the Christian Platonist tradition: 'It is certain that as long as man stood up...he had the knowledge of created things and through their significance, was carried up to God, to praise, worship and love Him. This is what creatures are for, and this is how they are led back to God.'[111] The empiricist epistemology is a flawed, restricted rationality. 'Every event of human knowing is once more recognizable as an encounter with God.'[112]

Plato, Aristotle, Clement, Augustine, Anselm, Bonaventure and Thomas, all guided by the principle of truth and the attempt to find a balance between Protestant extrinsicist and Catholic intrinsicist anthropologies.

[107] Przywara greatly influenced Ratzinger's close friend and collaborator Von Balthasar.

[108] McIntosh, *Newman and Christian Platonism in Britain,* p.359.

[109] *Ibid.*, pp.350-1.

[110] *Ibid.*, p.345. The quotation is from M.D. Chenu, 'The Platonisms of the Twelfth Century', in *Nature, Man, and Society in the Twelfth Century*, ed., trans. Jerome Taylor and Lester K. Little (Chicago: University of Chicago Press, 1968), chap.2, pp.62-63.

[111] McIntosh, *Newman and Christian Platonism in Britain,* p.359. The quotation is from *Collations on the Six Days, vol. 5*, *The Works of Bonaventure*, trans. José de Vinck, (Paterson, NJ: St. Anthony Guild Press, 1969), collation 12, par.12.

[112] McIntosh, *Newman and Christian Platonism in Britain,* p.357.

A key feature of those scholars who style themselves as 'radical orthodox' theologians is a commitment to Platonic 'participation.' Milbank states that 'The central framework of radical orthodoxy is "participation" as developed by Plato and reworked by Christianity.'[113] They recommend their theology as a combination of 'participatory philosophy and incarnational theology,'[114] which we could see almost as a definition of Christian Platonism. We could say that the radical orthodox concept of "participation" is a reworking of the doctrine of analogy, another attempt to make the link between the transcendent and the time-bound material.

The work of 'radical orthodox' theologian Catherine Pickstock on Plato's *Cratylus*[115] is relevant to my enquiry because she uses the concept of the *logos* to argue for what we could call a correspondence theory of language.[116] Pickstock shares Ratzinger's desire for a broadened rationality. A Christian Platonist Theory of Forms will understand language, or *logos*, as in its essence religious, a divinely inspired 'self-disclosure' of the transcendent, i.e. participation. Ratzinger's mentor Guardini would probably agree with Pickstock; Socratic/Platonic thought is not 'mere abstraction', or 'mystical unsubstantiality.' It is imbued with 'the Greek feeling for the body', 'the vivacity of man's being.'[117]

From the epistemological theme I conclude that Christianity must always be engaged in a battle against the Hobbesian vision in which 'the universe is a body' and 'the universe is

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[113] See John Milbank, Catherine Pickstock and Graham Ward (eds.) *Radical Orthodoxy*, (London and New York: Routledge, 1999), p.3.

[114] *Ibid.*, p.4.

[115] Catherine Pickstock, 'The Late Arrival of Language: Word, Nature and the Divine in Plato's *Cratylus*', *Modern Theology*, Vol.27, No.2, (April 2011) pp.239 – 262.

[116] This is no doubt related to the radical orthodox campaign to reinstate a Thomist correspondence theory of truth. See John Milbank and Catherine Pickstock, *Truth in Aquinas*, (London: Routledge, 2001).

[117] Guardini, *The Death of Socrates,* p.131.

all.'[118] The Christian tradition must insist that positivism represents a restriction of rationality, limiting the capacity of the human person to apprehension of the sensible world.

3.2.4 Ethics: *logos* and the rationality of the divine

In this mode Ratzinger is using Plato to restore the idea that each person is capable of access to moral truth and so to critique the tendency of those of religious faith to sever the link between what is right and what is reasonable. 'Not to act "with *logos*" is contrary to God's nature'.[119] This phrase, repeated from para.13, expresses the ethical heart of the Regensburg Lecture. Ratzinger rehearses the debate from the *Euthyphro* on the relationship between morality and religion. Is an action right because God wills it, or does God will it because it is right? Theological voluntarism may preserve God's transcendence, but it forfeits the congruence between human and divine rationality. If moral action amounts to no more than doing God's will, then the human person is open to performing irrational acts, purely because of the conviction that these acts are God's will.

Guardini is impressed by Socrates' '*daimonion*', 'a certain sign from God' which provides him with an unerring guide to ethical behaviours in the form of a deeply intuitive conscience, 'a kind of voice, which, whenever I hear it, always turns me back from something which I was going to do.'[120] Socrates is accused of atheism, but is able to insist that 'I do believe in the Gods' and 'God has commanded me...to spend my life searching for wisdom.'[121] This Greek religious spirit is profoundly moral. Guardini interprets Socrates' message as 'Man must understand his life's truest task is a manifestation of the divine will.'[122] Guardini notes that the

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[118] McIntosh, *Newman and Christian Platonism in Britain,* p352. The quotation is from Thomas Hobbes, *Leviathan*, ed. C.B MacPherson (London: Penguin, 1985), pt. 4, chap 46, p.689.
[119] *The Regensburg Lecture*, para.24.
[120] Guardini, *The Death of Socrates,* p.49.
[121] *Ibid.*, p.43.
[122] *Ibid.*, p.55.

performance of God's will is not defined merely by passivity, or even receptivity, but by 'watchfulness for the numinous command.'[123]

From the ethical theme I conclude that a healthy Christianity must always seek to maintain a dynamic link between religion, reason and morality.

3.2.5 Dialogue: *logos* and the rationality of dialectic

Ratzinger uses Plato's concept of dialogue to critique modernity's view of dialogue as mere political negotiation. Pickstock believes that Plato offers us *logos* as *dialogos*, dialectic. This means that the Socratic method adopts a 'many-layered and digressive approach.' It is a vehicle for ambivalence and ambiguity, 'self-consciously incomplete' and 'enigmatic', imbued with a strategy or dialectical quality she calls 'demur and indirectness.' *Logos*, or the 'art of *logos*,' is no mere intellectual or rational exercise; it is a 'performance,' a 'giving birth' to the transcendent *logos* 'under the prompting of desire.'[124] 'Socrates identifies the piercing ερως with the "force" or "power" of λογος as dialectic.' The transcendent *logos* is made available to us by way of the *logos* of dialogue, or dialectic. There are transcendent *logoi* behind the words we use, a transcendent *logos* behind the discourse or dialectic we use to understand the world. Language is 'the constant work of synthesis between reason and emotion.'[125] Christianity should seek to recover the 'Platonic link between reason, emotion, language and the divine.'[126]

De Vogel points out how misleading it would be to think of Platonism as a defined, closed system. Platonic philosophy is always *logos* in the sense that it is 'always a matter of discussion.'[127] Pickstock believes that the exercise of true reason, the *logos*, is a far 'warmer'

[123] Guardini, *The Death of Socrates,* p.55.
[124] Pickstock, *The Late Arrival of Language,* p.243.
[125] *Ibid.*, p.255.
[126] *Ibid.*, p.243.
[127] De Vogel, *Platonism and Christianity,* p.27.

exercise, which engages both emotions and senses, because ultimately it has as its *telos* the beautiful and the good, for which reason, the *logos*, has an insatiable, innate desire. So philosophy, far from being the desiccated, analytic exercise of Western convention, is 'a kind of terrible and physical anguish, which yearns to see again and again intimations of the highest reality, within material and beloved reality.'[128] So language, *logos*, operates at a point of interchange between the transcendent and the material worlds. *Logos*, or reason, is not mere rationality or intellect, but is imbued with desire: 'And insofar as he sees *logos* or thought-language as corresponding to things, this is a matter of corresponding through desire to the disclosed excellence of things in the light of the form of the Good.'[129] In my reading of Ratzinger, Pickstock's insights are highly relevant, since I consider it a key feature of Ratzinger's theological process that it is shot through with feeling and restrained passion.

In Guardini, as in Plato, *logos* refers to the process of rational discourse. In the *Phaedo* Socrates faces the powerful objections of Simmias and Cebes. Guardini comments that 'we have experienced the collapse of the *logos*, which we took to be reliable.'[130] In a footnote Guardini points out that 'The word *logoi* means spoken words, but also the problem stated in them, and the logical process by which it is discussed.' *Logoi* are the words and arguments of philosophy, but *logos* denotes a true dialectic, which goes far beyond the attitude of those who are only anxious 'to persuade their audience that they are right.'[131] True *logos* is man's experience of 'the meaning of his own existence and of existence in general.' In the *Phaedo*, Socrates says that 'to hate reasoning is the greatest evil that can happen to us.' Thus Socrates

[128] Pickstock, *The Late Arrival of Language,* p.239.
[129] *Ibid.*, p.248.
[130] Guardini, *The Death of Socrates,* p.139.
[131] *Ibid.*, p.140.

equates misology, the hatred or distrust of sincere, rational, philosophical dialectic, with misanthropy, the hatred or mistrust of mankind himself.

From the theme of dialogue, I conclude that to be true to its nature the Christian tradition must engage in philosophical intercourse as a deeply religious exercise.

3.2.6 *Logos* as *aletheia*: dialogue in search of truth

The search for truth, as Tilley has suggested, is an appropriate title for the entire Ratzinger project.[132] It was Guardini who set the compass for this trajectory, summed up by Socrates' statement in the *Euthyphro*: 'I like nothing but what is true.'[133] At his trial in the *Apology*, Socrates' accusers will be 'sentenced by truth.'[134] Guardini defines 'the Socratic-Platonic mind' as 'the search after the essential.'[135] 'The Platonic man wants to know.'[136]

The climax of Regensburg is the moment when the personality of Socrates intrudes, to defend the process of philosophy when it is conducted in the spirit of a search for the transcendent truth, an ontological orientation:

> It would be easily understandable if someone became so annoyed at all these false notions that for the rest of his life he despised and mocked all talk about being – but in this way he would be deprived of the truth of existence and would suffer a great loss.[137]

The passage, from the *Phaedo* (88c), is the one alluded to earlier in which Socrates reacts to the apparent collapse of his arguments. This plunges the company into scepticism (*apistia*), which causes Socrates to warn against misology (*misologia*) and equate it with misanthropy (*misanthropia*). To lose our commitment to the *logos* would be to lose our humanity. Guardini

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[132] Robert Tilley, *Benedict XVI and the Search for Truth* (Leominster: Gracewing 2008).
[133] Guardini, *The Death of Socrates,* p.23.
[134] *Ibid.,* p.62.
[135] *Ibid.*, p.165.
[136] *Ibid.*, p.166.
[137] *The Regensburg Lecture*, para.61.

lauds 'the brilliant advance which Socrates makes in the cause of thought in the next paragraphs.'[138] To engage with *antilogikoi logoi*, antithetical or contradictory arguments is fine; Socrates does this all the time. But *antilogikoi logoi* in the sense of indulgence in extreme combative contradiction for its own sake leads to 'the unique discernment that nothing sound[139] and nothing solid[140] is to be found in any object or any argument (*logos*).' With an allusion to Heraclitus' "all is flux" (*panta rhei*), Socrates expresses dismay at the relativistic scepticism which will result if the philosophic enterprise, the *technē* of *logos*, is abandoned:

> Everything in existence, according to them, is fluctuating this way and that, just like the tide in the Euripus: nothing abides for a moment in one stay.[141]

Burger says this shows us 'the difficulty of maintaining love of men and love of *logos*.'[142] The point Burger is making is that we tend to use *logos* for argumentation and dispute for its own sake, when we should prefer *logos* as constructive debate and discussion in a search for the truth about the human person. We can do this if we avoid 'abandoning trust in the soundness of *logos* itself' and the 'misological projection of our own deficiency onto the *logos* itself.'[143] Gallop reminds us that the Theory of Forms is 'the assumption that truth is discoverable through philosophical arguments.'[144] There is a deep connection between the *logos* of philosophical argument and the *logos* of the realities which philosophical argument tries to discern.

> Here the inadequacy of the translations 'true' (*alēthēs*) and 'argument' (*logos*) becomes apparent. 'Truth' (*alētheia*) not only belongs to arguments (*logoi*), but also characterizes or designates 'the things that are'. It is a property not only of arguments, but of what

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[138] Guardini, *The Death of Socrates,* p.189.
[139] '*hygies*' – sound, healthy (Liddell and Scott, abridged version, 1953).
[140] '*bebaios*' – firm, steady, steadfast, trusty, sure, safe; a favourite word in Plato, which we might relate to Guardini's stress on 'validity'.
[141] R. Hackforth, *Plato's Phaedo*: *Translation with an Introduction and Commentary* (Cambridge: Cambridge University Press, 1955), p.108. (*Phaedo* 90c).
[142] Ronna Burger, *The Phaedo: A Platonic Labyrinth*, (South Bend, IN: St. Augustine's Press, 1999) p.115.
[143] *Ibid.*, p.117.
[144] David Gallop, *Plato Phaedo translated with notes* (Oxford: The Clarendon Press, 1975) p.154.

they express. And 'arguments' (*logoi*) are not mere pieces of reasoning, to be assessed for their internal logic, but are characterizations of a "reality" external to themselves. These nuances defy translation.[145]

Accordingly, in terms of the theme of truth, I can sum up the Ratzinger project, Regensburg, Plato, the *logos*, the contribution of Greek thought to Christianity, by that one phrase from the Phaedo - 'the truth of existence.'[146] Jaeger brings the themes of ontology, epistemology and ethics together in this quotation:

> But had not Plato, in his last great work, the Laws, taught that the *Logos* is the golden link through which the Lawgiver and Teacher and his work are connected with the divine Nous? Had he not placed man in a universe that in its perfect order and harmony was an eternal model for the life of man?[147]

3.3 CRITIQUING RATZINGER

3.3.1 Defining Greek thought

A number of weaknesses in Ratzinger's predilection for Plato suggest themselves. Although it must be accepted that he has 'painted with broad strokes' (para.54), there is still a lack of clarity in his definition of Greek thought, so that we are not sure exactly what is being recommended. I have attempted to construct an understanding of Greek thought from the Ratzinger literature. Even there, I find no clear exposition of Platonic doctrine. I do agree, for example, with Guerra, that it is confusing to equate Platonism with Cartesianism and to associate both with positivism.

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[145] Gallop, *Plato Phaedo,* p.154.

[146] The Greek reads '*tōn de ontōn tēs alētheias te kai epistēmēs sterēthē*, literally 'would be deprived both of the truth of being, and of the knowledge of being,' which Ratzinger turns into '*Der Wahrheit des Seienden verlustig gehen*', thus omitting the word 'knowledge.' Hackforth (p.108) translates 'be debarred from knowing the truth about reality.' There is in fact an ambiguity in the three genitives and the position of *kai*, to which Burger draws our attention. Is it 'the truth of the knowledge of being' or 'the truth and knowledge of being' or 'the truth of being and of knowledge.' Burger draws a subtle conclusion that for Socrates, 'avoidance of misology depends precisely on abandoning the desire for knowledge of the beings themselves, in order to preserve trust in the possibility of discovering "the truth of the beings" through *logoi*.' (Burger, p.118)

[147] Jaeger, *Early Christianity and Greek Paideia,* p.35. The reference is to Laws I.645 a-c.

However, I understand why; all three presuppose the mathematical structure of matter. Yet rationalism is the opposite of empiricism. [148]

Twomey, however, does ask us to remember 'the fragmentary nature of all he has written.'[149] Avoiding the Rahnerian temptation to build a complete theological system, Ratzinger prefers to make 'contributions to an ongoing debate,'[150] a genuinely Socratic methodology. Yet I still see surprising lacunae in Ratzinger's Plato, not only the neglect of the Theory of Forms, but the lack of emphasis on the role of personal moral integrity, so central to Guardini's understanding of Socrates. Ratzinger might reply that it is exactly for this purpose that Socrates enters Regensburg in para.61, where the three rationalities and the *technē* of philosophy come together in a historical person.

Ambiguities and lacunae in the presentation of Plato may undermine Ratzinger's dehellenization narrative. I am not sure how seriously Ratzinger expects the Church to take Greek thought today, whether to use its content instrumentally, for the clarification of Christian doctrine, or to study it for its own sake. Perhaps Greek thought is extolled merely for posing the right questions, rather than providing the right answers. I am not sure whether it is 'philosophy' as a discipline which is to be restored to Christian theology, or Socratic dialectic as a pedagogy and way of meeting. Nichols attributes to Ratzinger the view that the Church has much to do in order to 'correct and purify' Plato's intention. I would add, still in faithfulness to Ratzinger, that in our ongoing dialogue with the *logos* tradition, Plato has much to offer to correct and purify both the Church and secular modernity. If Twomey is right, then the prime methodology of Ratzingerian theology is 'attention to the whole history of human questioning'

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[148] Marc D. Guerra, 'Good and Bad De-Hellenization', in Cowan, *Gained Horizons,* p.43. Guerra demands a distinction between pre-modern and modern science; Descartes gives a non-teleological account of matter, Plato a teleological.

[149] Twomey, *Pope Benedict XVI: The Conscience of Our Age – a theological portrait*, p.41.

[150] *Ibid.*, p.41.

and to 'the great thinkers of mankind.'[151] This means that for Ratzinger, theology 'takes up the fundamental questions of Greek philosophy.'[152]

3.3.2   The question of historicity

Corkery narrates the bitter dispute between Ratzinger and Kasper which had the issue of Platonism at its heart.[153] The difference was essentially between a modern/postmodern approach that finds truth in the historical, the contingent and the particular, and a traditional approach that finds truth in a radical inward turn to the universal and the invisible. It may be that Ratzinger struggles to define his Platonism, while Kasper struggles to define what he will learn from the empirical. Historical thinking is central to Ratzinger from his Augustine/Bonaventure studies onwards.[154] However, in my view Ratzinger is rightly unwilling to yield on the principle of *logos* before *ethos* that he learned from Guardini. His 'theological seismograph' alerts him to the contemporary fashion for *praxis*, the prospect of an uncritical accommodation to modernity and a false utopianism.[155]

Occupying the same space as Kasper, Rausch describes the 'ahistorical' aspect of Ratzinger's thought, which he ascribes to 'a Platonic cast to his thought', as 'a remaining concern' which hampers theological development.

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[151] Twomey, *Pope Benedict XVI: The Conscience of Our Age,* p.39.
[152] *Ibid.*, p.109.
[153] James Corkery S.J., *Joseph Ratzinger's Theological Ideas: Wise Cautions and Legitimate Hopes*, (Dublin: Dominican Publications, 2009), pp.69-74. The dispute took place in the late 1960s and was consequent upon Kasper's review of *Introduction to Christianity*. Corkery's personal conclusion is that 'a qualified Platonism is evident in his work.' See *Joseph Ratzinger's Theological Ideas,* p.157, n.26.
[154] For an attempt to tease out a fully developed theory of history in the work of Benedict, see Brennan C. Pursell, 'The Historical Theory of Benedict XVI', *Logos: A Journal of Catholic Thought and Culture*, Vol.11, No.3, (Summer 2008), pp.49-67. Pursell argues that Ratzinger's bid to rescue biblical exegesis from the restricted rationality of modernity is paralleled by a suggestion that Catholic historians, at least, have the courage to include religious and spiritual explanations into their historical studies. For Ratzinger's critique and repositioning of exegesis with historicity see J. Ratzinger with Vittorio Messori, trans. Salvator Attanasio and Graham Harrison, *The Ratzinger Report: An Exclusive Interview on the State of the Church*, (San Francisco: Ignatius Press, 1985), p.75.
[155] I have borrowed this phrase from D. Vincent Twomey, 'Pope Benedict XVI: Joseph Ratzinger on Politics', in *Logos,* Vol.18, No.4, (Fall 2015), pp.82-99.

He speaks of the church not as a historical reality, growing through its history, borrowing from the cultures in which it is embedded but more as a Platonic idea existing eternally in the mind of God.[156]

I would counter this opinion with the emphasis on dialogue and on interculturality which underpins Ratzinger's recovery of the Greek *logos*.[157] Nichols helps by reminding us that the tension between the invisible and the visible is as old as Augustine, in whom we see a development from 'a purely metaphysical theology to a more historical understanding of Christianity.'[158] Inevitably, this tension is found in the Augustinian scholar Ratzinger, who recognizes the claims of Platonism as a 'philosophical partner' to Christian revelation and for whom 'turning to the Platonic corpus for assistance will recur in his own evolution.'[159]

3.3.3 Conscience – the key to a Platonic Christian humanist utopia

An overall answer to this collection of questions may be provided by Ratzinger's definition of the Greek project as 'Platonic – Christian – humanist "utopia".'[160] The word 'utopia' bears the speech marks to remind us of Ratzinger's oft-repeated aversion to all forms of utopian thought. He acknowledges two Platos, the 'otherworldly' Plato of the Theory of Forms and Plato the 'politician' who seeks to reconstruct the sick *polis*. Both Platos draw their inspiration from Socrates, 'the death of the just man in conflict with the laws of the State' and herein lies 'a real synthesis' of the transcendent and the immanent.[161] All the themes we have

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[156] Thomas P. Rausch, *Pope Benedict XVI: An Introduction to his Theological Vision*, (New York: Paulist Press, 2009), p150. He contrasts Ratzinger with the theological historicity associated with Bernard Lonergan. See Bernard J.F. Lonergan, 'The Transition from a Classical World View to Historical Mindedness', in William F.J. Ryan and Bernard J. Tyrrell, (eds.) *A Second Collection*, (London: Darton, Longman and Todd, 1974), pp.1-9.
[157] See for example *Truth and Tolerance,* p.68, for an eloquent expression of his views.
[158] Aidan Nichols, *The Thought of Pope Benedict XVI: An Introduction to the Theology of Joseph Ratzinger*, (London: Burns & Oates, 2007), p.22.
[159] Nichols, *The Thought of Pope Benedict XVI*, p.23. In the same vein, Nichols (p.120) says 'Ratzinger insists that Platonism had, and has, much to offer Christianity, by way of assisting the latter's 'philosophical unfolding'.
[160] J. Ratzinger, trans. James M. Quigley S.J., 'Eschatology and Utopia', in *Joseph Ratzinger in Communio Vol 1: The Unity of the Church*, (Grand Rapids, MI: Eerdmans, 2010), pp.10-25, at p.24.
[161] *Ibid.*, p.18.

encountered in Greek thought, the ontological theme of the rationality of being, the epistemological theme of the rationality of the natural world and the ethical theme of the rationality of the divine will, as well as the theme of dialogue in search of truth, come together in Ratzinger's Greek-inspired teaching on conscience. This can be located in the Socratic concept of *daimon* and the Platonic concept of *anamnēsis*. We have adverted to the connection between Ratzinger, Newman and Plato, and Ratzinger identifies Socrates and Newman as his two 'signposts to conscience.'[162]

Conscience is central to Newman's thinking 'because truth is the heart of everything'.[163] Newman's conscience is 'the commanding presence of the voice of truth', the touching of man's 'intimate sphere' by a truth that comes from God. In promoting conscience Newman was opposing relativism, the subjectivist idea that 'the subject has the final word vis-à-vis the claims made by authority and the liberal idea that we live in a world devoid of truth and that the best we can hope for is a compromise between the individual and society.[164] We will know we are acting in accordance with our conscience if we find ourselves opposing both our own wishes and advantages and the consensus of society and political power.

The person of Socrates, as martyr to the truth, is highly relevant to today and a permanent reminder that the Greek philosophical endeavour contains a 'salvation-historical privilege', which bears prophetic witness to the conviction 'that man is capable of perceiving

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[162] Ratzinger, 'If You Want Peace … Conscience and Truth', in *Values in a Time of Upheaval*, pp.75-99, originally published as '*Wenn du Frieden willst, achte das Gewissen jedes Menschen: Gewissen und Wahrheit'*, *in Fied quarens intellectum: Beiträge zur Fundamentaltheologie*, ed. Michael Kessler, Wolfhart Pannenbereg, and Herman Josef Pottmeyer (Tübingen: Francke Verlag, 1992). In true Ratzingerian style, the article draws upon the Old Testament, St.Paul, the Gospels, especially the Gospel of John, the Fathers, in the form of St.Basil and upon Augustine, whose idea of a good 'imprinted' on us will inform Aquinas' presentation of natural law.

[163] Ratzinger, *Values in a Time of Upheaval*, p.85.

[164] *Ibid.,* p.86. Ratzinger here includes in parenthesis a reference to another great signpost to conscience, St.Thomas More. This is a theme to which he will return in the Westminster Address in 2010. His admiration for Thomas More is fed by Berglar's 1979 study. See P. Berglar, *Die Stunde des Thomas Morus*, 3rd edn. (Olten: Walter, 1981).

truth and that this ability both sets a limit to all power' and guarantees man's resemblance to God.[165]

Specifically, from Plato Ratzinger draws the term *anamnēsis* as his preferred definition of conscience, a term he finds 'clearer, deeper and purer' than the Stoic term *synderēsis*, as well as more in keeping with biblical thinking.[166] *Anamnēsis* is an ontological term which represents 'a kind of primal remembrance of the good and the true', an 'existential tendency' which can be connected to the idea of being made in the image of God and which Twomey calls 'the primal level of conscience.'[167] We naturally tend towards the things of God and recognize our being to be in harmony with certain things. We can call it 'an inner sense, a capacity for recognition', or a 'capacity bestowed on man to go beyond the question of what he can do and to perceive what he ought to do.'[168] Following Ratzinger, Casarella proposes Socrates as 'a transcultural exemplum of conscience' and defines the Ratzingerian concept of conscience as 'the Socratic feature of maintaining a connatural affinity with a truth not of one's own making.'[169]

Socrates and Plato therefore teach us that the individual and the community can continue to exist only if there is 'a just order of being' which acts as a kind of 'utopian' template from which they derive their standards and to which they feel a responsibility. This is the first great pearl of Platonic thought we must treasure; we will take it with us into the dialogue with Habermas in Chapter Eight.

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[165] Ratzinger, *Values in a Time of Upheaval*, p.90.
[166] *Ibid.,* p.91.
[167] Twomey, *Conscience of our Age*, p.122.
[168] *Values in a Time of Upheaval,* p.90 and p.92.
[169] Peter Casarella, 'Culture and Conscience in the Thought of Joseph Ratzinger/Pope Benedict XVI', in John C. Cavadini (ed.) *Explorations in the Theology of Benedict XVI*, (Notre Dame, IN: University of Notre Dame Press, 2012), pp.63-86.

The second pearl of Platonic – Christian humanism, or Christian Platonism if you will, is Regensburg's broadening of reason for the dialogue of cultures, which includes a broadening of conscience:

> ...to insist that the concept of reason be broadened and that not only the demand for what can be empirically verified, but also the demand for the values by which the empirical is set in order, be seen as one of the tasks of reason – which therefore must always be schooling itself in the great religious traditions of mankind.[170]

This is an insight we must take with us into the dialogue with Islam in Chapter Nine. Conscience is the key to both these great dialogues, because, as Casarella points out, conscience is an attribute of human nature,

> 'that in its universal, quasi-Socratic scope serves as a beacon to all cultures. At the same time, a Christian conscience needs to confront itself and other moral systems in culturally specific situations to guarantee that its truthfulness stands at the service of human nature in all its conflicting variations.'[171]

3.4: PLATO, *LOGOS* THEOLOGY AND AN INCLUSIVE CONCEPT OF HUMAN RIGHTS

I can now summarize how Ratzinger sees the *logos* as a key to a solution for a range of problems.[172] In so doing, I am starting to construct what I am calling 'a *logos* theology', and to apply that *logos* theology to the concept of human rights.

Firstly, the *logos* can be translated as 'reason which is creative' and is thus identified with the creator God. There is 'a real analogy' between us and this creator God, 'between his eternal Creator Spirit and our created reason'. God therefore has to be accessible to rational

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[170] Ratzinger, *Eschatology and Utopia*, p.24.
[171] Casarella, *Culture and Conscience*, p.81.
[172] Ratzinger even finds time at Regensburg to make a reference, albeit in one brief sentence (para.28), to his favourite topic of the liturgy. Possibly his most central personal project, in continuity with his beloved mentor Guardini, is to restore *logikē latreia*, a liturgy in harmony with the *logos*, the eternal Word.

discourse and inquiry; Christians must not abandon philosophical inquiry into the nature of God. If there is an analogy between the human and the divine, then this acts as a foundation for human rights.

Secondly, the word *logos* refers to Jesus Christ, who is thus identified with 'creative reason', the God through whom the world was created. The word *logos* can also be translated as 'Creator Spirit'. So 'a reason which is creative and capable of self-communication' is present in all three persons of the Trinity; Christians must not abandon the early Christological and Trinitarian doctrines. They encapsulate what I will term the 'relationality with rationality' which lies at the heart of the concept of human rights.

Thirdly, if God's nature is *logos*, then religious morality should adopt a rational approach; Christians must not abandon philosophical ethics. The concept of human rights can always be expressed in purely philosophical, rather than theological terms.

Fourthly, in the same way, theology is an inquiry into God whose nature is reason; Christians must not reduce theology to a pseudo-scientific humanity. Christian formulations of human rights cannot be reduced to a technical or empirical formula.

Fifthly, the word *logos* tells us that rationality is an irreducible attribute of God; even in a multicultural world of religious pluralism, Christians must not set aside Greek rationality. It shares the foundational significance of the scriptures themselves. Christian formulations of human rights can still be grounded in the foundational philosophy of Plato.

Five parallel dysfunctions in contemporary society, I suggest, can be healed by a recovery of the concept of the *logos*.

Firstly, the modern application of reason grew from the belief 'in the mathematical structure of matter, its intrinsic rationality', but this resulted from the idea that it owed its origin to creative reason, the *logos*. Secular society should not regard it as irrational to inquire into the source and origin of the mathematical structure of the universe, the question of God. This includes inquiry into the ultimate nature of the human person.

Secondly, the Western academy should see rationality as capable of embracing the metaphysical, since human reason itself is created by, and reflects, the 'creative reason' responsible for everything that exists. Secular society should not regard theology as an irrational discipline of no consequence. Theology can help secular society deepen its understanding of the concept of human rights.

Thirdly, the *logos* concept contains the implication of the in-built capacity of every human mind to reflect upon and understand the source of its own rationality. Secular society should accept that religion is a universal human phenomenon and should not exclude it from the public conversation. To speak of human rights in religious terms renders them more, not less, inclusive.

Fourthly, the *logos* concept upholds the concept of a rationality shared by all persons which gives them an inbuilt sense of 'the true and the good'. Secular society should not dismiss ethical considerations as purely subjective, but should encourage a shared public discourse on ethical values. Human rights must be grounded in the conviction that the search for the true and the good is valid.

Fifthly, the *logos* concept insists that God is rational and does not act irrationally, so our task is not simply to carry out the inscrutable will of God. Followers of all religions in general, and of Islam in particular, should re-examine the relationship between faith, reason and

morality. Human rights must not be rejected by religious cultures on the grounds that they are derived merely from reason and not revelation.

Revelation, nevertheless, cannot be set aside. I have argued that Plato, at his very 'best', represents the expectation of truth. But I also propose that we must move beyond Plato, because Plato has his limits: 'The philosophical God is essentially self-centred, thought contemplating itself, "a God of detachment".[173] The philosophical God is pure thought, 'he who exists in himself and needs only himself.'[174]

To satisfy ourselves with Plato would be to adhere to a monotheism derived purely from philosophical speculation. Such a belief, while representing a perception of the truth, could have no real religious force. 'One cannot worship one's own intellectual concepts.'[175]

CONCLUSION

'Creative reason' is probably Ratzinger's favourite translation of the *logos*. '*Logos* means "reason", "sense", "word". It is based on the notion that 'thought and thought alone is divine.'[176] But this thought 'is capable of producing material and is to be regarded as the true point of origin of reality.'[177] So *logos* is creative reason, which speaks and communicates itself. The term 'creative reason' is carefully chosen by Ratzinger to bring together the creation theology of biblical faith and the ultimate Being of Greek rationality. As De Vogel points out, no self-respecting Platonist could either arrive at by discussion, or accept philosophically, that 'The Word became flesh and dwelt among us.'[178] This astounding biblical insight is derived not from

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[173] *Introduction to Christianity,* p.147.
[174] *Ibid.*, p.147.
[175] *Truth and Tolerance,* p.154.
[176] *Introduction to Christianity,* p.148.
[177] *Truth and Tolerance,* p.150.
[178] De Vogel, *Platonism and Christianity,* p.29.

speculative thought but from revelation: 'One can name God only because he has named himself,' and, as impressive as the achievements of Plato are, there is a gulf between the biblical God and the Platonic absolute Being, who is 'the final stage of ontological thinking, which is not named and names itself even less.' Put simply, Plato has his limits, because deprived of revelation, he cannot arrive at the truth that the *logos* has a name. This '*logos*-with-a-name', then, will be the subject of our next chapter.

CHAPTER FOUR

THE JOHANNINE *LOGOS* AND THE HELLENIZATION OF JUDAISM

'John began the Prologue of his Gospel with the words: "In the beginning was the logos*". This is the very word used by the emperor: God acts,* sō logō*, with* logos*. Logos means both reason and word – a reason which is creative and capable of self-communication, precisely as reason.'* [1]

INTRODUCTION

The starting point for Chapter Four is the description in the Regensburg Lecture of two enlightenments, the Greek and the Judaic. The chapter will examine John's Gospel and the Ratzinger theme of the self-limitation of reason through the loss of the concept of creation. This chapter will argue that *logos* theology must draw its inspiration from the *logos* of the Johannine Prologue. It will interpret the Johannine *logos* as a synthesis of Greek rationality and biblical Wisdom traditions. *Logos* theology holds that this intercultural encounter provides a powerful signpost for the inclusive culture of human rights as a contemporary meeting place in the dialogue of cultures.

The Regensburg Lecture describes two processes of demythologization, which stand 'in close analogy'. The Greek enlightenment is Socrates' attempt 'to vanquish and transcend myth.' The Judaic enlightenment is the revelation to Moses of 'the mysterious name of God', which 'presents a challenge to the notion of myth'.[2] The lecture also describes two processes of Hellenization within Judaism. The first is the translation of the Old Testament into Greek. The second is the Jewish encounter with 'the best of Greek thought at a deep level', a 'mutual

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[1] *The Regensburg Lecture*, para.17.
[2] *Ibid.*, para.20

enrichment' which is especially evident in the Wisdom literature.[3] The profound harmony between what is Greek 'in the best sense of the word' and Jewish faith in God finds its 'culmination and synthesis' in the *logos* of the Johannine Prologue. *Logos* is translated as 'a reason which is creative and capable of self-communication.' The identification of God as reason has ethical implications. 'Not to act reasonably, not to act with *logos*, is contrary to the nature of God.'[4]

The aim of this chapter is to provide a critical examination of the sources and nature of the Johannine *logos*. The contribution to Johannine studies is to analyse the Prologue in terms of inclusivity and exclusivity as well as within the philosophical framework of ontology, epistemology and ethics. The contribution to Ratzinger studies is to bring Ratzinger's statements on the Prologue together with the statements of respected Johannine scholars. The contribution to the study of human rights is to use Johannine *logos* theology as a paradigm for an inclusive formulation of the concept of human rights.

4.1: THE HELLENIZATION OF JUDAISM

4.1.1: Ratzinger and the Hellenization of Judaism

In a central passage of the Regensburg Lecture, Ratzinger expounds the Hellenization of Judaism in five stages.[5] His analysis starts with a Judaic enlightenment analogous to the Greek/Socratic enlightenment. A process of demythologization occurred in the revelation of the nature of God at the burning bush.[6] 'The mysterious name of God, revealed from the burning bush, a name which separates this God from all other divinities with their many

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[3] *The Regensburg Lecture*, paras.22 - 23.
[4] *Ibid.*, paras.13 and 63.
[5] *Ibid.*, paras.20 - 23.
[6] *Exodus* 3:1-15.

names and simply asserts being, "I am", already presents a challenge to the notion of myth...'[7]

He goes on to say that this new-found faith in Yahweh 'came to a new maturity at the time of the Exile'.[8] Ezekiel and the Deutero-Isaiah were 'the theologians of the name Yahweh.'[9] This period precipitated a 'decisive breakthrough to a clear monotheism.'[10]

The Hellenization of Judaism is first evidenced in textual form by the Septuagint, the translation of the Old Testament into Greek, of which the Pentateuch had already been completed in the third century B.C.E. The Septuagint is 'a step in the process of intercultural encounter with the widest possible implications' and not just a translation but 'an independent textual tradition', a witness to the development of biblical faith.[11] This is the version of the Old Testament used by the Gospel writers.

Although the Jews consistently opposed idolatrous cults, they also 'encountered the best of Greek thought' in the Hellenistic period and this resulted in a 'mutual enrichment'.[12] The principle location of this Old Testament Hellenization, according to Ratzinger, is the Wisdom Literature.[13] Written during the five hundred years from the Exile to Christ, Wisdom literature 'shows more and more evidence of contact with Greek thought.'[14] This is summed up by Ratzinger as 'The rationality that is seen in the structure of the world is understood as a

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[7] *The Regensburg Lecture*, para.20.

[8] *Ibid.,* para.21.

[9] *Introduction to Christianity,* p.130. Ezekiel's ministry runs from 593BCE to approximately 570BCE, during the turbulent years of the last days of Judah as an independent kingdom and during the Babylonian exile. The Deutero-Isaiah (Isaiah 40 – 55) likewise is regarded as addressing the Israelites during and after the Babylonian captivity.

[10] *Truth and Tolerance,* p.92.

[11] *Truth and Tolerance,* p.223 and *The Regensburg Lecture,* para.23.

[12] *The Regensburg Lecture,* para.22.

[13] The Wisdom literature comprises the Book of Job, the Psalms, Proverbs, Ecclesiastes, Wisdom, the Song of Songs and Sirach.

[14] *Truth and Tolerance,* p.150.

reflection of the creative wisdom that has produced it.'[15] The *logos*, for Ratzinger, encapsulates the Hellenization of Judaism:

> The movement of the *logos* against the myth, as it evolved in the Greek mind in the philosophical enlightenment, so that in the end it necessarily led to the fall of the gods, has an inner parallelism with the enlightenment that the prophetic and Wisdom literature cultivated in its demythologisation of the divine powers in favour of the one and only God. For all the differences between them, both movements coincide in their striving toward the *logos*.[16]

For Ratzinger, Hellenism, Judaism and Christianity then come together in the New Testament, most particularly in the Fourth Gospel, and most especially in the use of the term *logos*. In the Fourth Gospel, 'the last retrospective biblical interpretation of belief in Jesus,' we see the Greek, Judaic, Platonic and Mosaic enlightenments converge.[17]

Ratzinger connects John with the Mosaic enlightenment.[18] He is impressed by the *ego eimi* sayings, in which Jesus seems consciously to reference the Old Testament Yahweh, of which *ego eimi* is the Septuagint translation.[19] Thus the Jesus of the Fourth Gospel brings us full circle from the revelation of God's name to Moses at the burning bush, to John 17, which 'centers around the idea of Jesus as the revealer of God and thus assumes the position of New

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[15] *Truth and Tolerance,* p.150.

[16] *Introduction to Christianity,* p.149. 'Inner' is a favourite Ratzinger word, denoting a relationship with truth, rather than a mere coincidence or contingent fact.

[17] *Ibid.,* p.132. We should note that, despite Ratzinger's confident assertion, it is a hypothesis, rather than an established fact, that the Fourth Gospel was the last of the four gospels to be written.

[18] Conscious of debates about the authorship of the Fourth Gospel, for the sake of clarity and convenience, I will refer to the author as 'John'. Ratzinger considers the authorship question in Jesus of Nazareth, Volume 1, and sides with the opinion of Peter Stuhlmacher, that the contents of the Fourth Gospel go back to the beloved disciple, for whom the author became a literary editor. See J. Ratzinger/Benedict XVI, *Jesus of Nazareth: From the Baptism in the Jordan to the Transfiguration*, trans. Vatican Secretariat of State, (London: Bloomsbury, 2007), pp.222-226. The Stuhlmacher reference provided by Ratzinger is Peter Stuhlmacher, *Biblische Theologie des Neuen Testaments*, vol.2: *Von der Paulusschule bis zur Johannesoffenbarung*, (Göttingen: Vandenhoeck & Ruprecht, 1992-1999), p.206.

[19] Jesus says 'I am' 45 times in John's Gospel, but the key *ego eimi* passages most commonly discussed and cited are 8:24 and 8:28 'unless you believe that I AM He (*hoti ego eimi*), 8:58 'before Abraham was, I AM (*ego eimi*), 13:19 'so that when it does occur, you may believe that I AM He' (*hoti ego eimi*), 18:5 'Jesus replied "I AM He"' (*Ego eimi*), 18:6 'Jesus said to them, I AM He' (*ego eimi*) 18:8 'I told you that I AM He' (*hoti ego eimi*).

Testament counterpart to the story of the burning bush.' He also connects John explicitly with the Wisdom literature, where Mosaic monotheism was subjected to a further purification: 'John's thinking is directly based on the Wisdom literature.'[20] However, the *logos* also represents the Hellenization of Judaism: 'When John characterises the Lord as *logos*, he is emphasising a term widely current in both Greek and Jewish thought and taking over with it a series of ideas implicit in it that are in this way transferred to Christ.'[21] Ratzinger in fact suggests a complex interaction of sources for the Johannine *logos,* from the Pentateuch, the Sapiental literature, Greek and Hellenistic philosophy and from within Christianity itself. His position is represented in this important statement:

> …it is incorrect to reduce the concepts *logos* and *aletheia*, upon which John's Gospel centers the Christian message, to a strictly Hebraic interpretation, as if *logos* meant "word" merely in the sense of God's speech in history, and *aletheia* signified nothing more than "trustworthiness" or "fidelity". For the very same reason, there is no basis for the opposite accusation that John distorted biblical thought in the direction of Hellenism. On the contrary, he stands in the classical sapiental tradition.[22]

4.1.2   The Challenge from Emil Brunner

As a locus of Hellenization, the revelation of Yahweh at the burning bush, especially in its Septuagint translation, is central to both Ratzinger and to Emil Brunner. We will therefore benefit at this point from revisiting the 1959 Inaugural Lecture, in order to appreciate the difference between the Ratzinger and Brunner positions on the Hellenization of both Judaism and Christianity.

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[20] *Introduction to Christianity,* p.132.
[21] *Ibid.,* p.189.
[22] J. Ratzinger, trans. Adrian Walker, *The Nature and Mission of Theology: Approaches to Understanding Its Role in the light of Present Controversy,* (San Francisco: Ignatius Press, 1995), pp.24-25.

Brunner opposes and contrasts the God of faith and the God of the philosophers. The God of Moses at the burning bush is simultaneously a God of names and a God who, as mystery, cannot be named, but who in naming Himself opens Himself up in circumlocutory manner, to humankind. Brunner holds that philosophy rejects this revelatory naming as anthropomorphism and, obsessed with the knowledge of the essence of Being, contents itself with its own self-sufficient rationality, which does not want to know anything other than what it can come to from within its own possibilities. The translation of Yahweh to *ego eimi* therefore does not work for Brunner:

> It was a complete, and in its working out disastrous misunderstanding which the Greek Fathers fell under, reading an ontological definition of God out of the name Yahweh. 'I am that I am' should never have been translated as an attempt at philosophical speculation or definition, as if it read 'I am Being' or 'I am the Existent One.' This is not just a mistaking of the meaning of this one quotation. It is a traducing of the teaching of the biblical revelation into its opposite. This is the turning of the name of God, of that which cannot be translated, into an abstract definition.[23]

Ratzinger, by contrast, admires how the Septuagint translates the double active voice (*ich bin der ich bin*) into an active voice followed by a participle (*ego eimi ho ōn*), so that 'I am' becomes 'Being':

> Thereby a decision of incalculable scope was made, because with this translation the synthesis of the Greek and biblical images of God took on a decisive approach…What the highest term of ontology and the ultimate term of the philosophical concept of God is, appears here as the central self-expression of the biblical God.

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[23] *Gott des Glauben*, p.21, quoting Brunner, *Lehre*, p.125.

It is in this moment, in which the name of Yahweh becomes an expression of Being, that Ratzinger locates a benign and providential instantiation of the Hellenization of Judaism, and thereby of Christianity.

4.1.3   Scholarly opinion on the Hellenization of Judaism

Contemporary scholarly opinion tends to regard the construct 'Hellenization of Judaism' as just as complex and as problematic as 'the Hellenization of Christianity'.   Because of a widespread consensus that the interaction of the Greek and Semitic worlds was a centuries-long process, operating on every level of society, the tendency of modern scholarship has been to move away from clear-cut instances of 'Hellenization'. A more nuanced picture has emerged in which Hellenism always exists alongside vibrant Semitic cultures, and even becomes an all-pervasive part of the cultural furniture. Thus Grabbe, following Hengel, asks us to eschew all artificial binary analyses which would oppose Judaism to Hellenism or 'Palestinian' to 'Hellenistic' Judaism.[24] Hellenism was a *culture*, Judaism a religion; to be 'Hellenized' did not mean ceasing to be a believing, practising Jew. What marked the Jews out in the Graeco-Roman world was their refusal to honour gods and cults other than their own: 'However Hellenized they might be, observant Jews can never be fully at home in the Greek world.'

In some ways it is more appropriate to talk of the 'Judaization of Hellenism', rather than the 'Hellenization of Judaism'. The Alexandrian Jews were responsible for the Septuagint, Philo and the Wisdom of Solomon. They overwhelmingly remained loyal to Judaism, 'held in check by the proud consciousness of their superiority to the gentiles in

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[24] L. Grabbe, 'The Jews and Hellenization: Hengel and his Critics', online article. Available at: at fonts.lstc.edu/-rklein/Doc8/hengel.doc (Accessed: 12 November 2012).

morals and religion' and were confident enough to engage in a Judaic proselytization of the Greeks alongside processes that might warrant the term Hellenization of Judaism.[25]

Ratzinger's analysis could be said to emerge from older scholarly consensus that Christianity was the result of 'a mating of Hellenism and Judaism.'[26] Gilbert, for example, narrates the Hellenization of the Jews in six phases: Alexander (4th century BCE), the Septuagint (3rd century BCE), the Book of Daniel (2nd century BCE), Roman rule (1st century BCE), Herod the Great (1st century BCE) and widespread familiarity with the Greek language (1st century CE).[27] Gilbert concludes that 'Alexander the Great...set in motion a current of Hellenism which, through the medium of the Jews and then of the New Testament, still flows on in Christian thought.'[28] Jones says that 'The Hellenization of the indigenous upper classes was remarkably thorough-going in the three centuries that followed Alexander's conquest.'[29]

A modest conclusion is that the phenomenon of Greek influence on Judaism is undeniable but that only with caution can uses of the term *logos* be ascribed to 'Hellenism' or 'Judaism'. We must also keep in the back of our minds that the term 'Hellenization' is often deployed to serve a particular line of argument or agenda and that Ratzinger uses the term polemically as he battles to restore the perceived rupture between faith and reason.

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[25] G. Gilbert, 'The Hellenization of the Jews between 334B.C. and 70 A.D.', *The American Journal of Theology*, Vol. 13, No 4 (Oct 1909), pp. 520-540 at p.531.

[26] Toynbee *The Crucible of Christianity* p.44.

[27] Gilbert, *The Hellenization of the Jews between 334B.C. and 70 A.D.,* p.531.

[28] Gilbert, *The Hellenization of the Jews between 334B.C. and 70 A.D.,* p.540.

[29] A.H.M. Jones, 'A Taste for Things Greek: Hellenism in Syria and Palestine', in Arnold Toynbee (ed.) *The Crucible of Christianity: Judaism, Hellenism and the Historical background to the Christian Faith*, (London: Thames and Hudson, 1969), pp.100-122, at p.118.

4.2: SOURCES OF THE *LOGOS*

Johannine scholarship has had to engage with a complex matrix of inter-related issues, including the identity of the author(s), the history and the nature of the text,[30] especially the nature of the Prologue,[31] the date of composition, its provenance, purpose[32] and possible audience and the history of its revision or redaction. Within the scope of this study I will not engage with these vast areas of debate, but will confine my discussion to the question that is central to my proposal of a *logos* theology, the source and significance of the *logos*.

The answer to the question of the source of the *logos* will affect our view of the role of rationality in Christian faith. A genuinely Greek background to the biblical *logos* would represent a significant inculturation of Greek thought into early Christianity. This would allow us to characterize Christianity as intrinsically open, inclusive and committed to a rational trajectory. We have seen that Ratzinger is an enthusiast for this analysis. However,

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[30] Brown's diachronic reading, in five stages, has been widely accepted:
  i)   Collections of the words and works of Jesus are handed down
  ii)   Oral preaching and teaching is conducted over several decades, including dramas and discourses
  iii) Material from stage two is used by the evangelist to create the first edition of the Gospel
  iv)   The same author issues a second edition to meet objections and difficulties
  v)   A final redaction is carried out by a disciple from within the Johannine community.

[31] This debate concerns the Prologue's nature as poetry or prose, its history as a possible re-working of an earlier Christian, or even pre-Christian composition. For Brown, the Prologue is an early Christian hymn, 'which has been adapted to serve as an overture to the Gospel narrative of the career of the incarnate Word.' See R. Brown, *The Gospel According to John*, (London: Geoffrey Chapman 1966), p.1. The presupposition of a 'logos-hymn', with an underlying poetic form, led commentators, especially Brown and Schnackenburg, to accept and reject various verses in relation to the hypothetical 'hymn'. Brown understands the Prologue itself as a later insertion at stage iv or v. of his scheme. The consensus of contemporary scholarship is to read the Prologue as a whole and to take it on its face value as a coherent composition. Barrett called for a more holistic approach to the Prologue, which, he pointed out, 'is not a jig-saw puzzle but one piece of solid theological thinking.' C.K. Barrett, *The Prologue of John's Gospel: The Ethel M. Wood Lecture delivered before the University of London on 19 February 1970*, (London: The Athlone Press, 1971), p.27.

[32] Anderson explains the Gospel's origin in a series of conflicts, all possibly discernible even in the Prologue:

Stage One	Conflict between Galilee and Jerusalem
30 – 70 C.E.	Conflict with Baptist adherents
Stage Two	Conflict with synagogue Jews
80 – 85 C.E.	Conflict with Roman authorities
The 'First Edition' of the Gospel is written	
Stage Three	Conflict with Gentile docetizing Christians, becoming worldly and assimilated
85-95 C.E.	Conflict with a centralized Christianity which offends Johannine egalitarianism

See Paul N. Anderson, 'On Guessing Points and Naming Stars: Epistemological Origins of John's Christological Tensions', in Richard Bauckham and Carl Mosser (eds.) *The Gospel of John and Christian Theology*, (Grand Rapids, MI: Eerdmans, 2008), pp.311-345, at pp.325-326.

the trend of scholarship has tended to move away from the Greek and towards the Jewish background. Thus, in the early 20th century, 'John's Gospel tended to be seen as fundamentally Hellenistic, indebted to Platonic, Stoic and Gnostic thought.'[33] Ruth Edwards says that 'today this theory is largely discounted,'[34] and that 'John's *logos* image seems to owe more to Jewish religious thought than Greek philosophy.'[35] Barrett comes close to the Ratzinger position when he concludes that John was 'a synthesis of Jewish and Greek thought.'[36] Dodd seeks a similar equilibrium to Ratzinger, signalling a shift towards Old Testament presuppositions, but conceding that 'there were elements in the Gospel which were foreign to the Old Testament and indigenous to Hellenistic culture.'[37] Dodd's conclusion is balanced and tries to be comprehensive:

> The author started with the Jewish idea of the Torah as being at once the Word of God and the divine Wisdom manifested in creation, and found, under the guidance of Hellenistic Jewish thought similar to that of Philo, an appropriate Greek expression which fittingly combined both their ideas.[38]

Dodd concludes that John was written 'to commend Christianity to educated pagans and Hellenized Jews familiar with such concepts.'[39] This general approach is strengthened by support from Lindars: 'It is clear that the author derives his thought from the Jewish...tradition, but it is altogether probable that he writes for the Greeks, and duly takes their thinking into account.'[40]

Ratzinger does fully accept and endorse the Jewish background: 'the Gospel thinks and argues entirely in terms of the Old Testament.'[41] He sees John standing 'in the classical

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[33] Ruth Edwards, *Discovering John*, (London: SPCK, 2003), p.13.
[34] Edwards, *Discovering John,* p.38.
[35] *Ibid.,* p.38.
[36] C.K. Barrett, *The Gospel According to St John: An Introduction with Commentary and Notes on the Greek Text*, (London: SPCK, 2nd Edition 1978), p.39.
[37] Mark Edwards, *John: Blackwell Bible Commentaries,* (Oxford: Blackwell Publishing, 2004), p.10.
[38] C.H. Dodd, *The Interpretation of the Fourth Gospel*, (Cambridge: Cambridge University Press, 1963), p.278.
[39] Edwards *Discovering John,* p.14.
[40] Barnabas Lindars, *The Gospel of John*, (London: Oliphants, 1972), p.35.
[41] Ratzinger, *Jesus of Nazareth*, p.221. Ratzinger says that the scholarship he is referring to is Martin Hengel's *The Johannine Question*, which was published by SCM Press in 1990. On pp.124-135, Hengel associates the Fourth Gospel with a Hellenized Jewish upper priestly class.

sapiental tradition.' Indeed, for him, John is 'the conclusive and normative scriptural creation account' in which the Wisdom literature finds fulfilment.[42] Nevertheless, he will not relinquish the Greek element: 'It is precisely in John's writings that one can study, both in its origins and in its outcome, the inner movement of biblical faith in God and biblical Christology toward philosophical inquiry.'[43] In fact his overall position is influenced by the pre-eminent scholar of Hellenization, Martin Hengel.[44] Hengel's verdict can be summarized as 'early Christianity must be understood in the context of contemporary Judaism, and both religions in the broader context of the Hellenistic and Roman world.'[45] Throughout Ratzinger's corpus, the Johannine Prologue is the *locus classicus* of the 'blending' of biblical faith and Greek rationality:

> When the Gospel of John names Christ the *Logos*, this blending appears very clearly. The passage expresses the conviction that what is reasonable, indeed, fundamental reason itself, comes to light in the Christian faith.[46]

I propose therefore to read the Prologue from five perspectives; firstly, through the 'pure' Hellenism of the *logos* of the Greeks, secondly, through the 'pure' Judaism of *dabār* from the Pentateuch, thirdly, the Hellenized Judaism of the *logos* of Philo, fourthly, through the Hellenized Judaism of the *sophia* of the Book of Wisdom and fifthly, through the Christian Word of the New Testament.

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[42] J. Ratzinger, trans. Boniface Ramsey OP, *In the Beginning: A Catholic Understanding of Creation and the Fall*, (London: T & T Clark, 1995), p.15.

[43] Ratzinger, *The Nature and Mission of Theology,* p.25. Ratzinger cites H. Gese, '*Der Johannesprolog*', in *Zur biblische Theologie* (Munich, 1977), pp.155-201. This title was published in English as *Essays on Biblical Theology* by Augsburg Fortress Press in 1981. Hartmut Gese (b.1929) is a Tübingen-based Old Testament scholar.

[44] Hengel's pre-eminence is eloquently attested in a survey of his career by Larry W. Hurtado, 'Martin Hengel's Impact on English-speaking scholarship', *The Expository Times*, Vol.120, No.2, (2008), pp.70-76. In Chapter Eight of Jesus of Nazareth Ratzinger also draws on Hengel's *The Son of God: The Origin of Christology and the History of Jewish-Hellenistic Religion*, trans. John Bowden, (Philadelphia: Fortress Press, 1976).

[45] John J. Collins, 'Judaism as *Praeparatio Evangelica* in the work of Martin Hengel', *Religious Studies Review*, Vol.15, No.3, (1989), pp.226-228, at p.227, quoted in Hurtado, p.74.

[46] J. Ratzinger, trans. Michael J. Miller *et al.*, *Church, Ecumenism and Politics: New Endeavours in Ecclesiology*, (San Francisco: Ignatius Press, 2008), p.148.

My intention is not to side with any particular theory about the sources of the *logos* or the intentions of the evangelist. Rather, I hope to demonstrate that the Johannine *logos* is invested with a range of commonalities which I could describe with MacIntyre's famous, and probably over-worked phrase, overlapping consensus. I am seeking to discern a 'tone of voice' in the Prologue which opens up 'creative ways of meeting others' because it is one of welcome, of endorsement, of timeless universality or inclusivity.[47] However, I will not shy away from the Prologue's decisive Christological originality, particularity and exclusivity. Here there is a different 'tone of voice', which I will call one of 'correction' or 'critique'.

4.3: UNDERSTANDING THE *LOGOS* FROM FIVE PERSPECTIVES

4.3.1   The Greek/Hellenistic perspective: Plato and the Stoics

To some extent, the Platonic strand of Greek thought was an unavoidable fact of the Hellenistic world. Throughout that period Plato constituted an 'atmosphere' which had been 'absorbed though not understood by many who had never read his works.'[48] Augustine famously stated that as a Platonist, (a neo-Platonist, of course), he could happily subscribe to the first ten verses of the Prologue.[49]

Platonic philosophy, however, always had a problem in that it struggled to link the transcendent and material worlds, 'that which always is and has no coming-into-being and that which is always coming-into-being but never is.'[50] The *Timaeus* had an answer; the

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[47] See David *Cheetham, Ways of Meeting and the Theology of Religions*, (Farnham: Ashgate, 2013), p.1.
On p.39 Cheetham identifies two tones of voice, the 'notional', or 'second order' tone, which could be related to my way of welcome and endorsement, and a 'first order', 'confessional' tone, which may correspond to my way of correction and critique.
[48] Barrett, *The Gospel According to St John,* p.35.
[49] Augustine, *Confessions*, 7.9ff.
[50] Plato *Timaeus* 27D.

Demiurge, a sort of second God who used the Forms to create the cosmos out of chaos, and the world-soul, the origin of human souls and animator of the cosmos.

The Stoics needed no such link. In their materialist, pantheist cosmology, the universe was 'a single living organism, permeated and governed in every detail by a material God who had produced it out of his own substance.'[51] What they did need, however, was a link between the universe and the individual. The *logos* took on the mediating role between the cosmological and the personal worlds. As *logos prophorikos* it was simply speech, or outward expression of inward thought; as *logos spermatikos* it was the rational principle present in all things.

If we want to read the Prologue in a way that welcomes and endorses Plato we need look no further than *Jn*. 1:9, '*to phōs to alēthinon*', the true light. Westcott interprets this in the Platonic manner as that of which 'all other lights are only partial rays or reflections', 'the archetypal light.'[52] Barrett interestingly translates *alēthinon* as 'real, genuine, authentic.'[53] Schnackenburg similarly construes *alēthinon* as a reflection of the Greek/Hellenistic outlook that the divine being is 'qualitatively unique in its incomparable excellence.'[54] Lincoln comments that the *logos* 'has a transcendent power of illumination that is indispensable for all people.'[55] He says John's point is the supreme irony that 'the world' failed to recognise the light on which it depends for its very existence.[56]

If we are looking for the Stoic strand of Greek thought in the Prologue then we hear it at once in the opening lines: 'in the beginning was the *logos*' and 'the *logos* was God,' 'All

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[51] A. Hilary Armstrong, 'Greek Philosophy from the Age of Cicero', in Toynbee, *The Crucible of Christianity,* pp.209-214, at p.209.

[52] B.F. Westcott, *The Gospel According to St John* (London: Murray, 1902), p.7.

[53] Barrett, *The Gospel According to St John,* p.160.

[54] R. Schnackenburg, trans. Kevin Smyth, *The Gospel According to St John: Volume One, Introduction and Commentary on Chapters 1-4*, trans. Kevin Smith, (Tunbridge Wells: Burns and Oates, 1968), p.254.

[55] A. Lincoln, *John: Black's New Testament Commentaries*, (London: Continuum, 2005), p.101.

[56] Lincoln points out that the word *kosmos* is used 80 times in the Fourth Gospel. It can mean i) the created world, ii) the world as the environment in which humanity lives and iii) the world of humanity when it becomes alienated from the *logos* that sustains it.

things came into being through (the *logos*) and without (the *logos*) not one thing came into being,' 'in (the *logos*) was life, and the life was the light of all people' and 'The true light, which enlightens everyone.' All this chimes precisely with what the Stoics taught. As Barrett says, 'The Stoics believed that every man shared, however slightly, in the universal reason.'[57] Doran comments that the Stoic view that the world is governed by a divine *logos*/reason, of which every human mind is a part...recurs in various ways in Christian thought.'[58]

4.3.2 The Biblical / Judaic perspective: The *dābār* of Genesis

The Hebrew *dābār* or 'word' occurs 1430 times in the Hebrew Bible. Brown champions this as a key source for the Johannine *logos,* explaining that *dābār,* unlike *rhēma,* goes beyond the 'spoken word' to include the *effect* of the spoken word in event or action, thus incorporating both word and deed.[59]

In Genesis, *dābār* has a creative function, associated with light. In the Psalms, 'by the *dābār* of the Lord the heavens were established' (Ps. 33:6).[60] In the Prophets, *dābār* impels to action and judges (Hos. 1:1). *Dābār* gives life (Deut. 32:46-7) and is a light for men (Ps. 19:8). *Dābār* can be personified, as in Habbakuk 3:5, where *dābār* goes forth upon the earth from the face of God.[61] Reading the Prologue from a Jewish perspective, then, is not difficult. No one in the Hebrew tradition would be surprised to hear that all things were created through the Word, or that the Word was associated with life and light. Furthermore, as their theology developed, those in the Hebrew tradition had already begun to hypostasize the Torah itself as an active principle with creative and revelatory power.

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[57] Barrett, *The Gospel According to St John,* p.36.
[58] R. Doran, *Birth of a Worldview: Early Christianity in its Jewish and Pagan Context*, (Boulder, CO: Westview Press, 1995), p.37.
[59] e.g. Isaiah 55:10-11.
[60] LXX *'logos kyriou'*.
[61] See Brown, *The Gospel According to John*, p.521, Schnackenburg, *The Gospel According to John*, p.483, Barrett, *The Gospel According to John*, p.153.

4.3.3 The perspective from Hellenized Judaism: i) Philo of Alexandria

Philo lived in the Alexandrian *diaspora* in the first century C.E., a devout and practising Jew, deeply knowledgeable of Platonic and Stoic traditions. His significance for the Prologue lies in the fact that he uses the term *logos* over 1200 times. Barrett warns us that, 'no simple or even consistent doctrine of the *Logos* can be drawn from his writings.'[62] Barnard says the same thing: 'It is a profitless task to seek for a consistent doctrine of the *Logos* in Philo's voluminous writings.'[63] Like Plato's world-soul, Philo's *logos* is an intermediary between the divine and the human, 'a hypostatized principle that bridges the chasm between God and the world.'[64] Like the Stoic *logos*, Philo's *logos* is an enlivening principle which gives life and direction to both the natural and the human worlds. Philo's *logos* is variously described as first-born Son, (*protogonos*), image of God, (*eikon theou*), and archetypal man, (*anthrōpos theou*). Jones believes that Philo's theism 'is that of the Bible rather than that of contemporary Platonists.'[65] Loyal to the Hebrew tradition, Philo is so keen to reject the Stoics' pantheistic material divine being that he reinstates Plato's transcendent God. Brown explains that 'For Philo, the *logos*, created by God, was the intermediary between God and his creatures; God's *logos* was what gave meaning and plan to the universe. It was almost a second God, the instrument of God in creation, and the pattern of the human soul.'[66]

Nevertheless, as the animating and sustaining cause of the material world, Philo's *logos* is Stoic. As the ideal prototype of the visible world, it is close to Plato's *kosmos noētos*. The Stoic *logos* was itself a development of the Platonic *nous*. Schnackenburg is impressed by these roles of the Philonic *logos*: 'The *logos* of Philo also takes over the same task

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[62] Barrett, *The Gospel According to St John,* p.153.
[63] L.W. Barnard, *Justin Martyr: His Life and Thought*, (Cambridge: Cambridge University Press, 1967), p.87.
[64] Hermann Ridderbos, *The Gospel of John: A Theological Commentary*, (Grand Rapids, MI: Eerdmans, 1997), p.28.
[65] Armstrong, *Greek Philosophy from the Age of Cicero*, p.211.
[66] Brown, *The Gospel According to John, Introduction,* p.520.

fundamentally as the personal *logos* who is God in our hymn.'[67] He speculates that for a devout Jew in Alexandria 'a way of opening out to the Hellenistic world had to be found.'[68] If this was true of Philo it could well have been true of John.

Dodd finds a remarkable parallelism between Philo and the Fourth Gospel: 'It seems clear...that whatever other elements of thought may enter into the background of the Fourth Gospel, it certainly presupposes a range of ideas having a remarkable resemblance to those of Hellenistic Judaism as represented by Philo.'[69] He cites the common symbolic themes of light and water, as well as what he considers to be a close resemblance between John's use of the Septuagint's *ego eimi*, and Philo's *ho ōn,* 'that which is existing' or simply 'Being'. Schnackenburg believes there is 'no direct influence of Philo on John,' but suggests a 'similar cultural background.'[70]

Lindars echoes the judgement of most commentators when he says 'John's thought is thus in some degree parallel to Philo's, but not derived from it.'[71] Barrett points out that this is not surprising because 'Jewish propagandists had long used the language and thought-forms of Hellenism in order to express their own religious experience and to commend their faith to men of other races.'[72] For him the Johannine *logos* 'has a cosmological function similar to that described by Philo.'[73]

Reading the Prologue, an adherent of Philo might find welcome and endorsement of Philonic beliefs in verse 3, *panta di'autou egeneto*, all things were made through Him, since

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[67] Schnackenburg, *The Gospel According to St John,* p.243.
[68] *Ibid.,* p.486.
[69] Dodd, *The Interpretation of the Fourth Gospel,* p.71.
[70] Schnackenburg, *The Gospel According to St John,* p.487.
[71] Lindars, *The Gospel of John*, p.83.
[72] Barrett, *The Gospel According to St John,* p.39.
[73] *Ibid.,* p.155.

'Philo constantly uses the preposition *dia* of the activity of the Logos as demiurge.'[74] Ridderbos identifies the significance of *dia* as an expression of metaphysical mediation,[75] while Westcott says *di'autou* equates to 'Word as mediate Agent of Creation.'[76]

*Jn.*1:1, *theos ēn ho logos*, the Word was God, stands out because of its lack of a definite article. With the article, the *logos* is designated as God; without it, there is a suggestion that the *logos* is 'of God.' This is a statement Philo could make without compromising Jewish monotheism; it would be the equivalent of 'divine', as if for *theos* we had read *theios*. The NRSV's 'and the word was God' is rendered by the NEB (and Lindars) in Philonic mode as 'what God was, the Word was.'[77] Schnackenburg also virtually takes *theos* as *theios*, because it 'signifies the nature proper to God and the Logos in common.'[78] Westcott is thinking along similar lines when he translates *theos* as 'the godhead.'[79]

Despite these convergences, Philo and John are not ultimately compatible. A correction or critique of Philo is taking place. Dodd reminds us that Philo's *logos* is not personal 'except in a fluctuating series of metaphors,' and is not the object of faith or love, where the incarnate *Logos* of the Fourth Gospel 'is both lover and loved.'[80] Philo is perhaps best thought of as a philosopher, steeped in the Greek tradition and reformulating the Yahwist faith using the categories of Hellenistic philosophy. Westcott identifies the clear blue water between Philo and 'John': 'Philo, following closely in the track of Greek philosophy, saw in

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[74] Schnackenburg, *The Gospel According to St John,* pp. 236-7.
[75] Ridderbos, *The Gospel of John,* p.36.
[76] Westcott, *The Gospel According to St John,* p.4.
[77] Barrett (p.156) says that 'θεός being without the article, is predicative and describes the nature of the Word'. Brown (p.5) says that 'the translation "The Word was God" is quite correct". Schnackenburg (p.234) says that 'the θεός before the copula is predicate, but does not simply identify the Logos with the ὁ θεός mentioned just before.'
[78] Schnackenburg, *The Gospel According to St John,* pp. 234.
[79] Westcott, *The Gospel According to St John,* p.3.
[80] Dodd, *The Interpretation of the Fourth Gospel,* p.73.

the *logos* the divine Intelligence in relation to the universe: the Evangelist, trusting firmly in the ethical basis of Judaism, sets forth the *logos* mainly as the revealer of God to man, through creation, through theophanies, through prophecy, through the Incarnation.'[81]

4.3.4 The perspective from Hellenized Judaism: ii) Wisdom literature

If we are looking in 'John' for welcome and endorsement of a pre-existing non-Christian tradition, then one of the strongest candidates must be the concept of Wisdom. The Book of Wisdom was written in Greek in the first half of the 1st century B.C.E., the last book of the Old Testament. As with Philo, it was composed in Alexandria by a learned Greek-speaking Jew, familiar with Hellenistic philosophy. Dodd believes that 'with Wisdom we are already half-way to Philo's *logos*.'[82] It is possible that the Book of Wisdom was an influence on Philo; they certainly share a common milieu. Brown argues that 'in the OT presentation of Wisdom, there are good parallels for almost every detail of the Prologue's description of the Word.'[83] He cites 60 Wisdom references with parallels with the Johannine *logos*.[84] Brown concludes that 'the Prologue's description of the Word is far closer to biblical and Jewish strains of thought than it is to anything purely Hellenistic.'[85] Schnackenburg agrees; Wisdom speculation provides 'aptest parallels in thought.'[86]

Dodd thinks John is closer to Wisdom literature than to Philo, while Lindars even posits 'a Wisdom poem' as John's model. Dodd defines *Sophia* as 'the hypostatized thought

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[81] Westcott, *The Gospel According to St John*, pp. xvii-xviii.
[82] Dodd, *The Interpretation of the Fourth Gospel,* p.73.
[83] Brown, *The Gospel According to John,* p.523.
[84] *Ibid*., pp. *cxxii-cxxv. Jn* 1:1, for example, is reminiscent of 'The Lord created me at the beginning of his work' (*Prov* 8:22-3), 'I was beside him' (*Prov* 8:30), 'with him it remains forever' (*Sir* 1:1), 'ages ago I was set up, at the first, before the beginning of the earth' (*Wis* 6:22) 'Wisdom, the fashioner of all things' (*Wis* 7:22) or 'I will trace her course from the beginning of creation' (*Sir* 24:9).
[85] Brown, *The Gospel According to John,* p.524.
[86] Schnackenburg, *The Gospel According to St John,* p.484.

of God, immanent in the world' and as such 'it replaces the Word of the Lord[87] as medium of creation and revelation' so that 'in composing the Prologue the author's mind was moving along lines similar to those followed by Jewish writers of the Wisdom school.'[88] Wisdom, Hebrew *hōkmah*, (feminine), is an intermediate divine being, and can be interpreted religiously or philosophically. 'Wisdom has an independent existence in the presence of God and also bears some relation to the created world.'[89]

The conclusion does seem unavoidable: the *logos* assumes the functions that a Jewish writer would ascribe to Wisdom. Furthermore, Jesus' pre-existence as *Logos*, and the *Logos*' role in creation, are illumined by Jewish Wisdom ideas.[90] Nevertheless, we must retain the note of correction and critique. If Wisdom truly embodied all that John wanted to convey, he could have used *sophia* rather than *logos*.[91] And the clear blue water is this: Wisdom is *never* called 'the word of God', is *not* personal and is *not* pre-existent.

4.3.5   The Christian perspective: The New Testament 'Word'

It is important not to forget the most obvious source for the Word available to John, early Christian thought, either oral or written. This raises source-critical questions as to whether John knew the Synoptics or, as Lindars believes, knew traditions close to the Synoptics. The *en archē*, for example, of *Jn.*1:1 could echo not just the Septuagint Genesis but the first word *archē* of Mark's Gospel. Likewise, John's *logos* could actually be a conscious recapitulation

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[87] i.e. *dābār* YHWH
[88] Dodd, *The Interpretation of the Fourth Gospel,* p.274.
[89] Barrett, *The Gospel According to St John,* p.153.
[90] Edwards, (Ruth) *Discovering John*, p.39.
[91] Brown suggests that it was the gender of *logos* that made it preferable. Schnackenburg (p.492.) agrees that the masculine noun *logos* appeared 'more fitting than the feminine noun Sophia.' Schnackenburg acknowledges that his source for this idea is W. Bauer, *Das Johannesevangelium*, Handbuch zum Neuen Testament 6 (3rd ed., 1933) p.7. Grillmeier also thought that the feminine form 'would be no recommendation in the Greek cultural sphere.' See Grillmeier, *Christ in the Christian Tradition*, p.31.

of the *logos* of Mark's Sower and Seed parable.[92] There are also striking parallels between the Prologue and Hebrews 1:3; 'He is a reflection of God's glory and the exact imprint of God's very being, and he sustains all things by his powerful word.'[93] However, the mention of Hebrews only brings us back to the complexities of the Prologue. For the author of Hebrews, Nash explains, is 'an active participant' in Alexandrian Hellenistic Judaism and so contains close parallels with both biblical *Sophia* and the Philonic *logos*.[94]

The putative hymnic form of the Prologue also has New Testament parallels, notably Philippians 2:6-11 and Colossians 1:15-20. Miller has more recently proposed that the true source for the *logos* has been staring us in the face in the form of the *Fourth Gospel itself*, which uses *logos* or *rhema* 51 times, and 'which may be read at one level as meaning "word", but may transparently point at the same time to a Word, the saving truth.'[95] Barrett had already been thinking along similar lines, when he expressed the view that John 'does no more than take the last step of a process hinted at...by the rest of the New Testament.'[96]

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[92] Mark 4:1-20

[93] 'Reflection of glory' in the Greek text is '*apaugasma tēs doxēs*'. 'Word' here is actually *rhēma*, not *logos*.

[94] Ronald H. Nash, *Christianity and the Hellenistic World,* (Grand Rapids, MI: Zondervan Publishing House, 1984), p.89.

[95] Ed L. Miller, 'The Johannine Origins of the Johannine Logos', *Journal of Biblical Literature* Vol.112, No 3 (Autumn, 1993), pp.445-457. p.452.

[96] Barrett, *The Gospel According to St John,* p.154. Barrett here acknowledges a debt to Hoskyns. See E.C. Hoskyns, *The Fourth Gospel*, ed. By F.N. Davey, 2 vols. (1940 2nd rev. ed., 1947) pp.162-4. I will not spend time on possible associations of *memrā* and *logos*. The *memrā* was a substitute for the name of YHWH, a feature of the Targums which had the effect of protecting divine transcendence by avoiding utterance of the divine name. Like the *logos*, the *memrā* is associated with creation, revelation and light. The Targums, were reworked versions of the scriptures employed in synagogues for the benefit of the unlettered, who struggled with the original Hebrew and which John appears sometimes to have preferred to use rather than the Hebrew or the Septuagint. See Brown, *The Gospel According to John,* pp.523-4. I have also omitted Bultmann's proposal of Gnostic Mandaean texts due to their very late date (700C.E.). However, the existence of some form of first century Christian Gnosticism is a not unreasonable presupposition and some respected commentators detect allusions to Gnostic tendencies in the Fourth Gospel. See Schnackenburg, *The Gospel According to St John*, pp.491-493.

4.4: THE INCLUSIVITY AND EXCLUSIVITY OF THE *LOGOS*

4.4.1 Searching for meaning

This analysis of a range of possible sources for the *logos,* which I have carefully termed 'perspectives', has already shown that in communicating the most elevated and distinctive doctrine of the Christian faith, John was willing to deploy a term that already had a long history and a host of religious and philosophical associations. I have characterized the 'tone of voice' in John as one of welcome and endorsement, exemplified by his willing deployment of a term with a variety of pre-existing associations or 'baggage'. This is intended to pave the way for my conclusion that John's use of the *logos* is inclusive. In this view I take encouragement from Dodd:

> If...we try to enter into the author's intention, it must surely appear that he is thinking, in the first place, not so much of Christians who need a deeper theology, as of non-Christians who are concerned about eternal life and the way to it, and may be ready to follow the Christian way if this is presented to them in terms that are intelligibly related to their previous religious interests and experience.[97]

MacRae expresses this purposeful inclusivity very well:

> Since the age of the Fourth Gospel was the age of Roman Hellenism, characterized in many respects by a kind of religious universalism or syncretism, is it not possible that the Fourth Gospel may have tried deliberately to incorporate a diversity of backgrounds into the one gospel message precisely to emphasis the universality of Jesus.[98]

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[97] Dodd, *The Interpretation of the Fourth Gospel,* p.9.
[98] John Ashton, *Understanding the Fourth Gospel,* (Oxford: Clarendon Press, 1991), p.96., quoting G. MacRae, 'The Fourth Gospel and *Religionsgeschichte*', *CBQ* 32 (1970) pp.13-24, p.14.

I should add that Ashton calls for extreme caution and precision in distinguishing terms such as 'background', 'source' and 'influence.'[99] I also certainly take note of Miller's warning that it would be ahistorical to imagine that the Evangelist self-consciously accessed a range of sources and acted as a 'sifter of documents, or a sifter of traditions.'[100] As Ashton himself warns us, this approach tells us more about our own contemporary preoccupations than those of the author.[101] At the same time, Ruth Edwards exhorts us to use John's Gospel to search for 'a life-enhancing message, still relevant to the Church and the contemporary world.'[102] Here emerges the distinction between *exegesis* and *eisegesis*, and herein lies an admonition to my project in general and to this chapter in particular, as it interrogates a scriptural source in a search for an authentic Christian positioning with regard to the contemporary culture of human rights.[103] I am essaying a 'theological interpretation' of the Prologue based on 'the fact that it is used in communities of faith who are interested in what the text means to them today' and 'the fact that the New Testament has made valuable contributions to the faith of Christian communities for many centuries though in different ways at different times.'[104] This must not mean doing violence to the text, so at the same time I seek to respect 'reliable, careful scholarship that aims to uncover as far as possible the original meaning of the text.'[105] If Nichols is right, my approach is consonant with that of Ratzinger: 'Christian faith generates questions to be put to the theology of the past. The answers which ancient texts offer back then broaden the systematic theologian's field of vision.'[106] Twomey's comment is also helpful here. Ratzinger's personal theology offers 'faltering but nonetheless stimulating insights into God's word as a response to the crucial questions affecting humanity individually and collectively.'[107]

With these points in mind, I proceed to a detailed examination of two verses of the Prologue.

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[99] Ashton, *Understanding the Fourth Gospel,* p.97. 'Just because we do not know exactly where John 'came from' it does not follow that we should picture him flitting round Asia Minor like a jackdaw, picking up a bright idea whenever one catches his eye and inserting it into the stuff of his Gospel.'
[100] Miller, *The Johannine Origins of the Johannine Logos,* p.450.
[101] Ashton, *Understanding the Fourth Gospel,* p.103.
[102] Edwards, *Discovering John*, p.18.
[103] Ratzinger sees biblical exegesis as a starting point for all his work. See *Milestones,* pp.53-54.
[104] Paula Gooder and A.K.M. Adam, 'Theological Interpretation', in Paula Gooder (ed.) *Searching for Meaning: An Introduction to Interpreting the New Testament*, (London: SPCK, 2008), pp. 120-126, at p.126.
[105] *Ibid.*, p.126
[106] Nichols, *The Thought of Pope Benedict XVI,* p.19.
[107] Twomey, *Pope Benedict XVI, The Conscience of Our Age,* p.38.

4.4.2 The inclusive *logos:* Jn. 1:9.

Even if we side solely with Judaism as the source for the *logos*, we cannot avoid a sort of inclusivity, if we remember, with contemporary scholarship, that it would be hard to find a form of Judaism that had not been Hellenized to some degree. An examination of John 1:9 can act as a further illustration of this point.

Ēn to phōs to alēthinon,	That was the true light,	The true light,
ho phōtizei panta anthrōpon,	which gives light to every man	which enlightens everyone,
erchomenon eis ton kosmon.	coming into the world.	was coming into the world.
(United Bible Societies text)	*(NKJV)*	*(NRSV)*

With its striking Greek sense of natural revelation available to humans, this verse has often served as an emblem of universality and inclusivity and at least an opening of the epistemological door to the idea of some sort of universal access to ethical truth. The two translations have been selected to show that a serious ambiguity arises in the word *erchomenon*, which could be construed as neuter nominative, in apposition to *phōs*, (as in NRSV), or as masculine accusative, agreeing with *anthrōpon*, (as in NKJV).[108] This means that we are not sure whether it is the 'light' coming into the world (NRSV), or 'every man' that is coming into the world (NKJV).[109]

Even taking *phōs* with *erchomenon,* the interpretation depends on whether we parse *ēn* as a stand-alone finite verb, and *erchomenon* as a present participle, or whether we attach *ēn* to *erchomenon* as a periphrastic imperfect, 'was coming.'[110] Westcott tries to do justice to

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[108] In the textual tradition the reading of 'coming' with 'light' is favoured by the Latin Fathers such as Tertullian and Cyprian.

[109] Some commentators have pointed out that 'one who comes into the world' is a common Rabbinic periphrasis for 'man'. Schnackenburg (p.254.) says the presence of *anthrōpon* makes this implausible.

[110] Brown, (p.8.) finds 9 such circumlocutions in John.

both constructions: 'There was the light, the true light, which lighteth every man; that Light was, and yet more, that Light was coming into the world.'[111]

Interpretation is also affected by views on the nature, purpose and evolution of the Prologue and its possible origin as a 'Logos-Hymn.' Brown, for example, does not include verse 9 as part of the original 'poetry' of the Prologue, moved by the absence of the poetic link word *kai*. Schnackenburg accepts verse 9 as part of the 'hymn', but rejects 9c, *erchomenon eis ton kosmon*, as an anti-Baptist addition of the evangelist.

Verse 9 raises Augustine's question concerning the point at which we consider Christ to make his entry into the Prologue. We have seen that Augustine located it at verse 11, 'He came unto His own,' taking vv. 1-5 and 9-10 as Platonic metaphysics. For Schnackenburg, only verses 1-5 remain in the cosmic realm. Verse 6 introduces history and the reality of the incarnation. He says in a footnote, 'it was only in more modern times that everything after verse 6 came to be applied in the work of the incarnate *logos* (correctly, as we think, to the evangelist's mind).'[112] Westcott allows for a sense of pre-Christian revelation, both on an ontological level, 'From the first He was (so to speak) on His way to the world, advancing towards the Incarnation by preparatory revelations' and an epistemological / ethical level: 'No man is wholly destitute of the illumination of "the Light" – in nature, and in life, and conscience it makes itself felt in various degrees to all.'[113]

Barrett is sensitive to Greek/Hellenistic undertones: 'When the Prologue is interpreted in terms of Hellenistic religion, and the *logos* thought of in a Stoic manner, it is natural to see in the present verse a reference to a general illumination of all men by the divine Reason.'[114] He translates 9b as 'which shines on every man.' Barrett sees the *logos* coming to the world

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[111] Westcott, *The Gospel According to St John,* p.7.
[112] Schnackenburg, *The Gospel According to St John,* p.257n.
[113] Westcott, *The Gospel According to St John,* p.7.
[114] Barrett, *The Gospel According to St John,* p.161.

as coming to its natural counterpart in the world of rational men, *logikoi*. Borgen takes *erchomenon* with *phōs*, translating 'Logos was the true light, which enlightens every man by coming into the world.' The background for him is Jewish; 'the concept of the logos-light's coming in John ... has as a model the conception of Torah – light's coming with Moses,' for at Sinai the light of the law shone on all men.[115] Likewise Schnackenburg says that if the original hymn allowed for the historical spiritual illumination of humanity, then that was from within the *Jewish*, *not* the Greek tradition: 'An activity of the *logos* in pre-Christian times is not foreign to primitive Christian thought, which was open to the Wisdom speculation and notions of pre-existence current among Jews.'[116] So the original hymn taught that 'The power of the Logos to give light and life is universal and indispensable to every man,' but the Prologue 'transfers to the *logos* the functions ascribed in Jewish literature to Wisdom or the Torah.'[117] Schnackenburg concludes 'the hymn does not describe the partial success of the work of the *logos* among mankind.'[118] Ridderbos agrees: 'There is no mention here of unsatisfied dormant sense or preunderstanding that needed only to be activated in order to acknowledge him.'[119]

Thyssen, however, is convinced that verse 9 exhibits an epistemological point: 'the Logos-concept of Greek philosophy: the idea of innate knowledge.'[120] Lincoln thinks in terms of universalism: 'The Word, then, has a transcendent power of illumination that is indispensable for all people.'[121] Lindars also believes that verse 9 'refers to the continuous

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[115] Peder Borgen, 'Logos was the True Light: Contributions to the Interpretation of the Prologue of John', *Novum Testamentum*, Vol. 14, Fasc. 2 (Apr., 1972), pp. 115-130, p.125.
[116] Schnackenburg, *The Gospel According to St John,* pp. 256.
[117] *Ibid.,* pp. 253.
[118] *Ibid.*, pp. 257.
[119] Ridderbos, *The Gospel of John,* p.44.
[120] Henryk Pontoppidan Thyssen, 'Philosophical Christology in the New Testament', *Numen*, Vol.53, 2006, pp.133-176, p. 159.
[121] Lincoln, *John* p.101.

coming of the light as a source of revelation to mankind.'[122] This was in fact the position of Aquinas, from which he drew ethical implications. Taking *erchomenon* with *anthrōpōn,* he explained:

> For all men coming into this visible world are enlightened by the light of natural knowledge through participating in this true light, which is the source of all the light of natural knowledge participated in by men.[123]

This interpretation suits Aquinas' philosophical-theological concept of *participatio*, which acts as the basis of his theory of natural law, and goes on to influence the concept of human rights, a theme to which I will return in Chapter Seven.

4.4.3   The exclusive *logos*: Jn. 1:14

I suggest there are at least five 'exclusive' aspects of the Fourth Gospel. Firstly, while it resides in what we might call a pluralist context, the Johannine community, like those of Nag Hammadi and Qumran, cultivates an understanding of itself as exclusive, a group that dwells in the light and has set itself apart from a world given over to darkness and ignorance. Secondly, John is famously dualistic in his world-view, understanding the world as a battle between dark and light (v.5) and speaking of the world both as God-created and fallen into ignorance in the same breath (v.10). Thirdly, John has a passion for truth and proclaims it without reservation as the essential characteristic of Christ and the Christian *kerygma*.[124] Fourthly, there is an obvious exclusivity in John's uncompromising proclamation of Christ as universal saviour, the unique son of God who dwells in the bosom of the Father and has made Him known (v18). Fifthly, this last point leads us to John's key moment of exclusivity, the remarkable verse 14.

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[122] Lindars, *The Gospel of John,* p.89.

[123] St. Thomas Aquinas, *Commentary on the Gospel of John Chapters 1-5*, trans. Fabian Larcher and James A. Weisheipl, (Washington, D.C: The Catholic University of America Press, 2010), Chapter 1, Lecture 5, pp.52-60. Aquinas uses the term 'participation' 9 times in his elucidation of this verse.

[124] John uses *alētheia* 21 times. The supreme moment of truth is perhaps the Johannine irony of Pilate's scornful question at 18:38.

Having thus far emphasised commonalities between the Prologue and various belief systems, I must now acknowledge its *corrective* nature as a polemic against certain religio-philosophical stances. Barrett regards *logos sarx egeneto* as 'a full, and perhaps the most succinct, expression of the paradox of the person of Christ.'[125] As Edwards says, 'there is nothing precisely like this in Stoicism, the Hermetica, the Targums, or even Philo.'[126] Like most commentators, Lindars sees verse 14, with its provocative juxtaposition of *logos* and *sarx*, as the climax of the Prologue, the impact of which will be lost if we overplay the application of any of the previous verses to Jesus Christ. He expresses the shock of verse 14 for the Hellenists: 'A reader with a dualist world-view of Hellenistic thought might accept the argument up to that point', understanding the previous verses as 'timeless inward apprehension', 'but he would be horrified by the thought of the Word becoming flesh.'[127] As Lincoln says, for the Hellenistic reader *logos sarx egeneto* would represent 'a merging of incompatible opposites, since the Logos was the rational and spiritual principle primarily to be experienced through the overcoming of physical and material existence.'[128] All Hellenistic thought subscribed to the dualist world-view in which the flesh is fundamentally incompatible with the divine. 'Salvation' in Platonic philosophy is always release from the body, to facilitate union with the realm of pure spirit, which alone is divine. Schnackenburg requires 37 words to translate the Greek's three:

> The Logos who dwelt with God, clothed in the full majesty of the divinity and possessing the fullness of the divine life, entered the sphere of the earthly and human, the material and perishable, by becoming flesh.[129]

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[125] Barrett, *The Gospel According to St John,* p.165.
[126] Edwards, *Discovering John,* p.92.
[127] Lindars, *The Gospel of John,* p.79.
[128] Lincoln*, John* p.104.
[129] Schnackenburg, *The Gospel According to St John,* pp. 266.

For Westcott the message is that 'the Incarnation presupposes and interprets the Creation and the later history of man, and of man's relation to God.' He is also struck by the juxtaposition of *logos* and *sarx*. 'The former marks the unchanged continuity of the Lord's personality, and the latter the complete reality of His Manhood.'[130]

Some commentators also detect a polemic against the docetists, who, influenced by Hellenistic dualism, are keen to deny the union of the divine and human in Christ.[131] Lindars suggests that docetism 'was already becoming current within the Church when John was writing his Gospel.'[132] Others further suspect a defensiveness against Gnosticism, which Schnackenburg says 'can be shown to be current in the second century.'[133] The Gnostic *logos* is a heavenly redeemer figure whose mythical status is contrasted with John's unmistakeably historical *Logos*. Schnackenburg believes that 'the anti-Gnostic tone is unmistakeable' and that 'the Logos hymn undoubtedly envisaged Gnostic falsifications of the Christian faith, which were already giving the communities some trouble.'[134] Thanks to verse 14, 'the Christian teaching on the Son of God made man cannot be reduced to one variety among others: it can only be understood as a protest against all other religions of redemption in Hellenism and Gnosticism.'

Traditional Judaic monotheism is also challenged by verse 14, which Dodd points out takes us 'beyond the range of Jewish ideas' with 'an entirely fresh expression' which is 'unprecedented and unique.'[135] The shock of *logos sarx egeneto* for Lincoln is that 'it would appear to have breached the clear distinction between the Creator and the Creature.' He

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[130] Westcott, *The Gospel According to St John,* p.10.
[131] Docetists (Gk. *dokein* – 'to seem, to appear') were Christians who held that Jesus only *seemed* or *appeared* to be human and that his body was an illusion. In Christological terms, they could not accept the humanity of Jesus. Docetism was unequivocally rejected at the First Council of Nicaea in 325 C.E.
[132] Lindars, *The Gospel of John,* p.79.
[133] Schnackenburg, *The Gospel According to St John,* p.239.
[134] *Ibid.,* pp. 268.
[135] Dodd, *The Interpretation of the Fourth Gospel,* p.273.

suggests a paraphrase: 'God's self-communication became embodied.'[136] Dodd's equivalent is 'this same divine hypostasis now embodied itself in a human individual.'[137] The word *sarx* has received various renderings, such as Brown's 'the whole man',[138] or Ridderbos' 'all of the human person in creaturely existence as distinct from God.'[139] A Jewish reader will certainly be shocked at the anthropomorphism of a man known to history being the revelation of the invisible God, rather than just an inspired messenger like the prophets.

Alongside these incommensurabilities, verse 14 retains Judaic resonances which constitute a welcome and endorsement of Hebrew thought. Thus *eskēnōsen* takes us far from Hellenism to the Wisdom language of Sirach 24:4.[140] The phrase 'he tabernacled' or 'pitched his tent' among us is pregnant with Exodus' associations of God's presence among his people.[141] The term *eskēnōsen* connects 'the Personal Presence of the Lord with his earlier Presence in the Tabernacle which foreshadowed it.'[142] Lindars and Lincoln hear an allusion to the *shekīnāh*, a Mishnah circumlocution for the presence of God, arising after the destruction of the Temple and derived from Deuteronomy 12:11, 'your God will choose as a dwelling for His name'.[143] Yet the correction and critique must not be ignored: the presence of the *logos* in Christ 'surpasses everything that could have been said of Wisdom' and contains the sense of 'taking up residence and staying.'[144]

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[136] Lincoln, *John* p.104.
[137] Dodd, *The Interpretation of the Fourth Gospel,* p.281.
[138] Brown, *The Gospel According to John,* p.13.
[139] Ridderbos, *The Gospel of John,* p.49.
[140] 'I dwelt in the highest heavens' (LXX: *kataskēnōson*)
[141] *Exodus* 35:8
[142] Westcott, *The Gospel According to St John*, p.11.
[143] Lindars, *The Gospel of John,* p.93, and Lincoln, *John,* p.104. The Mishnah is the oral Torah of the Rabbinic tradition, reflecting debates between 1st century BCE and 2nd century CE.
[144] Schnackenburg, *The Gospel According to St John*, pp. 269 and Ridderbos, *The Gospel of John,* p.50.

4.5   READING THE PROLOGUE WITH RATZINGER

Ratzinger tells us that for all his theological work 'the point of departure is first of all the Word.'[145] He presents the Johannine *logos* as the fulfilment of Hellenistic thought. 'In using the term *logos* John is taking over a term 'widely current in both Greek and Jewish thought and taking over with it a series of ideas implicit in it.' One of those ideas, which John retains, is 'the idea of the eternal rationality of being.'[146] But in Jesus of Nazareth the *logos* 'acquires a new dimension.' It still includes 'the permeation of all being by meaning', but shockingly, it characterizes this man: 'he who is here is Word'. *Ratio* becomes *verbum,* rationality becomes relationality, in a *logos* Christology whose hallmark is 'the opening up of being to the idea of relationship.' Jesus Christ is 'a God who perceives me, hears me, speaks to me (a *Logos*).'[147]

Like John, Ratzinger seeks to correct and critique Greek thought, while valuing and respecting its undoubted achievements. Hellenistic thought adheres to a monotheism derived purely from philosophical speculation. Such a belief, while representing a perception of the truth, can have no real religious force. 'One cannot worship one's own intellectual concepts.'[148] Jesus Christ, as the Johannine *logos*, answers both 'the deepest religious longings' and 'the requirements of reason'.[149]

Jesus becomes the fulfilment of both the Greek and the Judaic enlightenments, the ultimate guarantor of the highest reality. Jesus is not the Greek 'absolute enclosed autarchy' but 'involvement, creative power, which creates and bears and loves other things...'[150] Greek philosophy seeks 'the concept of the Highest Being' and 'to know what the Highest Being is

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[145] *Salt of the Earth*, p.66.
[146] *Introduction to Christianity*, p.189.
[147] *Truth and Tolerance*, p.103.
[148] *Ibid.,* p.154.
[149] *Ibid.,* p.153.
[150] *Introduction to Christianity*, p.148.

like in itself.' Biblical faith fulfils this yearning by revealing that the highest Being has a name, the Highest Being is a person who can be called upon. 'John presents the Lord Jesus Christ as the real, living name of God.'[151]

Ratzinger extols the exclusivity of verse 14, struck by 'the absolutely staggering alliance of *logos* and *sarx*' where *logos* is 'what sustains history' and *sarx* a 'single historical figure'.[152] Verse 14 tells us that 'the name is no longer just a word at which we clutch; it is now flesh of our flesh, bone of our bone. God is one of us.'[153] Verse 14 must be read with verse 1: 'The creative rationality from which the world has sprung, is personally present in this man Jesus.'[154]

The *Logos* represents Jesus as the Word; not only a person who *has* words or *speaks* words, but who *is* his word and his work, who is the *Logos* (the Word, meaning, mind) itself; 'that person has always existed and will always exist; he is the ground on which the world stands.'[155] Alongside the shock of verse 14's exclusivity and particularism, Ratzinger refuses to relinquish the universality and inclusivity of the Greek vision, for 'faith in the *logos*, the meaningfulness of being, corresponds perfectly with a tendency in the human reason.'[156] But he sees that Greek thought is being corrected:

> Perhaps one could maintain, however, that the new element that he imparted to the *Logos* concept lies significantly in the fact that what was decisive to him was not the idea of eternal rationality - as the Greeks supposed - or whatever other speculations there might

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[151] *Introduction to Christianity*, p.134. In a footnote on p.76, Ratzinger says 'The Greek word *logos* displays in its range of meanings a certain correspondence with the Hebrew root 'mn' ("Amen"): word, meaning, rationality, truth are all included in its semantic range.'
[152] *Ibid.,* p.193.
[153] *Ibid.,* p.135.
[154] J. Ratzinger, *God and the World*, trans. Henry Taylor, (San Francisco: Ignatius Press, 2002).
[155] *Introduction to Christianity,* p.206.
[156] *Ibid.,* p.193.

have been previously, but rather the relativity of the existence that is inherent in the concept of the Logos.[157]

It would, then, be unwise to position John's deployment of the *logos* purely in instrumental terms, as if the evangelist almost cynically dusted off a well-worn, culturally respectable term merely to render his Gospel palatable to Hellenic auditors. My narrative has revealed the inner appropriateness of the term *logos* as a carrier of something precious and true. Nevertheless, the usefulness of the term *logos* cannot be completely ignored. Ratzinger, in my view, struck the right balance in the Bonn Inaugural Lecture:

> The appropriation of philosophy … was nothing other than a necessary interior process, which was complementary to the exterior task of missionary proclamation of the Gospel to the Gentile world. If the Christian message is essential, and is to be not merely an esoteric secret teaching for a narrow and limited circle of insiders, but God's message for all, then it is essential that it is interpreted for the outside world into the general language of reason.[158]

Here is an insight which will orient Ratzinger throughout his life-long theological endeavours.

4.6: JOHANNINE *LOGOS* THEOLOGY AND AN INCLUSIVE CONCEPT OF HUMAN RIGHTS

From this chapter's excursion into the Hellenized Judaism of the Johannine *logos*, five claims emerge.

The first claim is that the Johannine deployment of the *logos* can serve as a model for an inclusive contemporary Christian engagement with human rights. I have established that the *logos* concept had various meanings for a range of constituencies and that these pluralities flow from complex interactions between the Greek/philosophical or the Judaic/biblical

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[157] J. Ratzinger: 'On the Understanding of Person in Theology', *Dogma and Preaching*, p188. The word relativity may contain the idea of 'relationality', although the original German *Relativität* does mean 'relativity'. Note the use of a favourite Ratzinger word 'decisive'.
[158] *Gott des Glaubens*, p.32.

traditions, with the 'theosophy' of Philo and the *Sophia* of Wisdom literature constituting potent syntheses of both. In a complex, syncretising world, the *logos* stood out as an almost universally well-regarded concept. As *logos,* it had deep, almost subconscious, roots in the Hellenistic thought-world. As 'Word', it had an equally respectable pedigree in the heart of Judaism *and* of Christianity. Whether he was preaching to his own 'Johannine community', or reaching out to convince highly-educated Hellenized Jews, or Judaized Gentiles, John was bold enough to use a widely known non-Christian concept with which to communicate his own Christian faith.

To laud the Fourth Gospel for its 'inclusivism' would be as anachronistic as to decry its 'exclusivism'. I have described what I have termed John's 'tone of welcome', but have noted also his uncompromising correctives. Neither neo-Platonist, nor Stoic, nor follower of Philo can fail to find both a corroboration of something they have got right and a stern rebuke of something they have got wrong. This applies equally to the Christian with Gnostic or docetic tendencies, to the persistent adherent of John the Baptist, to the over-comfortable or elitist Christian and of course to the faithful Jew of the Mosaic tradition.

The relevance of these reflections to the culture of human rights is this. The concept of human rights occupies a status in the contemporary mind analogous to that of the *logos* in the Hellenistic world. In a multicultural, pluralist world, the concept of human rights stands out as a widely accepted concept. Just like the *logos*, the human rights concept constitutes a universal language. Like the *logos*, it has deep, genealogical roots in the Graeco-Roman tradition, alongside equally longstanding sources in the biblical tradition of both Judaism and of Christianity. This thesis therefore makes the claim that it is possible for Christians today to use the concept of human rights in order to communicate anew, in an even more complex

pluralist setting, that same Christological vision espoused by John, a Christology I have characterized as 'rationality with relationality'.

My second claim focuses not on the methodology, but the actual meaning of the Johannine *logos*. Beating within the heart of the Prologue is the unmistakeable pulse of that Greek, and especially Stoic, thought, which influenced both Philo and the Wisdom literature, namely, the congruence between the rationality of the creator, creation and creature. This is the insight that Ratzinger admires so much in Greek thought, that to live well is to live *kata logon*, a theme which is central to the Regensburg Lecture, with its passionate appeal for religious dialogue *syn logō* (paras.13, 17, 24 and 63). Alongside this Greek concept of natural law sits a natural theology, which seeks to discover the universal in human experience. We have seen this profound universalism in the Prologue, in *to phōs tōn anthrōpōn*, the conviction that certain ontological, epistemological and ethical insights have always been, or could always have been, available to humanity, even before the coming of Christ. This profoundly inclusive and welcoming insight leads to a second claim; if they are to remain true to their own tradition, Christians must engage with the intrinsic universality of human rights. They are not optional, nor are they alien, to Christianity.

This leads to a third claim which builds on the Judaeo-Christian exclusivity of the Prologue. Verse 14's *logos sarx egeneto* is incarnational, particular, personal, historical and human. It therefore contrasts with the metaphysical purity of verse 1's *en archē ēn ho logos*; yet it is also the logical outcome of a metaphysic that is inherently relational. For the very concept of *logos* or 'word' implies *communication* and thereby proposes an ontology built not on transcendence but on communion. The Prologue therefore balances Greek transcendence and rationality with Jewish relationality and history. This leads to a third claim. Christians must commit to the almost timeless *rationality* of rights, especially in terms of their protection

of the rational autonomy of the individual person, as constituted in the traditional civil and political rights of the Enlightenment. However, Christians also have a special responsibility to uphold the *relationality* of rights, as this unfolds and develops in historical time, especially as constituted in the tradition of economic, social and cultural rights, which have always been the special concern of religious actors, and which are subject to ongoing development in the subsequent emergence of group or communal rights, as well as of environmental rights.

Furthermore, a Christian will want to ground human rights even more deeply, in the ontology of love. Ratzinger started his theological work with this insight, that the *logos* is at the same time love, that love is the original creative thought of the world, that truth and love are identical and constitute 'the one and only absolute.'[159] Towards the end of his ministry, he would reprise the same theme. 'The ancient world had dimly perceived that man's real food – what truly nourishes him as man – is ultimately the Logos, eternal wisdom: this same Logos now truly becomes food for us – as love.'[160] If truth and love 'cannot be produced' then neither ultimately can human rights. 'Their ultimate source is not, and cannot be, mankind, but only God, who is himself Truth and Love.' Society cannot be merely a human product, a human choice, but a response to an intrinsic plan 'that is prior to us and constitutes a plan to be freely accepted.'[161]

A fifth and final point must be made concerning dialogue, identified in the previous chapter as a crucial dimension of the Platonic concept of *logos*. Structured as it is around a series of discourses, the Fourth Gospel constitutes a dialectic, with truth incarnated in a series of speeches, exchanges and conversations, the famous 'discourses'. Likewise, the Prologue, in

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[159] *Introduction to Christianity*, p.148.
[160] J. Ratzinger as Benedict XVI, *Deus Caritas Est: Encyclical Letter on Christian Love*, (London: Catholic Truth Society, 2006), para.13, p.16.
[161] J. Ratzinger as Benedict XVI, *Caritas in Veritate: Encyclical Letter on Integral Human Development in Charity and Truth*, (London: Catholic Truth Society, 2009), para.52, p.64.

a mere 250 words, can be read as a dialogue with neo-Platonists, Stoics, followers of Philo, proto-gnostics, Christians with Hermetic-style beliefs, Jews steeped in the Torah and in the Wisdom literature, followers of John the Baptist, Christians with docetizing, accommodationist or elitist tendencies, all in a tone of both welcome and correction. In this sense it constitutes a model for interreligious dialogue in which Christians *can* and indeed *must* be exclusive, in the sense of maintaining their doctrinal integrity, while being *inclusive* in the sense of allowing the insights of others to shape and develop that doctrine in new directions. If they do this they will simply be taking their lead from the Johannine methodology of 'taking the common linguistic and conceptual coinage of his day and reminting it in the light of Christ,'[162] an approach by which 'prevailing philosophies have been essentially "baptized" and have helped to sharpen the articulation of Christian thought and shape its systematic development.'[163]

CONCLUSION

My enquiry into the nature and sources of the Johannine *logos* has confirmed that the *logos* was shaped by non-Christian insights and concepts. On this basis, I draw confidence in taking forward into my enquiry into human rights, the idea that Christians can and must allow their own tradition, including their approach to human rights, to be shaped by non-Christian insights and concepts. John teaches the absolute universality of the *logos*-principle, alongside the shocking historical particularity and uniqueness of the Christ-event. Guided by Ratzinger's Hellenization thesis, and his championing of the *logos*, I conclude that any re-shaping of Christianity must respect the integrity of the Johannine creation account, in which

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[162] Stephen C. Barton, 'Johannine Dualism and Contemporary Pluralism', in *The Gospel of John and Christian Theology*, Richard Bauckham and Carl Mosser, (Grand Rapids, MI: Eerdmans, 2008) pp.3-18, p.16.
[163] D. Cheetham, 'Inclusivisms: Having Faithfulness and Openness', in Paul Hedges and Alan Race (eds.) *Christian Approaches to Other Faiths*, (London: SCM Press, 2008), pp.63-84, pp.66-7.

creator, creation and creature are held together in a creative tension I call rationality-with-relationality. In my account, the permanent significance of Hellenization demands the inseparability of ontology, epistemology and ethics. Two Ratzingerian contributions have come into focus and will guide the further progress of the thesis. Firstly, secular formulations of human rights must remain open to the insights of those with transcendent commitments. This principle will be of central importance in the discussion of the Christian engagement with the secular in Chapter Eight. Secondly, the interculturality of the Johannine *logos* shows a blend of exclusivity and inclusivity, but not pluralism or relativism. This principle will be of central importance in the discussion of Christian engagement with Islam in Chapter Nine.

Chapter Five will explore the implications of the *logos* doctrine of Justin Martyr as a further encounter between Greek thought and biblical faith, as an inclusive foundation for human rights, and as a model for intercultural dialogue.

CHAPTER FIVE

THE *LOGOS* THEOLOGY OF JUSTIN MARTYR

'the critically purified Greek heritage forms an integral part of Christian faith.'[1]

INTRODUCTION

This starting point for Chapter Five is the conviction expressed in the Regensburg Lecture that the 'inner rapprochement' between Biblical faith and Greek philosophy is of decisive importance for the history of religions and for world history.[2] The chapter examines the significance of Justin Martyr for the Ratzinger theme of the self-limitation of reason through the loss of the synthesis of faith and reason. This chapter explains how Justin Martyr searched for the perfect philosophy which would embody the truth about God. He tried Platonism, Stoicism, Judaism and Christianity. To explain why he chose Christianity as the perfect and true philosophy, Justin used one word, *logos*. The *logos* represented not a denial, but a fulfilment of all other systems. It signified a synthesis between the inclusivity and universality of general natural revelation and the exclusivity and particularity of special scriptural revelation. This chapter argues that *logos* theology can draw from Justin's paradigm to bring a patristically grounded synthesis of faith and reason into its formulation of the culture of human rights.

The Regensburg Lecture does not refer explicitly to the Patristic period. It does however take as its main theme the 'profound encounter of faith and reason'.[3] Regensburg accepts that there are aspects of the evolution of the early church which can be set aside today. However, the fundamental decisions taken in the New Testament and in the Patristic

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[1] *The Regensburg Lecture*, para.31.
[2] *Ibid.,* para.29.
[3] *Ibid.,* para.24.

period concerning the relationship between philosophy and Christianity, between faith and the use of human reason, cannot be undone; 'they are developments consonant with the nature of the faith itself.'[4] Justin Martyr represents one of the earliest and most influential attempts to achieve this synthesis. What Justin Martyr learned and taught, on the basis of this synthesis, was a *logos* theology. This theology can be summed up in the statement from Regensburg: 'the truly divine God is the God who has revealed himself as *logos*, has acted and continues to act lovingly on our behalf.'[5]

Justin Martyr is very strongly associated with the term *logos*. The aim of this chapter is to understand how Justin used the *logos*, in order to uncover the potential significance of the term for today. The chapter brings Ratzinger, Justin and human rights together for the first time. Justin is analysed in terms of inclusivity and exclusivity as well as within the philosophical framework of ontology, epistemology and ethics. Middle Platonism is posited as an influence for Justin's ontology, Judaism for his epistemology and Stoicism for his ethics. The contribution to the study of human rights is to use Justin's *logos* theology as a paradigm for an inclusive formulation of the concept of human rights.

5.1: JUSTIN'S *LOGOS* THEOLOGY AND THE ONTOLOGY OF PLATONISM

Starting with the theme of ontology, this section will outline the importance of Middle Platonism for Justin's theology. Justin will be portrayed as providing both an inclusivity or welcome for Middle Platonism and an exclusivity or correction of Middle Platonism.

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[4] *The Regensburg Lecture*, para.53.
[5] *Ibid.,* para.27.

5.1.1 Platonism

It is important to look at a phenomenon referred to by scholars as 'Middle Platonism' because if it is correct to think of Justin as influenced by Platonic philosophy, then it may be Platonic philosophy in this later form. The study of Middle Platonism as an influence on Justin was pioneered by Andresen in the 1950s.[6] It was Albinus in particular whose importance was highlighted by Andresen.

Many Patristics scholars have discussed 'Middle Platonism', but often with severe reservations. Philosophical convention distinguishes between Plato, 'Middle Platonism' and 'Neoplatonism'. Justin scholar Barnard commends Copleston's scheme of post-Platonic philosophy: i) 4th century BCE to 1st century BCE, the rise of the Stoic and Epicurean philosophies, alongside the Peripatetic school and the Academy ii) 1st century BCE to 3rd century CE, the rise of Middle Platonism and iii) 3rd century CE to 6th century CE, the period of Neoplatonism.[7]

Daniélou lists Middle Platonism's chief protagonists as Antiochus (1st century BCE), Plutarch (ca. 45–120 CE), Numenius, (mid-2nd century CE), Maximus of Tyre (late 2nd century CE), Albinus (mid-2nd century CE) and Atticus (mid-2nd century CE).[8]

Barnard describes Middle Platonism as 'an amalgam and a philosophic transition stage', while Daniélou says that 'Middle Platonism constitutes a particular interpretation of Plato, which retains certain features only of his thought, and organises them in a system.'[9]

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[6] Carl Andresen**, '***Justin und der mittlere Platonismus'*, *Zeitschrift fur die Neutestamentliche Wissenschaft*, xliv (1953), 157-195.

[7] L.W. Barnard, *Justin Martyr: His Life and Thought*, (Cambridge: Cambridge University Press, 1967), pp.28-9. Barnard is referencing F.C. Copleston, *A History of Philosophy. Vol 1: Greece and Rome*, Revised edition, London, 1947. pp.382-3.

[8] Jean Daniélou, *Gospel Message and Hellenistic Culture: A History of Early Christian Doctrine Before the Council of Nicaea, Volume Two*, (London: Darton, Longman and Todd, 1973), p.107.

[9] *Ibid.,* p.107.

Emilsson advises caution: 'Middle Platonism is no unified school of thought, but a label put on various Platonically inspired thinkers.'[10] Edwards agrees: 'there was never a school of Middle Platonism' and the term is 'a convenient designation for those philosophers who wrote before Plotinus and exhibit an important debt to Plato.'[11] Barnard similarly describes Middle Platonism as 'an eclectic amalgam of different, and at times contradictory, streams of philosophy.'[12] Lyman regards it as a hybrid of Platonism and Stoicism, and fears that we have created an artificial construct called 'Middle Platonism' just to serve our retrospective narrative of the development of orthodoxy.[13]

Despite these reservations, the presence of some sort of Platonism in Justin seems to me quite unavoidable. For Barnard, Justin is a philosopher 'who remained a Platonist even after his conversion to Christianity.' Van Winden agrees that Justin 'reflects the Middle Platonic exegesis of Plato's philosophy'.[14] Daniélou was similarly confident that 'the Plato to whom the Apologists refer is the Plato of Middle Platonism.'[15] Even Lyman accepts the central importance of Plato for Justin, who wants 'to be found a Christian, not because the teachings of Plato are entirely different from those of Christ, but because they are not in all respects like them.'[16]

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[10] Eyjolfur Emilsson, 'Neo-Platonism', in *Routledge History of Philosophy*, ed. David Furley, (London: Bloomsbury, 1997), Vol 2. p.357.

[11] M.J. Edwards, 'Justin's Logos and the Word of God', *Journal of Early Christian Studies,* Vol. 3, No. 3, (Fall 1995), pp.261-280, p.264.

[12] Barnard, *Justin Martyr: His Life and Thought*, p.77.

[13] J. Rebecca Lyman 'Hellenism and Heresy', *Journal of Early Christian Studies*, Vol. 11, No. 2, (Summer 2003), pp.209-222, p.216.

[14] J.C.M. Van Winden, *An Early Christian Philosopher: Justin Martyr's Dialogue with Trypho Chapters One to Nine*, (Leiden: E.J. Brill, 1971), p.75.

[15] Daniélou, *Gospel Message and Hellenistic Culture*, p.75.

[16] Lyman, *Hellenism and Heresy*, p.218, quoting from 2 *Apol*.13.

5.1.2 Justin's inclusivism: an endorsement of Platonism

What Justin derives from Middle Platonism is a God who is first and foremost transcendent.[17] Influenced by Albinus' apophatic theology, Justin describes God by means of a *via negativa*.[18] This is located in a succession of adjectives exhibiting the alpha privative, of which Justin's two favourites are the highly Platonic *arrhētos*,[19] ineffable[20] and the highly Aristotelian *agennētos*,[21] uncaused or unbegotten, in the Peripatetic / Thomist / Leibnizean sense of self-caused, necessary being.[22] Justin describes his encounter with an 'Old Man' on the philosophical journey he made as a seeker after truth, which reached its culmination in his encounter with Platonism:[23]

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[17] Scholarly consensus regards the *First and Second Apologies* and the *Dialogue with Trypho* (Hereinafter *Dial*. in the footnotes) as the only genuine works of Justin. There is some doubt about the independent status of the very brief 'Second' Apology. The text of the *Dialogue* is suspect in parts, especially because it exhibits some curious lacunae. The text of the three genuine books is based almost entirely on a single manuscript, Paris 450, dated 11th September 1363. As with the scriptures, the MS can occasionally be attested by brief citations in patristic sources.

[18] Palmer does note that it is not a true *via negativa* 'in the sense of gradual elimination of positive attributes.' See D.W. Palmer, 'Atheism, Apologetic and Negative Theology in the Greek Apologists of the Second Century', *Vigiliae Christianae*, Vol.37, No.3 (Sept., 1983), pp.234-259, p.234. Palmer (p.242) believes that this negative theology serves a vital apologetic function, 'to reject the old gods and to express his commitment to the transcendent God of Christian belief.' Daniélou (pp.323-328) posits Hellenistic Judaism as a possible source of this negative theology.

[19] All Greek quotations from the *Dialogue with Trypho* have been taken from Trollope's 1846 edition, digitized in 2009 by the University of Toronto Internet Archive and accessible at http://www.archive.org/details/siustiniphilosop01just. All Greek quotations from the Apologies have been taken from Hanstein's 1911 edition, digitized in 2011 by the University of Toronto Internet Archive and accessible at http://www.archive.org/details/siustiniapologia00just.
All English translations of all three works are taken from *Anti-Nicene Fathers: The Writings of the Fathers down to A.D.325. Volume 1: The Apostolic Fathers, Justin Martyr, Irenaeus,* ed. Alexander Roberts and James Donaldson. Revised and Chronologically arranged with brief prefaces and occasional notes by A. Cleveland Coxe (New York: Christian Literature Publishing Co., 1885). Reprinted by Veritatis Splendor Publications, 2012.

[20] e.g. *Dial*.126.2

[21] This is how Aristotle used *agennētos* in *Metaphysics* B 4 999b 7ff. It is to be distinguished from *agenētos*, which means having no beginning or end, eternal in the sense of no decay. Goodenough, who generally takes a poor view of Justin's philosophical acumen, is not confident that Justin would have been aware of this distinction. See Erwin R. Goodenough, *The Theology of Justin Martyr*, (Amsterdam: Philo Press, 1968), p.129.

[22] Similar apophatic divine attributes include *atrepton*, immutable, (1 *Apol* 13.4), *aphthartos*, incorrupt, (*Dial*.5.4), *achōrētos*, not to be contained by any place, (*Dial*.127.2), *apathēs*, impassible (1 *Apol*.25.2), *anōnomastos*, nameless, (1 *Apol*.63.1).

[23] For Hyldahl and Goodenough, this spiritual odyssey is a fictional literary construct, comparable, for example, with Plato's *Parmenides* or Lucian's *Menippus*. Barnard, Chadwick and Van Winden prefer to concede some measure of autobiographical authenticity.

I was quite enraptured with the perception (*noēsis*) of immaterial things, and the contemplation (*theōria*) of ideas added wings to my intelligence (*phronēsis*), and within a short time I supposed I had become wise, and in my obtuseness was hoping to have a clear vision of God.[24]

There follows clear evidence of the influence of Plato on Justin:

…that the eye of the mind is itself of such a kind, and has been given us for this purpose, that we are able by that pure eye unaided to see clearly that very thing, Being, (*to on*) which is the cause of all things that are within the province of understanding (*ta noēta*), and has no colour, no shape, no size, no anything that the eye can see. But this very Being, Plato says, a being beyond all essence (*ousia*), not to be expressed in words, not to be described, but alone noble and good (*kalon kai agathon*), is suddenly implanted within well-born souls because of their kinship with it and their longing to behold it.[25]

We see clearly here the Platonic Theory of Forms, the Forms of the Beautiful and the Good, the kinship (*suggenes*) between the soul and the transcendent realm. Goodenough says that Justin has given 'a fair statement of Platonism as he would have heard it expounded', its typically Middle Platonic character revealed in its 'all engrossing desire for mystical experience' and 'a profound desire to find peace in a mystical communion with God.'[26] In a key passage in the Dialogue, the Old Man asks Justin to define God.[27] Justin's answer is 'that which is ever the same in being and in manner of being, and is the cause of existence (*to*

The transliterated Greek is provided for some words in brackets within my quotations from Justin. The purpose of this is to highlight for the reader certain key Platonic phrases such as *noēsis, phronēsis, to on, ousia* and so on.
[24] *Dial.*2.6.
[25] *Dial.*4.1. In Middle Platonism, the human *logos* gives *epistēmē* of *ta noeta,* which are the 'secondary Intelligibles' or forms within the material world, unlike the Academy's transcendent forms.
[26] Goodenough, *The Theology of Justin Martyr*, p.71, p.28 and p32. Barnard agrees: 'Justin faithfully reflects the Platonism of his age.' See Barnard p.6.
[27] Van Winden (p.59.) explains that Thirlby was so disturbed by the abrupt transition from Justin's *Being*, to the Old Man's request for a definition of *God*, that against all the Mss and editors he proposed a textual amendment of *theon* to *on*. The Thirlby reference is *Justini Philosophi et Martyris Apologiae duae at Dialogus cum Tryphone Judaea, cum notis et emendationibus*, Styani Thirlbii, (London 1722), p.35. Goodenough (p.64) agrees, because 'the reading is much smoother.'

einai) to all else.'[28] The Old Man welcomes Middle Platonism's *to on* into Christianity's *theos*.[29] In his endorsement of Greek philosophy, Chadwick concludes, Justin 'could hardly have been more positive and generous.'[30]

5.1.3 Justin's exclusivism: a correction of Platonism

In contrast to Chadwick, De Vogel sees Justin adopting 'an extremely critical attitude, yet receptive of certain elements.'[31] Nilson portrays Justin's enthusiasm for Greek thought as a mere apologetic or proselytizing device aimed at his gentile non-Christian audience in Rome.[32] The Greek philosophical transcendent God, *ho hyper kosmon theon*, is welcomed, but corrected. The Old Man fulfils and supplements philosophy's insights with the biblical, personal God of the prophets and the Word made flesh in Jesus Christ: 'since they both glorified the Creator, the God and Father of all things, and proclaimed His Son, the Christ sent by Him.'[33] Here we see Justin repeating the phrase from 2 *Apol*.6.1, where he deploys *Timaeus* 28C, a privileged text of Middle Platonism: 'Now to find the maker and father of this universe is hard enough, ... to declare him to everyone is impossible.'[34] When Justin replies 'Well done, Plato!' he is congratulating Plato on replacing the idolatrous images of pagan mythology with the ineffable God. The demythologising rejection of pagan idolatry creates a

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[28] *Dial*.3.5. This definition of God is Platonic. Cf. Plato, *Rep*.484 B 4, 509 B 6-8.

[29] The Old Man goes on to reject three Platonic doctrines: the immortality of the soul, the immortality of the world, and reincarnation.

[30] Henry Chadwick, *Early Christian Thought and the Classical Tradition: Studies in Justin, Clement and Origen*, (Oxford: Oxford University Press, 1966), p.11.

[31] Carolina J. De Vogel, 'Problems concerning Justin Martyr: Did Justin Find a Certain Continuity between Greek Philosophy and Christian Faith?', *Mnemosyne*, Fourth Series, Vol.31, Fasc. 4 (1978), pp.360-388, at p.19. According to her, the most Justin will concede is 'that some Greek philosophers had seen at least something of the truth' and that God 'sometimes enlightened in a special manner the minds of men.' (*Ibid*., p.20).

[32] Jon Nilson, *To Whom is Justin's Dialogue with Trypho Addressed?*, available online at http://cdn.theologicalstudies.net/38/38.3/38.3.6.pdf. (Accessed: 21 November 2013).

[33] *Dial*.7.3. '*ton poiētēn tōn holōn theon kai patera*.' – 'God the creator of everything and father (of all)' (my translation). A more Platonic variation of the same quotation is given in 2 *Apol*.10.6: *ton de patera kai demiourgon pantōn*. – 'the father and demiurge of everything' (my translation).

[34] Plato, *Timaeus*, trans. Donald J. Zeyl, (Indianopolis: Hackett Publishing Company, 2000) p.14. The Greek for Plato's original phrase 'father and maker of everything' is '*ton ... poiētēn kai patera tou pantos*.' This quotation from *Timaeus* 28C was used by Albinus (27.1), Atticus (*Proclus*, *In Tim*., 93 b), Apuleius (*Plat*. 1.5), Origen, (*Contra Celsum*, 7.42) and Clement of Alexandria (*Protrepticus* 6.68.1).

unifying bond between Judaism, Christianity and Greek philosophy and serves Justin's apologetic imperative to defend Christianity against atheism. Daniélou calls this 'the shaping of Christian theological language under Platonic influence.'[35]

Justin does have one further important reservation about Plato in the form of his firmly held and oft-repeated belief that Plato derived his teachings from Moses, ('Moses is more ancient than all the Greek writers'), and derived his *Timaeus* doctrine of creation from the Book of Genesis.[36] Droge points out that Justin was not the first to make such a claim and that 'no one in antiquity seems to have regarded it as preposterous.'[37] This presumed dependence of Greek thought on Moses undercuts Plato as the fount of philosophic wisdom and replaces him with a putative primal philosophy, of which Plato is a distortion, followed by further distortions of the various philosophic schools. Droge therefore makes the point that for Justin, Christianity is not just the best philosophy among many, but is the only philosophy, because it is the reconstitution of the original, primordial philosophy.[38] The way is therefore opened for Justin, the Middle Platonist turned Christian, to sport his philosopher's cloak declaring himself 'a true philosopher.' Ratzinger provides a summary which pulls together the ontological and the ethical:

> As early as the second century, Justin Martyr had characterized Christianity as the true philosophy, for which he adduced two main reasons. First, the philosopher's essential task is to search for God. Second, the attitude of the true philosopher is to live according to the Logos and in its company. Christian existence means life in

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[35] Daniélou, *Gospel Message and Hellenistic Culture*, p.110.

[36] 1 *Apol.*44.8 and 1 *Apol.*59.

[37] Arthur J. Droge, 'Justin Martyr and the Restoration of Philosophy', *Church History,* Vol.56, No.3 (Sept. 1987)*,* pp.303-319, p.311. Pelikan is able to provide citations from four important authors who all advanced the idea that Plato got his ideas from the Hebrew scriptures. Philo (*Qu.om.pr.lib* 8:57), Josephus (*Ap*. 2.36 256-7), Origen (*Contra Celsum* 6.19) and Clement (*Protrepticus.* 6.70.1). See Jaroslav Pelikan, *The Christian Tradition: A History of the Development of Doctrine Vol 1. The Emergence of the Catholic Tradition 100-600*, (Chicago: The University of Chicago Press, 1971), p.33.

[38] *Ibid*., p.319.

conformity to the Logos, that is why Christians are true philosophers and why Christianity is the true philosophy.[39]

Summary

Justin welcomed Plato's transcendentalism, but corrected it with Judaeo-Christian monotheism. Justin may have achieved this by welcoming the Middle Platonism of Albinus, which had moved Platonic philosophy in the direction of theism. Justin then corrected Albinus by portraying Christ as the link between God and the world.

5.2: JUSTIN'S *LOGOS* THEOLOGY AND THE EPISTEMOLOGY OF JUDAISM

The predominant theme in this section is epistemology. This section will examine the *logos* as welcome and correction of Judaic *sophia* (Wisdom), Judaic *nomos*, (Law) and Judaic *dabar* (Word).

5.2.1 *Sophia* provides a bridge between philosophy and Christ

I have already shown in Chapter Four that the concept of Wisdom represents an important background to the concept of the Word in John's Gospel. In biblical Judaism, the Word is i) associated with creation ii) a link between creator, creation and creature, iii) the Law of Moses, the *Torah*.[40] The post-exilic period sees an increasing appreciation of divine transcendence. The sapiental era evinces an increasing deployment of Greek philosophical categories in the formulation of a mediating principle between God and creation. At times the *Torah*, and at times *Sophia*, assume this mediating role in creation. More dominantly, this was the role ascribed to *Sophia*.

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[39] Ratzinger, *The Nature and Mission of Theology*, pp.14-15.
[40] e.g. *Ps*.33:6 'by the word of the Lord the heavens were made' and *Ps*.19:4 'their voice goes out through all the earth'. (NRSV).

Sophia is identified with Greek philosophic notions such as *nous*, *logos* and *psychē tou kosmou* ('soul of the cosmos'). God creates the world in the presence of, and with the help of, *Sophia*.[41] *Sophia* permeates the universe, preserves the order of creation, is seen as a *pneuma*,[42] is a clear effulgence of the almighty,[43] is associated with the Law, while the *pneuma sophias* is responsible for empowering humanity with the faculty of reason. Although personified, *Sophia* never represents for the Jews an intermediate deity or true personality. Nevertheless, for a Hellenistic Jew like Philo, *Sophia* is a vital cosmic mediating force. Scholarly consensus sees Paul in the tradition of Hellenistic Judaism. For Goodenough 'it was Paul who made the tremendous discovery of the identity of Christ the man of history with the *logos* of Hellenistic Judaism,' while Edwards points out that 'Paul styles Christ the Wisdom of God.'[44] The personification of both *sophia* and *logos* in the wisdom literature and in Philo opens the door to the creative and revelatory role ascribed to Christ as Word in both John and Justin.

I see *Sophia* opening up Christology through two *opposing* tendencies. *Sophia* allows Jewish, and therefore Christian, thought to move in the direction of the Greek transcendent impersonal God, since the whole purpose of *Sophia* as a mediating principle is to preserve transcendence. Yet as *Sophia* adopts an increasingly personal profile, it moves in the direction of the personal God, intimately involved in creation. Like Paul, Justin is 'among the first to equate this figure with the pre-existent and exalted Christ,' both employing the word Power or

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[41] *Wisdom* 7:24, 'she pervades and penetrates all things' and 8:1, 'she orders all things well.'
[42] *Wisdom* 1:6, 'wisdom is a kindly spirit' and 7:22 'wisdom, the fashioner of all things, taught me.'
[43] *Wisdom* 7:25-6, 'she is a breath of the power of God.'
[44] Edwards, *Justin's Logos and the Word of God*, p.265, referring to 1 *Cor* 1:24, 'Christ the *dunamis* of God and the *sophia* of God.' Edwards argues against any substantive Greek, Stoic or Platonic sources for Justin's *logos* doctrine, seeing it as authentically biblical and scriptural.

dunamis, in addition to Wisdom and Word.[45] Piper says that Justin considers the '*Logos*' and the 'Spirit' as the two original *dunameis* of God.[46]

5.2.2   The *Logos* corrects the Jewish *Nomos*

In the Prologue we read 'The Law indeed was given through Moses; grace and truth came through Jesus Christ.'[47] Paul contrasts adherence to Mosaic Law with justification through faith in Jesus Christ.[48] Edwards points out that both *The Preaching of Peter* and Melito of Sardis, written in the same period as Justin, portray Christ as both *Nomos*, the author of a New Covenant, and *Logos,* the power by which God made the world.[49] Christ replaces the Mosaic Law and covenant. We have seen that pagan and Hellenistic Judaic concepts of the *logos* provide a general background to John's Gospel. So too we can, according to Edwards, presume that 'Johannine terms for Christ' were in Justin's 'own vocabulary,' given that 'the noun *logos* had served Christians for over half a century as a title of the Lord.'[50]

The idea that Christ as *Logos* represents the fullness of a new *nomos* underpins the *Dialogue with Trypho.* The apologetic point at issue is the very bitter dispute between Jews and Christians over observance of Mosaic Law. Cosgrove helps us to understand the historical context of a Christianity struggling to retain continuity with Judaism while establishing its own distinctive identity.[51] Boyarin blurs the distinction between Judaism and Christianity.[52] The putative 'Council of Jamnia' is a discredited concept and the Curse Against the Gentiles

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[45] Edwards, *Justin's Logos and the Word of God,* p.265.
[46] Otto A. Piper, 'The Nature of the Gospel According to Justin Martyr', *The Journal of Religion*, Vol.41, No.3 (July 1961), pp.155-168 at p.158.
[47] *Jn.*1:17
[48] e.g. *Romans* 3:21-22
[49] Edwards, *Justin's Logos and the Word of God,* p.266. *The Preaching of Peter* is quoted in Clement's *Stromata*, VI.5.41.5-6 and in Melito's *Homily on the Pascha*.
[50] Edwards, *Justin's Logos and the Word of God,* p.266 and p.288
[51] Charles H. Cosgrove, 'Justin Martyr and the Emerging Christian Canon: Observations on the Purpose and Destination of the Dialogue with Trypho', *Vigiliae Christianae*, 36 (1982) pp.209-232, (Leiden: E.J. Brill).
[52] Daniel Boyarin, 'Justin Martyr Invents Judaism', *Church History, Vol.*70, No.3 (September 2001) pp.427-461.

(*birkath hamminin*) has been exaggerated and over-simplified. He defers the emergence of fully developed orthodox Christianity and Rabbinic Judaism to the end of antiquity, preferring to describe Justin's context as 'Judaeo-Christianity'. It wasn't a case of 'combining two religions' because 'lines are not clearly drawn'.[53] In the *Dialogue* we see both Christians and Jews developing the concept of heresy so that they can define themselves not only against each other but against groups within their own ranks. Justin's '*Nomos* into *Logos*' theology states that the Law was only given because of Jewish obduracy and that 'an eternal and final law – namely Christ – has been given to us, and the covenant is trustworthy, after which there shall be no law.'[54]

5.2.3 The *Logos* corrects Platonic epistemology with Jewish revelation

Vermes holds that 'A Christian theology, formally linked to Platonic philosophy, a system totally different from Jesus' non-speculative mode of thinking, was born with the apologist Justin Martyr.'[55] Justin's initial adherence to Platonic philosophy is essentially epistemological. As a Platonist he is confident that 'reason governs all.'[56] He describes philosophy Platonically, as 'the knowledge (*epistēmē*) of that which really exists (*tou ontos)*'. We could also translate this as 'the science of reality.' Philosophy provides 'a clear perception (*epignōsis*) of the truth *tou alēthous*,' and this gives rise to *eudaimonia* as the reward of *sophia*.[57] There is ambiguity in the phrases *tou ontos* and *tou alēthous*, since both of them could be either neuter or masculine. Justin's preference for 'the true' (*ho alēthos*) over 'truth' (*alētheia*) opens the door to the truth as the concrete personal reality of Christ; 'He who is the True.' Similarly, *tou ontos,* could be rendered as 'He who is', rather than the neuter 'that

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[53] Boyarin, *Justin Martyr Invents Judaism*, p.460.
[54] *Dial*.11.2
[55] Geza Vermes, *Christian Beginnings: From Nazareth to Nicaea AD 30 -325*. (London: Penguin Books, 2103), p.239.Vermes, *Christian Beginnings*, p.239.
[56] *'ton logon hēgemoneuonta pantōn'*- 'the *logos* which is the governor of everything'.
[57] *Dial* 3.2

which is.' *To on*, Being, would then become the Christian 'He Who Is', via the God who disclosed Himself to Moses in the LXX version of Exodus 3:14 as '*Ego eimi ho ōn*,' I am He who is.

However, the indescribable nature of the Platonic God leaves us with the epistemological inadequacy of the *via negativa*.[58] Allert points out that in *Dialogue* 3-8, the Old Man, in Socratic style, pursues an epistemological path as he interrogates Justin.[59] Knowledge of the transcendent God cannot be attained in the same way as the knowledge appropriate to worldly disciplines. So how can we obtain knowledge of God? How can philosophers say something *alēthes*, when they have no *epistēmē*, having never seen or heard God? In his answer Justin cites Plato: through the mind (*nous*).[60] The Old Man disagrees: when not instructed by the Holy Spirit, the mind of man cannot perceive God.[61] Again quoting Plato, Justin persists in his Platonic epistemology: the mind of its own nature can see Being when it is pure, because it has a natural affinity and desire to see God. The 'eye of the *nous*' has been given to us for the purpose of perceiving *to on*, and *to on* is the cause of *ta noēta*, and is defined apophatically as having no colour, no form, no size, unutterable and inexplicable, a 'Being (*on*) Beyond All Essence (*ousia*),' 'the Beautiful and the Good (*kalon kai agathon*).' In well-born or well-dispositioned souls there is a natural affinity (*suggeneia*) and a desire to see this reality. The Old Man then destroys these Platonic constructs by disproving the immortality of the soul.

There is a sense in which Justin is ripe for the Old Man's introduction of the prophets, 'who spoke by the Divine Spirit' and 'announced the truth to men' as 'witnesses to the truth

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[58] See this chapter section 4.1.2 and note 18 above. God is described as *arrhētos* in *Dial.*127, essentially inaccessible to the human mind. See Piper, *The Nature of the Gospel According to Justin Martyr*, p.155.
[59] Craig. D. Allert, *Revelation, Truth, Canon and Interpretation: Studies in Justin Martyr's Dialogue with Trypho*, (Leiden: E.J. Brill, 2002), pp.135-137.
[60] *'monō nō katalēpton'* – literally 'grasped by the mind alone'.
[61] The word for instructed is *'kekosmēnenos'* – literally 'beautified'.

above all demonstration.' It is as if when he stood in his carefully chosen place of solitude, desperately trying to attain the transcendent, Justin already knew that this was not achievable through Platonic introspection.[62] His (fictionalized?) reaction is instantaneous. Platonic philosophy might once have 'leant wings to his mind', but now 'a flame was kindled in my soul, and a love of the prophets, and of those men who are friends of Christ possessed me.'[63] Now he can triumphantly conclude 'I am a philosopher.' His Middle Platonic epistemology has been replaced by a Christian epistemology, but both epistemologies share a common starting point and end point, the 'knowledge of that which is.' This Christian epistemology is a combination of the Old Testament *Logos* who inspired the prophets throughout the ages and the Christian *Logos* made flesh, *John* 1:18's 'God the only Son, who is close to the Father's heart, who has made him known,' or as Justin would express it, 'they call him *Logos* because he carries tidings,' especially to 'the land destitute of the knowledge of God, the land of the Gentiles.'[64] Justin's main point is that 'the revealing Logos is pervasive throughout salvation history.'[65] Piper points out that 'in genuinely Hellenic thought, no historical fact can be interpreted as the manifestation of the truth.'[66] For Justin, because of Jesus 'full knowledge of God has now become possible.'[67]

Summary

Like the author of the Fourth Gospel, Justin forges his *logos* theology from within the Judaeo-Christian framework of biblical faith. This revealed faith provides knowledge which goes

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[62] *'dialogos pros emauton'* – a dialogue with myself.

[63] 'leant wings to the mind' is a very popular Platonic trope.

[64] *Dial*.128.2 – *'tas para tou patros homilias phereitois'*- Williams translates this as *'since he also bears to men the discourses that come from the Father'*. See A. Lukyn Williams, *Justin Martyr: The Dialogue with Trypho: translation, introduction and notes,* (London: SPCK, 1930)*,* p.265. *Dial*.69.6 *'gnōseōs theou'* – 'of the knowledge or *gnōsis* of God'.

[65] Allert, *Revelation, Truth, Canon and Interpretation*, p.110.

[66] Piper, *The Nature of the Gospel According to Justin Martyr*, p.158.

[67] *Ibid*., 158-159.

beyond anything human reason can attain by its own efforts, but it also goes beyond the inspired word of the biblical authors. What is revealed is a *person*, who not only provides the hermeneutical key to the Hebrew scriptures, but an ethical key to right action in accordance with the will of God.

5.3: JUSTIN'S *LOGOS* THEOLOGYAND THE ETHICS OF STOICISM

The predominant theme of this section is ethics. This section will examine Justin's welcome and correction of Stoicism. The result will be the *logos* understood in three related modes, as Reason, as Seed of the Word, and as Christ.

5.3.1 Justin and Stoicism

Justin is naturally opposed to Stoicism. His Middle Platonic ontology of divine transcendence represents a firm rejection of the Stoic God, who is 'a corporeal being who permeates the universe.'[68] Justin criticises his Stoic teacher for having 'no knowledge of God' and for not even deeming such knowledge important.[69] Justin famously, however, uses the Stoic term *logos.* Kelly describes the *logos* as 'a fashionable cliché' which is 'more Philonic than Johannine.'[70] The concept of the *logos,* whether or not it is justifiable to describe it as 'a fashionable cliché′, is important in Stoicism, where *logos* is the solution to the mediating role between the material and the divine worlds. *Logos endiathetos* was inner apprehension or thought, *logos prophorikos* was speech, the outward expression of thought, *logos spermatikos* the rational principle present in all things.[71]

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[68] Runar M. Thorsteinsson, 'Justin and Stoic Cosmo-Theology', *The Journal of Theological Studies,* Vol.63, Part 2, October 2012, pp.533-571, p.536.
[69] *Dial.2.*3
[70] J.N.D. Kelly, *Early Christian Doctrines*, 5th Edition, (London: Continuum, 1977), p.96.
[71] The distinction between *logos endiathetos* and *logos prophorikos* originates from Plato's *Theaetetus*, 189E, where it functions simply as a distinction between thought in the mind and thought expressed verbally.

I will now show Justin using *logos* in three different modes.

5.3.2 *Logos* as *philologia*

I have shown in Chapter One that *logos* as reason or rationality is central to Platonic thought. In the First Apology I find Justin deploying *logos* in this sense twelve times. For example, the First Apology opens with these words:

> Reason (*ho logos*) directs those who are truly pious and philosophical to honour and love only what is true (*t'alēthes*), declining to follow traditional opinions (*doxae*), if these be worthless. For not only does sound reason (*sōphrōn logos*) direct us to refuse the guidance of those who did or taught anything wrong, but it is incumbent on the lover of truth, by all means, and if death be threatened, even before his own life, to choose to do and say what is right.[72]

Here there is the Platonic contrast between *alētheia* and *doxa*, balanced by the Stoic doctrine of *orthos logos* and the primacy of the ethical. When the Old Man encounters Justin in solitary contemplation it is because 'places like this stimulate the love of *logos*.'[73] Justin explains that his *dialogos* is unhindered and that such places are advantageous for *philologia*. The Old Man accuses Justin of being a *philologos*, a student of reason, but not a *philergos*, a lover of action or *philēthēs*, lover of truth or a seeker of wisdom (*sophia*). Justin responds:

> What greater work...could one accomplish than this, to show the *logos* which governs all, and having laid hold of it, and being mounted upon it, to look down on the errors of others and their pursuits? But without philosophy and right reason, prudence would not be present to any man.

This is Middle Platonism, the desire to be alone to contemplate the Forms as the thoughts of God and so to apprehend the transcendent *logos*. But I detect a powerful strain of Stoicism here; the *logos* that is *orthos* is in harmony with 'the *logos* which governs all.' What Justin welcomes from the Greeks and offers to Christianity here is *logos* as reason, *correctly used.*

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[72] *1 Apol. 2.1* Elsewhere, such as 2 *Apol*. 2.1, Justin uses the Stoic phrase *orthos logos* for 'right reason'.
[73] *Dial*.3.2

Reason is correctly used if it is linked to *alētheia*. *Alētheia* for the Christian can never be ontological / theological truth alone: it must be linked to a practical ethics. It is a key Ratzinger principle, for which he claims Justin's support, that in Christianity 'the theological and the moral aspects are fused inseparably.'[74] What is being proposed is the reasonableness of Christianity, both in its ontology and in its ethics: 'Every nerve is strained to demonstrate that, on the assumptions every educated person would share, Christianity is reasonable.'[75]

5.3.3 *Logos* as *logos spermatikos*

In Albinus' Middle Platonic anthropology the human *logos*, when disembodied, can gain *epistēmē* of the Primary Intelligibles, *ta noēta,* by means of God's *logos*. Incarnated, the human *logos* can only access the Secondary Intelligibles, the Forms within natural objects. For such perception Albinus uses a Stoic term, *physikē ennoia* ('natural perception'). Goodenough comments that in Stoicism, Middle Platonism and Philo, 'the human mind is an especial expression and representation of God.'[76] This concept finds its clearest expression in Justin's *logos spermatikos* encountered in 2 *Apol* 13.3.

What Justin welcomes in the Stoics is their 'honourable' or admirable' (*kosmiai*) ethical system, for which they are willing to die.[77] Justin equates Stoic ethics with the doctrine

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[74] J. Ratzinger, with Hans Schürmann and Hans Urs von Balthasar, trans. Graham Harrison, *Principles of Christian Morality*, (San Francisco: Ignatius Press, 1986), p.61. Original German publication *Prinzipien Christliche Moral*, (Einsiedeln: Johannes Verlag, 1975). Ratzinger cites Justin *Apology* 1 61,1, providing the Greek in a footnote. This is rendered in the *Anti-Nicene Fathers* (*op.cit*. See note 19 above.) as 'As many as are persuaded and believe that what we teach and say is true, and undertake to be able to live accordingly, are instructed to pray.'

[75] Henry Chadwick, 'The Gospel a Republication of Natural Religion in Justin Martyr', *Illinois Classical Studies,* Vol.18 (1993), pp. 237-247, p.237.

[76] Goodenough, *The Theology of Justin Martyr,* p.48.

[77] 2 *Apol*.8. Justin mentions Musonius and Thorsteinsson says that we know from Origen that Musonius was famous for his moral integrity (Thorsteinsson, p.542.) The reference in Origen is *Contra Celsum*, 3.66. Justin also refers to Heraclitus, who cannot be regarded as a Stoic, but to whose materialistic concept of all-pervading fire the Stoics are heirs. Justin's reference to these two philosophers dying for their beliefs is a puzzle, as it does not apply to either of them.

of 'the seed of that *logos* (*sperma tou logou*) which is implanted in the whole race of man.'[78]

He goes on to say 'for each seeing, through a part of the Seminal Divine *Logos*, (*logos spermatikos*) that which was kindred to those, discoursed rightly.'[79] According to Justin, 'all writers through the engrafted seed of the *Logos*, which was planted in them, were able to see the truth darkly.' He then distinguishes between 'the thing itself' (*auto*), and the *sperma*, which is merely the 'communication and imitation' (*metousia kai mimēsis*) of reality, granted to each of us by *charis* according to our *dynamis*.[80]

This doctrine of the *spermatikos logos* is Justin's most distinctive contribution to Christian theology. Prestige translates this Stoic phrase as 'immanent germinative principle' and expands it to mean 'the general belief in the rationality of the universe and in the prevalence of immanent forces governing particular objects.'[81] With Albinus, he adopts the Stoic doctrine of *physikai ennoiai*, or natural conceptions,[82] 'those things which are always and everywhere good' and expressly commends the Stoics for their sense of right and wrong: 'And those who followed the doctrines of the Stoics, since they were admirable in their ethical system; as were also the poets in some respects, because of the seed of that *logos* which is implanted in the whole race of men.'[83] The *logos* explains how Greeks, Jews and Christians have all been able to express ethical truth. 'What truth the philosophers and historians have been able to discover and relate they found and reasoned out by the instrumentality of this fragment of the *Logos*.'[84] It is an ethical truth with which he is concerned: 'Their Father teaches them by the *Logos* to do the same things as Himself.'[85] This

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[78] 2 *Apol*.7.
[79] 2.*Apol*.13.
[80] *auto* – Daniélou translates as 'reality.' (Daniélou, *Gospel Message and Hellenistic Culture*, p.42.)
[81] G.L. Prestige, *God in Patristic Thought*, (London: S.P.C.K., 1952), p.117.
[82] Williams, (p.197) translates this as 'natural thoughts'. (p.197.)
[83] *Dial*.93.1. and 2 *Apol*.8.
[84] 2 *Apol*.10
[85] 2 *Apol*.9

logos to which he refers is Christ: 'He was and is the *Logos* Who is in everyone.'[86] So Justin can conclude that 'whatever all men have uttered aright ... belongs to us as Christians.'[87] In the ancient philosophers, the *spermatikos logos* sowed the *spermata tou logou* in their minds, but the *Logos* was present 'in part' (*apo merous*) which resulted in their philosophy being partial or incomplete. It could only be completed by participation in the revelation of the *Logos* through the Old Testament and then in 'the Logos principle in its totality' in the person of Christ.[88]

Goodenough sums up Justin's teaching: 'in every man there is a divine particle, his reason, which at least before Christ's coming was man's best guide to life,'[89] and 'the highest mind of man is thus itself the Spermatic *Logos* of God.'[90] Stoicism had used the terms *metousia* and *mimesis*, participation and resemblance. These concepts are also Platonic, for Plato used the term *methexis* for the soul's innate resemblance to the realm of ideas, in which it participates as in its true home. Justin preserves this teaching, which will go on to inform Christian theology for centuries. The *Logos* is 'the thing itself,' the spermatic *logos* is a *metousia* and *mimesis* of the *Logos*, which is granted to humans by grace.

5.3.4 *Logos* as *theos*

Goodenough says that the Stoic God does not have personality; it is a primal fire or energy or *pneuma*, identified with reason or *logos*. '*pneuma* is rarified, dynamic matter which can think,' the one fundamental material from which everything is made, 'a material which is by

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[86] 2 *Apol.*10.
[87] 2 *Apol.*13.
[88] Grillmeier, *Christ in the Christian Tradition,* pp.108-110. Grillmeier is commenting on 2 *Apol.*10. The Greek phrase is to *logikon to holon*, which Andresen translates as 'the whole Logos principle.'
[89] Goodenough, *The Theology of Justin Martyr*, p.214.
[90] *Ibid.,* p.215.

nature a reasoning force.'[91] Goodenough calls the Stoic *logos* 'that phase of God which connected God's otherwise Absolute nature with the world' and 'the effulgent Power of God which reasonably had shaped and now governs the world.'[92] Plato and the Stoics are in agreement: 'all things are pervaded, not merely controlled, by a single intelligence.'[93] In Platonic dualism *nous* is immaterial, uncontaminated by matter, while in Stoic monism the *logos* is material. As time progresses, this distinction breaks down; the Stoic *logos* becomes more Platonic, 'a second intermediary God or at least a distinction of function in the Deity.'[94]

Justin repeatedly advances this distinction within the Deity: 'God is the cause of His (the Second God's) power and of his being Lord and God.'[95] We have already encountered the potential significance of Philo as an influence on the Prologue and he may have provided the bridge between Stoicism and Justin's Christian *logos* theology.[96] Contra the Stoics, Philo returns to 'the dualism of Plato between the Deity and Matter'[97] but contra the Gnostics, Philo's God is 'immanent in almost the Stoic sense.'[98]

Thorsteinsson uses the term 'cosmo-theology' to sum up the Stoic doctrine of 'an immortal, all-encompassing, perfectly rational being, who is the creator and sustainer of the cosmos.'[99] He identifies Justin's enemy Crescens as a Stoic, but notes Justin's praise of the Stoic Cleanthes for his 'true theology' of a self-governing, painless, perennial God.[100] He finds within Stoicism a move towards a personal, transcendent God, analogous to the move made within Middle Platonism. De Vogel agrees that 'the Stoic doctrine of a cosmic God,

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[91] Goodenough, *The Theology of Justin Martyr*, p.14.
[92] Goodenough, *The Theology of Justin Martyr*, p.139.
[93] *Ibid.,* p.15.
[94] *Ibid.,* p.18.
[95] Dial.129.1
[96] Goodenough, *The Theology of Justin Martyr*, pp. 44-52 and pp.113-122. Goodenough concludes that 'we have found the closest similarity between Justin's and Philo's speculations.' (p.175.)
[97] *Ibid.,* p.45. Goodenough cites Leg. Al. II. 2,3., in which God is *amigēs allō*, 'unmixed with anything else.'
[98] *Ibid.,* p.46. here Goodenough cites Leg.Al.I.91, in which God is '*hē...tōn holōn psychē*', the world-soul.
[99] Thorsteinsson, *Justin and Stoic Cosmo-Theology,* p.537.
[100] 2 *Apol*.6.

though originally semi-material, was more and more spiritualized' and that 'several of the Stoics lived their life wholly dominated by the thought of God.'[101]

Justin's Christianity defends Platonic transcendence but needs to preserve God's capacity to connect with the world as creation and as revelation. For anyone who requires a secondary divine personality, as we have seen in our work on the Prologue, there are plenty of sources on offer; it is in the Septuagint's creative *logos* of Genesis, the revelatory *logos* of the prophets, the Talmudic *memrā*, the *sophia* of Proverbs, the Stoic *logos*, the *logos* of Philo, the Johannine *logos*. Following Philo, Justin's Second God becomes *prōtōtokos tō agennētō theō*, the first-born of the unbegotten God, or *prōtogonos tou theou*, the first-begotten of God.[102] From the Book of Wisdom, he is *archē pro pantōn poiēmatōn*, 'a beginning before all His creatures' and 'Offspring by God', *gennēma hypo tou theou*.[103] Justin's three main epithets of the Logos' relationship to the Father as *gennēma*, *teknon* and *monogenēs*.[104] The impersonal *logos* of Philo becomes the personal *Logos* of the Christians. De Gaál explains that in Greek, especially Platonic thought, understanding is gained by contemplating the perfect forms and ideas of the *kosmos noētos*, and clearly Justin was influenced by this. But both John and Justin may have been influenced by Philo, who took two abstract Greek principles, *archē* (principle, beginning, primordial matter) and *logos*, and combined them into 'the one reality of the dynamic and personal God of Israel'.[105] As in the Prologue, the *logos* is defined by Justin in

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[101] De Vogel, *Problems concerning Justin Martyr*, pp.374-5.
[102] 1 *Apol*.53.21 and *Apol*. 58.3
[103] *Dial*.62.4
[104] Kelly, *Early Christian Doctrines*, p.97.
[105] de Gaál, *The Theology of Pope Benedict XVI: The Christocentric Shift*, p.120. de Gaál references Philo, *De Opificio Mundi,* Book I,i. Hellenistic Judaism was interested in the idea of emission or emanation and Philo had used the analogy of 'fire from fire' and 'light from light', in order to explain how God can remain eternally unchanged despite his outflowings. When Justin calls the *logos* the 'Power' (*dynamis*) of God, he is using this idea of emanation. Justin does use the analogy of fire, but also that of speech. Building on the Platonic / Stoic distinction between *logos endiathetos* and *logos prophorikos*, Justin uses the analogy of speech, in which thought gives rise to speech without abscission or diminution: *logon gar tina proballontes, logon gennōmen, ou kata apotomēn, hōs elattōthēnai ton en hēmin logon, proballomenoi.*' 'In giving forth anything rational, we beget speech, not giving it forth in such a way as to make an abscission so that the rational in us is diminished.'

terms of eternal pre-existence in union with the Father, and generation or emission prior to the creation of the world.[106]

Summary

Justin corrects Stoic immanentism, but welcomes the Stoic *logos* and makes it central to his ethical thought. Stoicism enables Justin to formulate a *logos* theology which adopts an inclusive attitude to other belief systems by suggesting a divinely implanted capacity for apprehension of the truth.

5.4: READING JUSTIN WITH RATZINGER

5.4.1   Faith, Reason and the Hellenization debate

Justin occupies a similar space to John in the Hellenization / dehellenization narrative which we have seen is so fundamental to Ratzinger's theological positioning. He is a symbol of the 'privileged area of the encounter between paganism, Judaism and Christianity.' Justin shows that the Old Testament and Greek philosophy 'are like two paths that lead to Christ, to the Logos.' Justin's work is evidence that 'Greek philosophy cannot be opposed to gospel truth, and Christians can draw from it confidently as from a good of their own.'[107] Ratzinger recalls that John Paul II had described Justin as a 'pioneer of positive engagement with philosophical thinking – albeit with cautious discernment.' This 'engagement' and 'discernment' is what I

(*Dial*.61.2) Williams translates: 'For when we put forth any word, we beget a word, not putting it forth by scission, as though the word within us was diminished.' See Williams, *Justin Martyr,* p.127.

[106] A critical question for Justin scholarship is the relationship between the Fourth Gospel and Justin. Vermes attributes to Justin 'a philosophically grounded Logos doctrine borrowed from the Johannine Prologue.' See Vermes, *Christian Beginnings,* p.239. Hill finds one virtual quotation and three intriguing parallels. The virtual quotation is 1 *Apol.* 61.4 'Except ye be born again, ye shall not enter the kingdom of heaven.' cf. *Jn*.3:5 'no one can enter the kingdom of God without being born of water and Spirit.' (NRSV). An intriguing parallel to the Prologue is found in 1 *Apol.* 32.10 'he took flesh and became man' (*sarkopoiētheis anthrōpos gegonen*), paralleling *Jn*.1:14 *ho logos sarx egeneto*. See C.E. Hill, 'Was John's Gospel among Justin's Apostolic Memoirs?' in Sara Parvis and Paul Foster (eds.) *Justin Martyr and His Worlds*, (Minneapolis, IN: Fortress Press, 2007), pp.88-94.

[107] J. Ratzinger as Benedict XVI, *Great Christian Thinkers: From the Early Church Through the Middle Ages*, (London: SPCK, 2011), p.10.

call 'welcome' and 'correction.' At Regensburg Ratzinger calls for 'the courage to engage the whole breadth of reason' and asks for 'reason and faith to come together in a new way,[108] a way which can open up once again the 'vast horizons' represented by the two original objects of Greek inquiry, 'the questions raised by religion and ethics.'[109] According to Goodenough, 'the fact of the distinction between reason and revelation is Justin's greatest contribution to Christian Apologetic.'[110] Prior to his conversion, Justin had sought the truth of being, *epistēmē tou ontos*.[111] Platonism had led him to believe that *logos* and *dialogos* was the path to metaphysical truth. Stoicism had led him to believe that every human person was endowed with a *logos spermatikos* or *emphutos logos* as a reliable if limited guide to ethical truth.

After his conversion, Justin accepts that by philosophical reason alone he can attain valid metaphysical insights, but he cannot achieve salvation in the form of a relationship with a living God. This can only be achieved by accepting in faith an identification of the *logos* in the Old Testament and the *Logos* made flesh in Jesus Christ in the New Testament. The *Logos* of faith does not represent a replacement or denial of ordinary human *logos*, but the bringing of something partial into fullness and completion. Justin contrasts 'those who live according to part of that *logos spermatikos*' and 'those who live by the knowledge and contemplation of the whole *Logos*, which is Christ.'[112] Christianity is not rationalism, or what in Justin's day would be called 'sophism'; it is a profound respect for reason and the completion of reason by faith. Ratzinger sums Justin up in this way:

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[108] *The Regensburg Lecture*, para.56.
[109] *Ibid.,* para.48. Note that 'horizons' is a favourite Ratzinger word. It is closely related to the central Ratzinger theme of the broadening of reason. In an early example we hear how the Old Testament prophecies 'always opened on to a universal horizon.' J. Ratzinger, *Christian Brotherhood*, (London: Burns & Oates, 1966), p.8.
[110] Goodenough, *The Theology of Justin Martyr,* p110.
[111] Goodenough (p.64.) points out that *to on* refers to the Middle Platonic God, 'the goal of mysticism.' Plato would have said *ta onta*, referring to the material things that exist, or 'the scientific field of inquiry.'
[112] 2 *Apol*.8.

Thus, the same Logos who revealed himself as a prophetic figure to the Hebrews of the ancient law also manifested himself partially, in "seeds of truth" in Greek philosophy.[113]

Elsewhere, in his handling of the theology of religions, Ratzinger emphasizes the character of Christianity as fulfilment of Greek philosophy:

> Justin Martyr ... may be taken as representative of this accessibility of Christianity: he had studied all the philosophers and had finally recognized in Christianity the *vera philosophia*. In becoming a Christian, he had, in his view, not laid aside what he believed as a philosopher, but become for the first time a true philosopher in the full sense.[114]

5.4.2 Ethical relativism

In a surprisingly 'modern' move, Justin takes a stand against ethical relativism. Ratzinger at Regensburg laments that the ethical 'be relegated to the realm of the subjective.' The result is that 'the subjective "conscience" becomes the sole arbiter of what is ethical.'[115] Justin likewise believes that the loss of the sense of divine providence will lead to 'the loss of the sense of responsibility and the freedom to do and to say whatever they choose.'[116] For him, ethical behaviour is related to right reason, *orthos logos*. He makes great play of the link between right action and reason in his opening appeal to the emperor. 'Reason directs those who are truly pious and philosophical to honour and love only what is *alēthes*.' 'The lover of *alētheia* chooses 'to do and say what is right.'[117] *Orthos logos* will direct the emperor not to

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[113] *Great Christian Thinkers,* p.9.
[114] *Truth and Tolerance*, p.171. In the same work, p.228, Ratzinger says that 'the alliance of Christian faith with enlightenment ... dominates Christian literature from Justin to Augustine and beyond.'
Cf. 'This quest for a logic of faith allowed the Church Fathers to call the faith a philosophy, in the sense of a meaningful overview of reality.' From 'Eschatology and Utopia' in *Church Ecumenism and Politics*, p.225.
Vermes makes the comment that 'Justin was the first to elevate Christianity to the pedestal of the only true philosophy.' Vermes, *Christian Beginnings*, p.239.
[115] *The Regensburg Lecture*, para.48.
[116] *Dial*.1.5.
[117] 1 *Apol*.2

convict the innocent; *logos* demands that when they have learned *alētheia* they will do what is just.[118] The emperor must do nothing 'un-*logos*-like.'[119] Justin demands 'what is just and true' from 'those who love the truth' by 'presenting the truth.'[120] This is a clear stand against ethical relativism, building on the Platonic distinction between *doxa* and *alētheia*.[121] Justin asks the emperor not to follow 'traditional opinions' but what is *alēthes*.[122] He tells the emperor it is foolish 'to prefer custom to *alētheia*.'[123] Ratzinger notes that for Justin 'it was the choice of the truth of being against the myth of custom.'[124] He relates this to Tertullian's famous statement Christ has called himself *veritas*, not *consuetudo*. Ratzinger updates the terms *consuetudo* and *consuetudines* to mean 'cultural fashion' and 'currents fads' and relates this to the problem of relativism.[125] Justin provides an early definition of relativism: 'that neither virtue nor vice is anything, but that these things are only reckoned good or evil by opinion; which as the true *logos* shows, is the greatest impiety and wickedness.'[126] Elsewhere he attacks the view 'that virtue and vice are nothing' on the grounds that it is 'opposed to every sound idea, and reason and mind.'[127] In other words, the relativist stance is not rational, a theme which will be revisited in Chapter Seven.

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[118] 1 *Apol.*3
[119] '*alogon*' – i.e. not in accordance with *logos*.
[120] 1 *Apol.*12
[121] 1 *Apol.*2. For Plato's distinction between *doxa* and *alētheia* see Republic 508E – 509A.
[122] '*doxais palaiōn*' – literally, the opinions of the ancients.
[123] 1 *Apol.*12 '*ta ethē*', Latin '*consuetudines*'. Ratzinger relates this to Tertullian's later very famous statement that Christ has called himself *veritas*, not *consuetudo*. He updates the terms *consuetudo* and *consuetudines* to 'cultural fashion' and 'current fads' and relates this to the problem of relativism.
[124] *Great Christian Thinkers,* p.10.
[125] *Ibid.*, p.11.
[126] '*ho alēthēs logos*' - 1 *Apol.*43
[127] 2 *Apol.*7 '*sophrōna ennoian kai logon kai noun*' – 'wise concept and *logos* and *nous*'). Admittedly, the context here is not so much an attack on ethical relativism as on the Stoic identification of the deity with the material world, which leads to the unacceptable idea of a changeable and corruptible God, who is then potentially admixed with worldly vice. Nevertheless, the constantly changing deity leads to the idea of constantly changeable ethical values, while the Platonic / Christian idea of ethical truth is grounded in the Platonic / Christian ontology of an impassible, transcendent God.

5.4.3 Dialogic encounter

Ratzinger commences the Regensburg Lecture with a portrayal of the ideal of the university as a place of 'lively exchange' based on 'the right use of reason' and concludes with an invitation to 'the dialogue of cultures' based on 'listening and responding.'[128] The *Dialogue with Trypho* likewise constitutes an explicit commitment to dialogue. The prologue to this work constitutes a self-contained dialogue between Justin and the startlingly vivid literary trope of the Old Man. The Old Man pursues a patently Socratic dialectic, forcing Justin to examine the presuppositions of his position and thereby to apprehend the truth of his own accord.[129] Commentators have speculated on the factual or fictional nature of this encounter and on the identity or meaning of the Old Man. I believe a case can be made that the anonymity and ambiguity of the Old Man's identity is a symbol of the Regensburg 'dialogue of cultures' and Justin's *logos* theology emerges from a Regensburg-style 'listening and understanding'.[130] He is the pre-existent *Logos* when he is portrayed as anonymous and unnameable, while he also evokes the personal God, 'kindly and grave', a 'Father'.[131] There is arguably a case to say that he represents primordial philosophy, 'venerable and elderly', standing prior to all systems,[132] as well as the Socratic philosopher of the Greek tradition, the one who uses Platonic dialectic. Perhaps a Jewish auditor will read Moses into the Old Man, as he leads Justin from slavery to the true freedom he seeks, or perhaps a Prophet, when he advocates the inspiration of scripture. In his person the Christian disciple is coming into the presence of the Word made flesh in Jesus Christ, the one who asks 'Do you know me?', or an

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[128] *The Regensburg Lecture,* paras.3, 4, 63 and 60.
[129] Further Socratic methods include use of definition, contradiction, reason and analogy, chance encounter, realisation of ignorance. See Allert, *Revelation, Truth, Canon and Interpretation,* pp.135-7.
[130] *The Regensburg Lecture*, para.60.
[131] Edwards, *Justin's Logos and the Word of God*, (p.273.) calls him 'the mouthpiece of paternal revelation.'
[132] Hyldahl advanced this view. See Niels Hyldahl, *Philosophie und Christentum: Eine Interpretation der Einleitung zum Dialog Justins, Acta Theologica Danica IX*, (Copenhagen: Prostant apud Munksgaard, 1966), pp.168-181.

Evangelist, who journeys in search of disciples.[133] Finally, for me, the Old Man is the very embodiment of Justin's key concepts, *alētheia* (3.3, 6.1, 7.1, 7.2), *epistēmē* (3.5, 3.6, 3.7), and *phronēsis* (3.3), all of which result from the use of right reason (3.3), to obtain the right ontology (3.5), epistemology (4.1) and ethic (5.3).[134]

Trakatellis argues that Trypho represents the very best of what we can expect from a participant in interreligious dialogue. He finds 'a genuine Jew who is courteous and gentle, open-minded, learned, and very eager to discuss what he considers to be the essence of philosophy, namely, the search for God.'[135] In *Dialogue* 3 – 7 he finds 'a man who gives precedence to the truth, and who does not hesitate to alternate between honest agreement and truthful criticism.'[136] Barnard is impressed by Trypho's 'open and tolerant mind.'[137] Williams opines that 'the Dialogue is a very favourable example of the spirit in which controversies ought to be conducted,'[138] while for Boyarin it is a model of 'dialogic engagement.'[139] Pelikan says much the same, quoting Williams' comment that 'there is no dialogue ... which is conducted on quite so high a level of courteousness and fairness.'[140]

Herein lies an endorsement and perhaps a critique of Regensburg. The person engaging in dialogue must not be one who 'sacrifices the truth for any conventionalities or pleasant words.'[141] That person must be an 'indefatigable explorer of the truth,'[142] 'agreeable

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[133] Hofer finds 15 striking similarities between the Old Man encounter and the Road to Emmaus narrative in Luke 24:13-35. See Andrew Hofer, 'The Old Man as Christ in Justin's "Dialogue with Trypho"', *Vigiliae Christianae*, Vol.57, No, 1, (Feb.2003), pp.1-21.

[134] Van Winden's Old Man 'personifies wisdom, here Christianity,' (Van Winden, p.127.)

[135] Demetrios Trakatellis, 'Justin Martyr's Trypho', *The Harvard Theological Review*, Vol.79, No. 1/3, Christians among Jews and Gentiles: Essays in Honor of Krister Stendahl in his Sixty-Fifth Birthday (Jan.-Jul., 1986), pp.287-297, at p.290.

[136] Trakatellis, *Justin Martyr's Trypho,* p.291.

[137] Barnard, *Justin Martyr, His Life and Thought*, p.24.

[138] Williams, *Justin Martyr The Dialogue with Trypho*, p.xxvi.

[139] Boyarin, *Justin Martyr Invents Judaism,* p.461.

[140] Pelikan, *The Christian Tradition,* p.15. Pelikan says he is quoting A.L. Williams' *Adversus Judaeos: A Bird's Eye View of Christian Apologiae until the Renaissance*, p.42.

[141] Trakatellis, *Justin Martyr's Trypho,* p.293.

yet uncompromising,'[143] evincing 'a spirit of freedom and wisdom.'[144] Joyce concludes that 'Justin's conversion shows a definite openness to the other that shows due respect to the process of seeking truth, inner conversion and peace, which dialogue aspires to.'[145] Trypho's concluding remarks provide a mission statement for contemporary interreligious dialogue:

> We have found more than we expected or than it was even possible for us to expect. And if we could do this more frequently we should receive more benefit, while we examine the very words of scripture themselves.... They departed, finally praying for my deliverance... and I prayed also for them.[146]

There is potentially a correlative here of recent contemporary moves towards a 'way of meeting' called 'scriptural reasoning' where reason and revelation are both given room to breathe. We will return to this in our discussion of Islam in Chapter Nine. Ratzinger is interested in something Justin says in 1 *Apol*.36, 'that the prophets speak sentences as though a person is speaking.'[147] He draws our attention to the profound theological significance of literary philosophical dialogues, as if they embody the Word made flesh in a way that is almost sacramental:

> The literary device of having dramatic roles appear that enliven the presentation with their dialogue reveals to the theologian the One who is performing the real role here, the Logos, the *prosōpon*, the Person of the Word, which is no longer merely a role but a person.[148]

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[142] Trakatellis, *Justin Martyr's Trypho,* p.294.
[143] *Ibid.,* p.294.
[144] *Ibid.,* p.295.
[145] Cullan Joyce, 'The Seeds of Dialogue in Justin Martyr', *Australian ejournal of Theology* (June 2006), pp.1-11, p.11. Available at:
http://aejt.com.au/__data/assets/pdf_file/0005/395132/AEJT_7.5_Joyce_Seeds_of_Dialogue.pdf. (Accessed: 11 December 2013).
[146] *Dial.*142.3
[147] '*hōs apo prosōpou*' – 'as though from a person'.
[148] *Dogma and Preaching,* p.183.

5.5: JUSTIN'S *LOGOS* THEOLOGY AND AN INCLUSIVE CONCEPT OF HUMAN RIGHTS

5.5.1   A welcome to natural law

Ratzinger's central warning at Regensburg is against an extreme transcendentalism, which would sever the link between God and humanity so radically that there would be no connection between God's good and what our human reason suggests is good. The theologies of both Ibn Hazm and Duns Scotus are accused of presenting a God who 'is not even bound to truth and goodness,' so that 'our sense of the true and good, are no longer an authentic mirror of God.'[149] Ratzinger's antidote is that 'between God and us, between his eternal Creator Spirit and our created reason there exists a real analogy.'[150]

Pelikan finds a 'reductionist conception of natural law' in Justin's claim that the Christians retained whatever in the law of Moses was 'naturally good, pious and righteous.'[151] He sees an important role being played by natural law in the effort of early theologians to deal with paganism.[152] Justin's concepts of *metousia* (participation) and *syngeneia* (affinity or kinship) are the equivalent of 'analogy'. He repeatedly states that 'eternal righteous decrees' have always existed.[153] Of pre-Christian writers he says that 'seeing, through a part of the Seminal Divine Word, that which was kindred to those, discoursed rightly.'[154]   Edwards is

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[149] *The Regensburg Lecture,* para.26.
[150] *Ibid.,* para.27.
[151] Pelikan, *The Christian Tradition*, p.16. Pelikan is quoting *Dial.* 45.3.
[152] *Ibid.,* p.33.
[153] *'ta aiōnia dikaia'.* – 'the eternal just decrees'. Williams calls them the 'eternal acts of righteousness.' See for example, *Dial.* 28.4; 'though a man be a Scythian or a Persian, ... and keeps the everlasting righteous decrees,' 45.3: 'what in the Law of Moses is naturally good and pious and righteous,' 45.4; 'those who did that which is universally, naturally and eternally good are pleasing to God.'
[154] 2 *Apol.*13 *'hekastos gar tis, apo merous tou spermatikou logou to suggenes horōn, kalōs ephthengxato.' to suggenes* is 'that which is kindred', or 'the kindred element'. There is in fact a problem of interpretation here arising from the ambiguity of the grammar and syntax. It is unclear whether each writer is discerning 'that which is kindred' to themselves, or 'that which is kindred' to the spermatic *logos*. If it is the former, then, we have support here for the quintessentially Greek doctrine, held in common by Platonists, Peripatetics and Stoics, of 'a

aware that Justin speaks of 'the seeds of truth among all' but says that we cannot ignore the apparent rejection of *syngeneia* at *Dialogue* 4: 'It is not on account of his affinity that man sees God, nor because he has a mind.'[155] His explanation of these incommensurable statements is that the kinship is *not* between the mind of man and the mind of God, but between the *fragments* of God in the mind, and the totality of God. These fragments are not innate, but sown from an outside source.[156]

For Ratzinger, the central message of Justin is that 'every person, as a rational being, shares in the Logos, carrying within himself a "seed", and can perceive glimmers of the truth.'[157] In reviewing the history of natural law, the 2009 Report of the International Theological Commission makes use of Justin's theology: 'To conduct oneself in conformity with reason amounts to following the orientations that Christ, as the divine Logos, has set down by virtue of the *logoi spermatikoi* in human reason.'[158]

Certainly Justin contrasts 'those who live according to a part of that *logos spermatikos*' and 'those who live by the knowledge and contemplation of the whole *Logos*, which is Christ.'[159] But he also, possibly influenced by Stoicism, allows for what looks like a universal natural moral law in this crucial quotation:

> For he exhibits among every race of men the things that are righteous at all times and
> in all places, and every race is aware that adultery is evil, and fornication, and murder,

congenital intuition of sacred truth' and 'a natural affinity between the mind of man and his creator.' See M.J. Edwards, 'Justin's Logos and the Word of God', p.273.

[155] 1 *Apol*.44 *'para pasi spermata alētheias'* – 'among all (men) the seeds of truth' and *'ouk ara, ephē, dia to suggenes hora ton theon, oud' hoti nous estin.'* – 'not however, said he, because of his affinity does (man) see God, nor is it because of his mind.'

[156] See Edwards, *Justin's Logos and the Word of God*, pp.270-4.

[157] *Great Christian Thinkers*, p.9.

[158] International Theological Commission, *In Search of a Universal Ethic: A New Look at the Natural Law*, 2009. Available at:
http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20090520_legge-naturale_en.html (Accessed: 8 July 2014). At para.26.

[159] 2 *Apol*.8

and all suchlike things. And although all practise them, yet, nevertheless, they are not set free from knowing they do wrong when they practise them.[160]

Inspired by Ratzinger, I propose a distinction in Justin, whereby *epistēmē tou ontos* refers to ontological knowledge of Being, and *tou alēthous epignōsis* to apprehension of ethical truth.[161] Given that the Old Man rejects the Platonic theory of the possibility of divine knowledge, I understand Justin's overall position as follows: partial *epistēmē tou ontos* and partial *tou alēthous epignōsis* was apprehended by the Jews through divine inspiration and by the Greeks through their plagiarism of divinely inspired Jewish writers.[162] Full *epistēmē* and *epignōsis* comes from knowing the Word made flesh in Jesus Christ. What the *logos spermatikos* creates in every person is the *desire* for ontological truth and the *innate capacity* for moral behaviour.

The Old Man uses '*epignōsis*' alongside *epistēmē* and *gnōsis*.[163] 'Is there a knowledge (*epistēmē*) which affords understanding (*gnōsis*) of human and divine things, and then a thorough acquaintance (*epignōsis*) with the divinity and the righteousness of them?'[164] I read

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[160] *Dial*.93.1

[161] The lexicography may not support this idea. '*epignōsis*' means 'full knowledge' and so might be more appropriate to the *ontological* mode. '*epistēmē*' has a wider range of meanings: 'knowledge, understanding, skill, experience, wisdom', which might lend themselves more to *ethical* mode. See *Liddell and Scott*, Greek-English Lexicon (abridged), Oxford: Clarendon Press, (1953), pp. 249 and 261. However, the United Bible Societies dictionary suggests 'recognition' and 'consciousness' for *epignōsis*, which takes us more into the ethical realm; we become *conscious* of the truths of revealed morality, of which previously the seeds of ethical truth had made us only dimly aware and so almost unconscious, or we *recognise* revealed morality as true because of its congruence with the ethical seeds of truth already sown within us by the creative Word. In Romans 1:28 Paul combines the ontological and ethical when he speaks of those who fail to hold God in their *epignōsis* (NKJV: 'knowledge'), and so gave themselves up to moral depravity resulting from 'a debased mind' (*adokimon noun*). (NJB says 'unacceptable thoughts').

[162] Van Winden, *An Early Christian Philosopher,* p.61., notes that *alētheias epignōsis* is a New Testament shorthand for the Christian faith, as 1 Tim:24, 2 Tim 2:25, 2 Tim 3:7, Titus 1:1 and Hebrews 10:26. Justin is here speaking as a Platonist, not yet as a Christian. Plato would have used *alētheia*, the truth, but Middle Platonism uses *alēthos*, the true, that which is true. Van Winden (p.62.) notes the ambiguity of *tou alēthous*, which could be parsed as neuter or masculine. Thus hidden within the concept of 'the true' in Middle Platonism is the Middle Platonic theology of the true as personal, which prepares the way for Justin's Christianity to transform a Middle Platonic phrase for the Godhead into a phrase for Jesus Christ, the truth embodied in a person.

[163] *Dial*.3.5

[164] Williams, *Justin Martyr The Dialogue with Trypho*, p.8, provides a better translation: 'Is there a science that affords cognizance of the human and the divine, and then cognition of the divinity and the righteousness of the latter?'

this to mean that the task of philosophy is to ascertain not only the nature of divinity, but also how justice or righteousness affords a link between the human and the divine; *epistēmē* plus *epignōsis* produce *eudaimonia*.[165]

5.5.2 A commitment to inclusivity

Ratzinger at Regensburg is nervous that the desire to accommodate 'cultural pluralism' may tempt us to downplay the historical synthesis of Hellenism and Christianity. He welcomes plurality, but not pluralism as an end in itself. He proposes 'the will to be obedient to the truth'[166] and 'inquiry into the rationality of faith'[167] as the only sound basis for 'that genuine dialogue of cultures so urgently needed today.'[168] Justin's doctrine of the *logos spermatikos* has impacted Christianity's struggle to find a way of understanding its relationship with non-Christian religions. Joyce emphasizes Justin's relevance to our contemporary context; both then and now we are challenged by 'the influx of differing viewpoints and perspectives that the Christian is asked to respond to' and these now include irreligion.[169] What he admires in Justin's positioning *vis-à-vis* Greco-Roman thought is its balanced 'assumption and critique ... without being marked by the sense of hostility.'[170] Reflecting on the dangerous global forces destabilising the contemporary world, Ratzinger as Benedict XVI used Justin's language:

> It is about broadening the scope of reason and making it capable of knowing and directing these powerful new forces, animating them within the perspective of that "civilisation of love" whose seed God has planted in every people in every culture.[171]

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[165] Van Winden, *An Early Christian Philosopher*, p.64, points out that for Plato *dikaiosunē* is essentially a divine virtue. He cites Republic 335 C 4: '*All' hē dikaiosunē ouk anthrōpeia aretē.*' – 'Justice is not a human virtue' or perhaps 'justice is a more than human virtue.' *(my translations).*

[166] *The Regensburg Lecture,* para.55.

[167] *Ibid.,* para.57.

[168] *Ibid.,* para.57.

[169] Joyce, *The Seeds of Dialogue in Justin Martyr*, p.10.

[170] *Ibid.,* p.5. Joyce contrasts Justin's approach with that of Tatian.

[171] *Caritas in Veritate*, p.38.

Vatican Council II asked missionaries to invite non-Christian 'religious traditions' to 'uncover with gladness and respect those Seeds of the Word which lie hidden among them.'[172] In similar vein, the Council considered those who 'have not yet arrived at an explicit knowledge of God, and who, not without grace, strive to live a good life.'[173] Building on the concept of *praeparatio evangelica*, developed by Eusebius and promoted by Rahner, the Council made a statement that could have been written by Justin, and perhaps also by the author of *Jn* 1:9:

> Whatever good or truth is found amongst them is considered by the Church to be a preparation for the Gospel and given by him who enlightens all men that they may at length have life.[174]

Ad Gentes 3 repeated *Lumen Gentium*'s *praeparatio evangelica* doctrine, citing Irenaeus[175] and Clement.[176] It would certainly be inappropriate to apply the labels of a 21st century paradigm to a 1st century writer, to whom the very concept of 'religion' or 'the religions' would have been alien. When Justin defined Christianity in relation to two great philosophic traditions, Platonism and Stoicism, as well as to the Jewish faith, he adopted an *exclusivist* apologetic, reserving the fullness of truth for Christianity. At the same time, he adopted an *inclusivist* position in three ways: i) he allowed people of other persuasions to have partial access to truth on the basis of their common humanity, ii) he was not afraid to use Greek

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[172] *Ad Gentes (Decree on the Church's Missionary Activity),* para.11, in A. Flannery. O.P. (ed.) *Vatican Council II: The Conciliar and Post Conciliar Documents*, (Leominster: Fowler Wright, 1981), p.825. No reference to Justin is provided in the footnotes to the document. This is curious, because an essential feature of Conciliar theology, influenced by de Lubac, is its self-conscious *ressourcement* in the patristic tradition. *Ad Gentes* alone makes over 40 patristic citations. Patristics scholars Yves Congar and Joseph Ratzinger served as *periti* in the crucial final stages of the composition of the document. See Stephen B. Bevans and Jeffrey Gros, *Evangelization and Religious Freedom: Ad Gentes, Dignitatis Humanae*, (New York: Paulist Press, 2009), pp.22-7. Bevans and Gros (p.39) confirm that *Ad Gentes* para.11 contains 'a quotation from Justin Martyr.'
[173] *Lumen Gentium (Dogmatic Constitution on the Church),* para.16, in Flannery, *Vatican Council II: The Conciliar and Post Conciliar Documents*, p.368.
[174] *Lumen Gentium* 16. c.f. *Jn* 1:4, *Jn* 1:9, *Jn* 10:10.
[175] *Adversus Haereses* III, 18, 1.
[176] *Protrepticus* 112, 1 and *Stromata*, VI, 6, 44.

philosophical concepts and writings to express Christian truth, iii) he acknowledged the Christian debt to Jewish biblical faith. Here we have to accept his adherence to the doctrine of covenantal displacement and supersessionism whereby Christianity becomes the *verus Israel*, a theological position as unacceptable to Jews today as it was to Trypho and his friends.[177]

5.5.3 Beginnings of a culture of human rights

When Justin speaks of 'the things that are righteous at all times in all places among every race of men' he could almost be speaking of human rights. Granted, Justin has no interest in a 'universal ethic' or legal system. His significance for human rights is not that he solves problems or elaborates theories, but that he stands at the crossroads between the apostolic witness of the New Testament and the patristic tradition. The themes examined above demonstrate that Justin was one of the first, if not *the* first, Christian theologian to examine a whole nexus of interrelated issues which are major battlegrounds in modernity's debates about human rights.

Foremost among these is the human right of religious freedom. A significant aim of the Apologies is to appeal to the imperial sense of justice and to defend the Christians from charges of immorality.[178] Here is a point of connection with human rights. Justin is coming before the highest judge of a respected, universalist legal system. In a statement that could almost come from the preamble to the Universal Declaration, he appeals to the impartiality of the legal principle that 'every individual should be afforded due process and not merely condemned out of hand and should be tried in overt and impartial proceedings solely on the basis of moral character and conduct, free from hypocrisy and double standards.'[179] Haddad

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[177] See for example *Dial.* 25-30, 48, 119, 120, 123, 135, 137, 140.
[178] 1 *Apol*.2-3 and 1 *Apol*.7
[179] Robert M. Haddad, *The Case for Christianity: St. Justin Martyr's Arguments for Religious Liberty and Judicial Justice*, (Lanham, MD: Taylor Trade Publishing, 2009), p.96.

explains that the legal nature of Roman religious tolerance is unclear and that the actual situation with regard to persecution of Christians is very confused, it being neither ubiquitous nor continuous. Justin's argument sounds very convincing to us, that Christians should be granted religious tolerance 'as long as we are not convicted of doing anything evil.'[180] Given the Roman unity of state and religion, Haddad explains that it is bound to fail: 'any refusal by Christians to accord such honours to the emperor *ipso facto* placed them in conflict with the established Roman order and, further, was considered an impiety that endangered the *pax deorum*, or goodwill of the gods on which the prosperity of the empire depended.'[181] Roman persecution was ruthless, but *not* performed out of cruelty: 'For Rome's survival, they...needed to be eliminated.'[182]

Gibbon described the second century C.E. as one of the human race's 'most happy and prosperous,' but reading Justin gives the lie to this. It was a time as full of political violence and interreligious conflict as our own, and a milieu of comparable cultural diversity and complexity. Cosgrove provides a sociological reading of Justin, who exemplifies for him 'the need for a minority group to define and legitimate itself *vis-à-vis* the larger world.'[183] The Bar Kochba revolt of 135C.E. marked a time of violence and terror for Jews. Trypho is a sign of the plight of refugees resulting from that upheaval. In addition to Roman persecution, 'Judaizing' Christians faced expulsion from synagogue worship. Jews and Christians competed over potential Gentile converts. Christianity also clashed with the philosophical schools as we can see from Justin's dispute with Crescens. Christians had to look in yet another direction to ward off further conflicts and that was the activities of heretics such as Marcion. These considerations of 'the pluralist, multicultural, Roman-inspired web that

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[180] 1 *Apol*.8
[181] Haddad, *The Case for Christianity*, pp.96-7.
[182] *Ibid.,* p.1.
[183] Cosgrove, *Justin Martyr and the Emerging Christian Canon*, p. 219.

embraced the entire civilised world' lead postmodern theologian Rebecca Lyman to apply the tools of cultural criticism and 'subaltern studies' to Justin's 'colonial' situation. Justin represents a 'dominated culture' faced with choices of 'resistance' or 'complicity' in a search for 'authenticity' and 'identity'. Greek, Roman, Christian and Jewish identities are all caught 'in a process of negotiation' resulting in mutual 'menace' and 'instability'. There is endorsement of Regensburg: von Harnack's dehellenizing project is roundly condemned as the product of the 'racial dualisms' of his own era'. There is also an implicit rejection, since Justin's Christianity is not a beautifully synthesized '*tertium quid'*, but a complex amalgam of complicity, resistance and negotiation which Lyman dubs 'proximity'. Something precious for human rights emerges from Lyman's analysis, the 'common humanity' of Justin's *logos* theology, in which 'tradition, practice and culture are innovatively combined' and which Justin presents to the 'political religious violence' of his world.[184]

It is in this violent, complex world that Justin makes his plea for freedom of religion. This appeal involves a claim for the superiority of Christian ethical behaviour. This ethical appeal is twofold; a rejection of the Roman charges of immorality and perversion and a charge of immorality against the Jews. Ethics is crucial to Justin's apologetic, which has to look in two directions. It has to show the Graeco-Roman Hellenistic pagan world that Christianity is not an embarrassing and ignorant superstition, laughably inferior to the magnificence of Greek thought and philosophy. It has to show the Jews that it is inextricably linked to their sacred scriptures, but represents their true fulfilment and completion. It addresses both problematics not so much through logical proof or argument, as by creating a

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[184] Lyman, *Justin and Hellenism*, pp.160-168. Perhaps these sentiments of Lyman had already been expressed in a less over-heated manner by Jaroslav Pelikan when he said that 'The early church as a community and its theologians were obliged to clarify, for friend and foe alike, how the gospel was related to its preparations and anticipations in the nation where it arose as well as in the nations to which it was being borne.' See Pelikan, *The Christian Tradition,* p.12.

narrative. This narrative tells a story of a primordial philosophy, to which Christianity is the sole true heir, philosophy being divided and degenerate, Judaism bigoted and blind in failing to recognise in Christ the fulfilment of its own prophecies. Justin also seeks to forge an orthodox Christology, and he does this by creating the concept of heresy, as a mirror image of the concept of heresy used by the Jews to anathematize the Christians.

CONCLUSION

Justin employs a strategy of welcome and correction as a Christian theologian doing groundwork in the areas of ontology, Christology, theology, epistemology and ethics. As a philosopher-theologian, he works at the interface of Greek, Jewish and Christian thought, at the interface we might say, of transcendence and immanence. He seeks to preserve Platonic transcendence, to reject Stoic materialism, while also rejecting Platonic epistemology and preserving the Stoic link between creator and created. Hellenistic philosophy theologizes Platonism, moving in the direction of theism, while Platonizing Stoicism, moving it away from outright materialism. Hellenistic Judaism philosophizes the God of Moses by moving it in the direction of Greek transcendence, while simultaneously Stoicizing the creative rational link between that transcendent rational power and rational human life. Justin's *logos* welcomes and corrects the transcendent Platonic *nous* and the immanent Stoic *logos*, as well as the Jewish *dabar* and *sophia* as creative and mediating word, while also fulfilling pagan aspirations for salvation by a personal encounter with the Word made flesh in Jesus Christ.

In forging this solution, the *logos* in Justin becomes a resolution of the conundrum of faith and reason. Platonic reason meets Judaic revelation, and effects a broadening of reason, a counterblast to ethical relativism, and an opening up to, but not a clearly developed

statement of, natural theology and ethical universalism. Justin's work is therefore of relevance to ethics in general, and to the universalist ethical project of human rights.

CONCLUSION ON PART ONE: FOUNDATIONS OF *LOGOS* THEOLOGY

On the basis of my explorations of Plato, John and Justin, a claim can be made that the central thesis of Regensburg holds good: Christianity bears within itself 'a rapprochement between Biblical faith and Greek inquiry'. However, it should be conceded that the thesis needs to be corrected, not as a completely false dichotomy, but certainly as a potentially misleading over-simplification. Firstly, modern scholarship has demonstrated the social, political and cultural complexity of the interactions between 'Hellenism' and 'Judaism.' Secondly, I have demonstrated the difficulty of pinning down the specific nature or content of what Ratzinger might mean by 'the best of Greek thought.' My exploration of Justin, for example, has shown that Stoicism is as important as Platonism, yet Ratzinger tends to fight shy of Stoicism, preferring to advert to what he calls 'the Platonic element.'

Nevertheless, my exploration of the foundations of *logos* theology has shown that Christian faith has developed by welcoming and correcting insights from Greek rationality. Furthermore, given the complex interplay of Hellenized Judaism, Greek philosophy and early Christianity, Ratzinger is right: the von Harnack project to purge Christianity of its Greek philosophical tradition is doomed to failure.

I further suggest that having encountered religious Greek thought and rational Jewish thought, we must exercise caution in holding to a simplistic dichotomy of faith and reason. The distinction *is* valid, but my investigation into Justin shows that the exclusive attribution of faith or reason to this or that religion or belief system might be artificial, misleading and prejudicial. Yet herein lies a precious pearl of Ratzingerian wisdom: the Greeks were not faithless, their project was religious. And faith is not irrational, but is better understood as a

broadening of reason. This insight will bear fruit in Chapter Eight, where Habermas will demand that the post secular be open to metaphysical insights.

Chapter Three took its lead from Ratzinger's championing at Regensburg of the abiding significance of Platonic thought. This led to the claim that a *logos* theology should reserve the right to express Christian truths in a Platonic dialect which holds together the ontological primacy of being, the epistemological capacity of the human person to apprehend that which is beyond the material, and the ethical imperative to pursue a life in accordance with the true and the good. The culture of human rights will become less, not more inclusive, the less capable it is of engaging with religious cultures that still see the dignity of the human person in terms of relationship to the transcendent. Some capacity for an inclusive dialogue with secular modernity will also be lost, since the Western academic tradition is still engaged the questions raised by Socrates and Plato.

Chapter Four's exploration of the Prologue led to the claim that the *logos* has roots in a variety of cultures. This means that a *logos* theology will be open and welcoming to the multiple sources which have created the discourse of human rights, and will be happy to use them to recalibrate its own ethical discourse. A process of critical discernment took place in Christianity's co-option of the non-Christian *logos*. Likewise, a *logos* theology must engage in discernment, to ask what needs to be questioned and what needs to be welcomed about modernity's culture of human rights.

Ontologically, a *logos* theology says that the human person is structured from the creative Word, which is the source of all that exists. Epistemologically, every human person is capable of receiving and reflecting a measure of the divine light. Ethically, the Universal

Declaration of Human Rights can be built on a light that can never be extinguished from humanity.

Chapter Five found Justin Martyr at a historical crossroads where Greek, Jewish and Christian thought commingle. This confluence of the rival tributaries of three great traditions is a sign of open inclusivity at the start of the patristic tradition, a willing receptivity to the truth as well as a critical sensitivity which discriminates between what can be welcomed and what must be rejected. The *logos* theologian will not be surprised to find that the historical tapestry of human rights has been woven with Greek, Jewish and Christian threads. The *logos* theologian who listens to Justin Martyr will learn to deconstruct Greek thought at least into Platonism and Stoicism and will want a formulation of human rights which preserves transcendence as well as Plato and respects immanence as much as the Stoics.

With the concept of the *logos spermatikos*, Justin creates a great inclusivism, recognizing the seeds of truth beyond the boundaries of Christianity and honouring a universal capacity for conscience and ethical awareness. Dialogue empowers Justin to do important foundational work on the relationship between faith and reason, thereby setting the Christian tradition on a trajectory which will always be committed to the *logos* of philosophical inquiry. Herein lies the question to be posed to Islam in Chapter Nine, to what extent it is open to a symbiosis of faith and reason, and open to a culture of human rights grounded in natural law and the dignity of the human person.

The dignity of the human person can be understood in a universalist or inclusivist mode: the *logos* is the universal capacity of human rationality to participate in the *Logos* that is the source of all that exists. It can also be explicated in a particularist or exclusivist mode:

when the divine creative *Logos* was incarnated as a human person, as flesh, an infinite dignity or worth was conferred upon the human person.

Part One of the thesis allows us to conclude that just as the early Christians engaged with the *logos* doctrine, so Christians today can, and perhaps must, engage with human rights, so that they can both welcome and critique the surrounding culture. If this is open inclusivism, then the same can be demanded from the secular world. *Logos* theology offers healing for secular human rights, providing a broadened rationality for rights and dignity, embracing the capacity for the transcendent and reuniting ontology, epistemology and ethics. This is the challenge to be explored by Ratzinger in his dialogue with Habermas. I would add that for Christianity also there is a healing, as it engages in a self-reflexive critique of its own beliefs and practices.

Part Two will therefore explore contrasting perspectives of religious faith and secular rationality in the historical development of the concept of human rights.

PART TWO:

RESTORING THE *LOGOS* TO THE CULTURE OF HUMAN

RIGHTS

CHAPTER SIX

THE GENEALOGY OF HUMAN RIGHTS

CHAPTER SEVEN

NATURAL LAW AND THE GROUNDING OF HUMAN RIGHTS

CHAPTER SIX

THE GENEALOGY OF HUMAN RIGHTS

'one must observe that in the late Middle Ages we find trends in theology which would sunder this synthesis between the Greek spirit and the Christian spirit.'[1]

INTRODUCTION

The starting point for Chapter Six is the Regensburg Lecture's narrative of three episodes in the story of the severance of faith and reason which result from the process of de-Hellenization. The chapter examines the history of human rights and the Ratzinger theme of the self-limitation of reason through the loss of the Christian tradition. The chapter argues that it is naive and inaccurate to locate human rights in every historical culture but that it is equally simplistic and unhistorical to think they were created *ex nihilo* by the secular 18th century Enlightenment. A genealogy of human rights, employing the full breadth of reason, reveals both the losses and the gains which arose from a process that involved a transformation within the Christian tradition. This more honest approach opens the door to a richer and more universal concept of human rights, open to the depths of the riches of both secular and religious thought.

In the Regensburg Lecture, Ratzinger narrates three stages of the rupture of faith and reason. Firstly, Luther seeks faith 'in its pure, primordial form'.[2] Philosophy and metaphysics has to be rejected so that faith can be liberated 'to become more fully itself'. Following the same trajectory, Kant carries forward Luther's thought 'with a radicalism that the Reformers could never have foreseen', confining both faith and reason to 'practical reason' or morality. Secondly, von Harnack seeks 'to return simply to the man Jesus and to his simple message',

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[1] *The Regensburg Lecture*, para.25.
[2] *Ibid.,* para.34.

reducing Christianity to 'a humanitarian moral message' and bringing Christianity 'back into harmony with modern reason.' The third stage in this 'self-limitation of reason' is the contemporary desire to sunder the Christian message from its original inculturation in a Greek milieu, so that it can be more effectively inculturated into the diverse cultures of today.[3]

Ratzinger rejects this approach on two grounds. Firstly, the Greek cannot be removed from the Christian, since both the New and the Old Testaments bear 'the imprint of the Greek spirit'.[4] Secondly, that Greek imprint represents a fundamental decision about the relationship between faith and reason, a decision that is so foundational that it can never be denied. Ratzinger laments in particular the development of voluntarism in the theology of Duns Scotus, which claims that we can only know God's *voluntas ordinata*, 'in virtue of which he could have done the opposite of everything he has actually done.' He connects this to voluntarist tendencies in Islam, which in order to preserve divine transcendence sever the link between faith and reason.[5]

This chapter will argue that the development of human rights is associated with a rupture between faith and reason. The chapter aims to compare Ratzinger's history of ideas with some major contemporary genealogies, to relate Ratzinger's history of ideas to his *logos* theology and to draw conclusions for the construction of an inclusive concept of human rights.

The chapter will take particular note of the place of medieval nominalism and voluntarism in the genealogy of human rights and to the contributions of MacIntyre and Taylor to the genealogy of culture.

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[3] *The Regensburg Lecture*, para.40.
[4] *Ibid.,* para.52.
[5] *Ibid.,* para.25.

The chapter is written in awareness of the fact that as an exercise in the history of ideas, genealogy is fraught with difficulties. A 'modern' approach to genealogy will tend to reject Hegelian idealism, in which ideas take on a kind of inevitability and independent agency, and will take a realist approach to human history, in which what matters is economic and political power. A 'postmodern' approach will certainly avoid 'the history of ideas' and will be sceptical about genealogy. Its approach will always strive to emphasise the unique contextuality of every moment in history, and to deny it any universal application.

Furthermore, genealogies have a tendency to be selective, homing in on only those thinkers from the past who will serve their grand narrative. They also run the risk of misrepresenting thinkers of the past, and of reading back into the past the ideas of today. In the case of human rights there is a tempting battle to be joined between secularists, who see the eighteenth century as the true source both of rights and of reason, and Christian theologians and philosophers, who prefer to see both rights and reason as rooted in religion.

An appropriate response is to maintain that all things, including all ideas, (perhaps especially ideas), have a history. To inquire into the history of human rights is not only legitimate; it is a logical first step to understanding them. It will also be important, while exploring a number of key thinkers, to draw attention to the master-narratives which guide their approaches. This chapter presents its own master narrative, that a recovery of the Christian genealogy of human rights can contribute to an inclusive dialogue about human rights today.

Genealogy and the foundations of *logos* theology

As we embark on our genealogical journey, it will be helpful to bring with us the fruits of our investigations into the foundations of *logos* theology in Part One of the thesis. We may start by positioning the concept and culture of human rights as the contemporary expression of a

long tradition which we can call humanism, i.e. a tradition which upholds the dignity of the human person. In Plato we encountered a Greek humanism which built dignity upon the human passion for the true and the good, the human capacity for participation in transcendent truth and goodness and the rational capacity for metaphysical inquiry. From the Stoics we recalled a vision of the rational dignity of the human person in harmony with the rationality of the cosmos, the insight that action is ethical when conducted in accordance with right reason, resulting in a universalism based upon the cosmopolitan unity of humankind.

To this Greek vision we added the contribution of the Old Testament biblical faith and of John and Justin's Christian *logos* theologies, which welcomed, corrected and fulfilled all that we found in Plato and the Stoics, thereby transforming *logos* into *Logos*. Human dignity could now be based upon participation in the divine through a personal relationship with the living God of faith in the person of Jesus Christ as Word made flesh. The world, and every person in it, was now not only created by reason or rationality, and illumed by the divine light of reason, but welcomed into a loving relationship by an immanent historical saviour and redeemer. The dignity of the human person was now tied to its origin in truth and love, and social justice anchored in non-material values known to human nature by natural revelation, as well as by the special revelation of the scriptures. Our aim in this chapter is to understand how this vision was broken down, what remained of it in the doctrine of human rights, and why its recovery could represent a healing of human rights.

6.1: CONTRASTING GENEALOGIES OF HUMAN RIGHTS

6.1.1 Micheline Ishay's pluralism

Ishay has sought to provide a comprehensive genealogy of human rights in terms of a broad sweep of cultural development that takes seriously the pre-Enlightenment history of human

rights. Her genealogy 'does not privilege the messianic aspirations of a single generation but recognizes the dedication of a host of human rights couriers over time.'[6] Ishay uses a 'critical theory' methodology which 'presupposes that ideas and events are carried over from one era to another.' Rather than suggesting a chain of causality, she lists early ethical contributions and distinguishes between 'ancient values' and 'modern human rights,' united by shared basic views of the common good.[7] Ishay describes the story of human rights as 'a journey guided by lampposts across ruins left behind by ravaging and insatiable storms', but is careful to avoid the idea that 'there is a perfect continuum from ancient to modern thinking about human rights.'[8]

Ishay's significance for my thesis is her desire to portray human rights as a broad church into which all cultures are to be welcomed. In her *Human Rights Reader,* she creates an invaluable resource, in which she gathers together key 'human rights' documents with a broad range of provenances. In her *History of Human Rights*, she welcomes the Old Testament, the New Testament, the Babylonian Hammurabi Code, the Analects of Confucius, Plato, Socrates, the Stoics Epictetus and Zeno, Cicero, the Qur'an and precepts of Buddhism and Hinduism. Rather than telling a simplistic story of 'human rights', Ishay looks in detail at underlying notions: universalism, liberty, tolerance, equality, economic and social justice and fraternity. She chooses these because they were ideas embodied in laws, with the result that that 'India, China, Roman Christendom, and the Arabic and Islamic world' were recognised as 'the great civilisations of the fifteenth and sixteenth centuries.'[9] Ishay simultaneously explores six controversies in human rights, the first of which concerns the origins of human

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[6] Micheline R. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*, (Berkeley, CA: University of California Press, 2008), p.2.
[7] *Ibid.,* p.7.
[8] *Ibid.,* p.3 and p.5.
[9] Ishay, *The History of Human Rights,* p.64.

rights. Her multicultural account of the origins of human rights is designed to restore the importance of religion in providing 'important humanistic elements that anticipate our modern conceptions of rights' and to establish that it is wrong 'to view religion as antithetical to a secular view of universal rights.'[10]

Ishay uses the Universal Declaration as the template for her entire study. She is impressed how the 1945 Human Rights Commission was able to use a UNESCO questionnaire to engage contributors from diverse traditions 'to look at all the world's great religions and cultures for the universal notions of the common good that had inspired the Enlightenment's human rights visionaries.'[11] Ishay is particularly impressed by the contribution of René Cassin, one of the main drafters of the Universal Declaration, who maintained that the concept of human rights comes from the Bible, from the Old Testament and from the Ten Commandments. She quotes Cassin: 'We must not forget that Judaism gave the world the concept of human rights.'[12] Ishay agrees that one can find 'the spirit of some religious injunctions in modern human rights.'[13] She suggests a genealogical relationship between the Hammurabi Code and Jewish precepts. She balances Cassin with the contribution made by Richard McKeon on the influence of the Greeks, especially Stoic cosmopolitanism, which in turn was influenced by Plato and Socrates, who 'showed their allegiance to a universal view of human goodness and, in a sense, human rights.'[14] Epictetus emphasised the role of reason, Diogenes and Socrates 'were Epictetus' heroes, for they (like the Buddha and Confucius) called for a detached love of the common good, of the gods, and of their real

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[10] Ishay, *The History of Human Rights,* p.5.
[11] *Ibid.,* p.17.
[12] *Ibid.,* p.19. René Cassin, (1887-1976) was a French jurist, law professor and judge. He received the Nobel Peace Prize in 1968 for his work in drafting the Universal Declaration of Human Rights. A full account of his role in the drafting of the Universal Declaration can be found in Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, (New York: Random House, 2001).
[13] *Ibid.,* p.369.
[14] *Ibid.*, p.23.

country, the universe.' Cicero, like the Greeks, 'sanctified individuals' capacity to reason' but, being a practical Roman, went on to articulate this in the concept of natural laws, *iures naturales*, to be distinguished from customary laws. Ishay then says that Christianity, in a manner akin to Stoics and Cicero, 'promoted a notion of equal moral status for all human beings' because it was grounded in equal capacity to love neighbour and to be loved by God.[15]

Ishay's approach is guided by a master-narrative, expressed in her earlier work, which believes that 'the historical foundation of human rights lies in the humanist strand running through the world's great religions.'[16] She provides one of the most authoritative, and up-to-date treatments of human rights available and it is difficult to do justice to the detailed argument and complexity of her work. For my purposes, she makes two convincing arguments: i) there is common conceptual ground in the pre-modern world which provides a pre-history of human rights, ii) there is an actual strong genealogical line from Jewish, Greek and Christian ideas such as the common good, universalism and equality, to human rights. Ishay's presentation is balanced in that it is profoundly multicultural, but still acknowledges the importance of the Western Judaeo-Christian-Classical tradition. Buddhist, Hindu and Islamic sources are welcomed into her discussion of the key concepts of tolerance, justice and fraternity. However, she concludes that despite the widespread congruence of a 'worldwide ethical heritage',[17] it cannot be denied that Western ethics was the major contributor to the development of human rights. In other words, the key active ingredient in the genesis of human rights is the Judaeo-Christian heritage, and this cannot be separated from the heritage of the Greeks and Romans. Ishay provides support for an approach to human rights that is

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[15] Ishay, *The History of Human Rights,* p.25.
[16] Micheline R. Ishay, *The Human Rights Reader: Major Political Writings, Essays, Speeches and Documents from the Bible to the Present*, (London: Routledge, 1997), p.xiv.
[17] Ishay, *The History of Human Rights,* p.60.

cognizant of its roots. At the same time, her broad church approach shows how powerful, (but not problem-free) human rights discourse can be if it is presented in a pluralist framework. Ishay's work could be described as pluralist, but it is not relativist. It has criteria. 'Open inclusivism' might be a better description. Ishay wants to be honest and accurate about historical processes, while keeping the door of the concept of human rights open as wide as possible to all cultures.

6.1.2 Samuel Moyn's exclusive secularism

Moyn provides a useful contrast to Ishay because he is quick to dismiss the 'progress ascent' view which sees human rights as 'age-old and obvious', 'a saving truth, discovered rather than made in history.'[18] He mocks the typical genealogy which runs from Greeks to Jews to medieval Christians to early modern philosophers, to democratic revolutionaries, to abolitionist heroes, to American internationalists, to anti-racist visionaries. Such genealogies are naïve and unproductive, based on the false a-historical myth of the inevitability of rights. He agrees that the Greeks and the Jews both demanded justice, but believes that they forfeit any claim as sources of contemporary morals because of 'their alien conceptions' and the dubious nature of their moral legacy.[19] He rejects outright the view that 'if the Greeks or the Bible announced that mankind is one ... then they must have their place in the history of human rights.'[20] He is aware that 'it is the cosmopolitanism of the Stoics that always is presented as the major leap toward modern conceptions.' He admires the Stoic view that 'since all humans share in reason, they form part of the same polity', but he points out that this cosmopolitanism was 'divorced from social improvement' and never translated into 'a

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[18] Samuel Moyn, *The Last Utopia: Human Rights in History*, (Cambridge, MA: The Belknapp Press of Harvard University Press, 2010), p.6.
[19] Moyn, *The Last Utopia,* pp.14-15. We can presume by 'alien conceptions' Moyn means the Classical – Judaeo-Christian-Thomistic synthesis of faith and reason and the participation of the human in the divine, concepts which modernity has rendered completely alien and unintelligible.
[20] Moyn, *The Last Utopia,* p.13.

reformist political project.'[21] Christianity 'has no necessary role in the history of human rights.'[22] He allows it to be 'self-evidently universalistic' and famous for its egalitarianism, but dismisses the view that 'there is only one move from particular cultures to universal morality to be made – and Christianity is it.'[23] Moyn therefore confines himself to the 18th century as the true source for human rights and goes on to undermine any inevitability of the progress of rights by pointing out how tied up they have always been with national sovereignty, right up to what he regards as the real breakthrough in human rights discourse in the 1970s and 1980s.

Moyn's master-narrative is that human rights are irreducibly political, not moral or religious. In this sense he is as sceptical about the very concept of rights as he is about fanciful genealogies, which are all too prone to degenerating into what Bloch called the 'idol of origins.'[24] He sees the contemporary human rights movement as the 'last utopia', i.e. the last political ideal left standing after the discrediting of both Western liberalism and internationalist communism, and 'the most inspiring mass utopianism Westerners have had before them in recent decades.' [25]

However, even Moyn admits that the concept of human rights can 'capture many longstanding values'.[26] Furthermore, despite his dismissal of Christian claims for human rights, Moyn repeatedly adverts to the Christian and Catholic contribution to the formulation of the 1948 Declaration, while always asking us to be cautious about human rights, which 'meant different things to different people from the beginning.'[27] He refers to Pius XI, to Bishop Robert Lucey, to Maritain, concluding that 'rights talk seems to be dominated by

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[21] Moyn, *The Last Utopia,* p.15.
[22] *Ibid.,* p.16.
[23] *Ibid.,* p.16.
[24] Moyn (p.38) refers to Marc Bloch, *The Historian's Craft*, trans. Peter Putnam, (New York, 1993), chap 1.
[25] *Ibid.,* p.9.
[26] *Ibid.,* p.9.
[27] *Ibid.,* p.50.

Catholics.'[28] Moyn points out that framers of the Declaration, John Humphrey, Charles Malik and Eleanor Roosevelt, were all Christian, and that 'speeches were laced with Roman Catholic social philosophy.'[29] Lest we become too impressed by Christian / Catholic connections to human rights, Moyn reminds us that 'the Catholic Church's long-term vilification of this political language is a classic fact.'[30] On the other hand, Moyn notes how the plight of Cardinal Mindszenty became a post-war human rights *cause celèbre* which highlighted the right to religious freedom. He is also aware of how rooted the human rights concept was in Heidegger's Christian personalism, how it was a consequence of 'the political hegemony of Christian democracy' and the energetic leadership of Catholic Christian personalist Robert Schumann that a mere human rights declaration became a legal instrument in the 1950 European Convention.[31] The genesis of the 1948 Declaration owed much to the idea that 'no number of claims for human rights, without spiritual sanctions, will save us from destruction,' that 'the rights of men derive directly from their condition as children of God and not of the State', that human rights 'live wholly from their ground in faith' and that human rights are 'a Christian bequest to be defended against the legacy of the French revolution.'[32]

Moyn provides us with a salutary warning about naïve attempts to appropriate human rights and incorporate them unthinkingly into a self-serving Christian genealogy. Moyn's first chapter, 'Humanity before Human Rights', is eloquent in its polemic but lacking depth and detail in its history. This is perhaps inevitable when dealing with the entire pre-Enlightenment period in just one introductory chapter and Moyn is consistent in that he does not provide any detailed history of Eighteenth century human rights. He is in no sense anti-Christian and is

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[28] Moyn, *The Last Utopia*, p.55.
[29] *Ibid.*, p.66.
[30] *Ibid.*, p.74.
[31] *Ibid.*, p.78.
[32] *Ibid.*, pp.75-76.

highly rigorous and detailed as a historian when in Chapter Two he comes to tell the story of the Universal Declaration. His overarching purpose is to preserve the power of human rights discourse by protecting it from a proliferation and hyper-inflation that would render it meaningless and powerless. In terms of genealogy, this means restricting the history of its origin to the first generation civil and political rights. Ishay's broad church approach would be anathema to him. His message for today is to be highly cautious when human rights discourse adopts what he calls 'the burden of morality' and become 'a general slogan or worldview or ideal.' It would be far better if human rights restricted themselves to 'a few core values that demand protection' and surrendered the ambition to 'be all things to all people.'[33] For Moyn, this would provide a far more effective and honest route to an inclusive approach to human rights, than one that is girded with philosophy, morality or religion.

6.1.3 Nurser's revisionist history of the Universal Declaration

Moyn himself acknowledged the contribution to the Universal Declaration made by O. Frederick Nolde. The pivotal role played by Nolde was brought to light by Nurser in 2005.[34] Nurser reinstated the profoundly Christian genealogy of the Declaration in a ground-breaking revisionist study which countered the unquestioned assumption, widespread even in Christian circles, that the Declaration stands firmly in the genealogical tradition of the French Revolution's Declaration of the Rights of Man and that human rights and religion have little to do with each other. The Declaration was designed to give the United Nations a soul and had two main sources. The first was the World Council of Churches, which since the start of the century had been exploring how social and economic structures could be Christianized. The resources they were able to draw on were, on the theological level, a vibrant history of Protestant / Evangelical mission, on the practical level, organizational structures such as the

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[33] Moyn, *The Last Utopia,* p.227.
[34] John S. Nurser, *For All Peoples and All Nations: The Ecumenical Church and Human Rights*, (Washington D.C.: Georgetown University Press, 2005).

World Council of Churches and the YMCA. Their key doctrinal contribution was the right to religious freedom. The second source was Catholic thinkers such as the philosopher Maritain and Jesuit priest de Chardin, who were trying to build a Catholic response to the modern world. The resources they were able to draw on were, on the theological level, the revived tradition of natural law, and on the practical level, a worldwide church with a unified global network of communication. Their key doctrinal contribution was the dignity of the human person. Nurser's study supports a conclusion that we do not make human rights more inclusive by denying the fact of their Christian hinterland. He also sets down a powerful challenge to Christians, to make human rights central to their ecclesiology and to their missiology, since these were the driving forces of the engagement of Nolde and his colleagues in the drafting of the Declaration, a document that was purposefully free of any hint of Christian triumphalism. I conclude that the Universal Declaration has a *partial* but *significant* Christian genealogy. Furthermore, its choice of a purely secular expression is best understood as designed to be *inclusive*, rather than exclusive of religious principles.

6.2: MEDIEVAL PHILOSOPHY AND THE GENEALOGY OF HUMAN RIGHTS

6.2.1 Nominalism

Ishay makes no reference to the Middle Ages in her detailed genealogy of rights. However, the 13th and 14th centuries have emerged as key moments of controversy in the genealogy of human rights, and indeed, the genealogy of liberal modernity. The concept of nominalism is associated with the Franciscan theology of Duns Scotus (1266 – 1308) and William of Ockham (1288 – 1347). Both of these theologians have been held responsible for the collapse of the classical view of the relationship between God, nature and the human person.

In brief, a Platonic approach to reality, i.e. realism, claims that alongside the particulars of reality there are 'universals' which are related to the shared characteristics of

the particulars. If you believe that the human mind can only access the particulars, then you will think of the universals as mere *nomina* or names, just concepts we use to express the idea that particulars have shared characteristics. In nominalist thinking, a *ius* or right sounds universal, e.g. the right to property, as if it corresponded to some objectively real relationship, but it is just a word we use to express a particular personal right. If we have a *ius* or right, it is not because it corresponds to anything real or objective. It is just a decision we make to agree that this particular right belongs to this person as subject. In other words, we are beginning to arrive at the notion of personal subjective rights, void of any Platonic / Thomist participation in anything real or objectively true.

O'Mahoney's genealogy of rights focuses on this pre-modern development.[35] He explains that it was Villey, who exposed Ockham as the originator of the notion of subjective rights, thus providing another revisionist account of rights which shattered the received wisdom that the notion of subjective right was an invention of the 18th century.[36] Villey's approach was given broader dissemination by Tuck,[37] so that O'Mahoney can say that 'Ockham has become widely viewed as the originator of personal rights.' The received wisdom became that Ockham established 'the unique significance of individuals as contrasted with universals' and who established 'freedom as the outstanding characteristic of human beings.'[38] O'Mahoney points out that Tuck's theory was countered by Tierney, who argued that the idea of subjective right did *not* originate in nominalist philosophy but in 12th and 13th century canon law, where 'a rich language already existed' to express the concept of rights.[39]

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[35] J. O'Mahoney, *The Challenge of Human Rights: Origin, Development and Significance*, (Oxford: Blackwell Publishing, 2007). See Chapter One, 'Human Rights in History.'

[36] Michel Villey, *Leçons d'Histoire de la philosophie du droit*, (Paris: Duzot, 1962).

[37] R. Tuck, *Natural Rights Theories: Their Origin and Development*, (Cambridge: Cambridge University Press, 1993).

[38] O'Mahoney, *The Challenge of Human Rights,* p.5.

[39] *Ibid.,* p.42.

6.2.2 Douzinas and the view from postmodernity

Costas Douzinas calls Part I of his work 'The Genealogy of Human Rights' and gives the Middle Ages credit for invention of the individual.

> The first radical step in this direction was taken by the Franciscan Nominalists Duns Scotus and William of Ockham. They were the first to argue, in the fourteenth century, against the dominant neo-Platonic views, that the individual form is not a sign of contingency nor is the human person the concrete instantiation of the universal. On the contrary, the supreme expression of creation is individuality, as evidenced in the historical incarnation of Christ, and its knowledge takes precedence over that of the universal forms of the classics.[40]

Nominalism, expressed in this way, does feel deeply theological and Christian, but it is not hard to hear modernity waiting in the wings. Douzinas believes that its implications cannot be overstated, as it opened the road to 'the sovereign individual, the centre of the world.' Writing principally from a legal perspective, Douzinas has his own master-narrative, which sits comfortably with the Ratzinger project; if human rights are to survive in a postmodern world, then ethics needs to be restored to law. A human rights discourse that limits itself to individual will has cut itself free from the ethical sources by which it needs to be both sustained and restrained.

6.2.3 Milbank and the medieval origins of modernity

One might expect Christian commentators to be thrilled that the genealogy of subjective rights can be demonstrated to have convincing Christian origins which pre-date 18th century rationalism by several centuries. It would mean that Christianity can take credit for one of modernity's most cherished foundations, the individual subject and her subjective rights. But if you regard modernity's autonomous self as a cultural disaster, you are forced to admit that Christianity is to blame for what you regard as one of modernity's most pernicious features.

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[40] Costas Douzinas, *The End of Human Rights: Critical legal thought at the turn of the century*, (Oxford: Hart Publishing, 2000), pp.61-62.

For 'radical orthodox' theologians such as John Milbank, Franciscan nominalism is the villain of the piece.[41] His 'radical orthodox' project is to revive the notion of human nature as metaphysical participation in a cosmic harmony, the framework destroyed by the Franciscans. For the Dominicans, according to Milbank, the right to property had been a legal *ius*, granting *usus* or *dominium*, while the Franciscan view was that 'ownership' *preceded* the law.[42] It was a subjective right, i.e. a right belonging to the subject as subject. Milbank calls this *simplex usus facti* – the mere fact that I am possessing it, a 'radical dispossession.'[43] In Milbank's master-narrative, human rights as absolute must be rejected because they lose sight of the relational; not just the horizontal relationality between persons, but the vertical relationality between the material and the spiritual. Milbank agrees with Villey that subjective rights emerge with the Franciscans. For him this is a wholly negative development, which ruptures the participative harmony between man and the cosmos. It substitutes 'an extreme rationalist reductionism' which is then used to prove 'absolutism' of the will, a move that can only end in violence.[44] This absolutism of the will leads us to the topic of voluntarism.

6.2.4 Voluntarism

The story of nominalism is also a story of voluntarism. Plato's *Euthyphro* had first posed the question as to whether an action was right because God willed it, or whether God willed it because it was right. The first view, that an action is right because God wills it, is what is meant by Divine Command Theory or theological voluntarism. A key feature of this kind of voluntarism is that it severs any logical or natural link there might be between what we

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[41] John Milbank, 'Against Human Rights: Liberty in the Western Tradition', *Oxford Journal of Law and Religion*, (2012), pp. 1–32. Available at: http://english.duke.edu. (Accessed: 6 May 2014).
[42] The concept of private property was central to the Decalogue and also to Roman law. It took centre stage in the 13th and 14th centuries because of the centrality of poverty to the Franciscan charism. The Franciscans found that they could not avoid having some sort of private property, either individually or collectively. In a realist framework, their ownership of private property could only be construed as a legal fact. The nominalist framework allowed them to own things in name only. The real legal ownership of their property was ascribed to the Pope.
[43] Milbank, *Against Human Rights,* p.21.
[44] *Ibid.,* p.21.

naturally want as persons and what God wants for us, thereby rendering God's will opaque, inscrutable and even arbitrary. Villey located Ockham within a long-term drift towards voluntarism, which he associated with 'logicism' and individualism. All were based on the idea that the only things it is possible to get a rational understanding of are finite realities.

Milbank accuses the Franciscans of separating will from reason. This rupture results in 'the sense that there is a 'raw' freedom independent of ends, of which one can never be legitimately robbed.'[45] Again we are half way to the 18th century notion of subjective rights. 'Modern subjective rights *do* have a medieval root in the Franciscan tradition and do not only emerge with Hobbes and his epoch.'[46] This means that 'Modern liberalism either depends upon, or is hostage to, certain unacknowledged theological positions.'[47] Where Villey was merely hesitant about human rights, Milbank is unequivocally hostile. Like liberal modernity itself, of which they are an intrinsic part, subjective rights can be traced to the wrong turn taken by Franciscan theology.[48]

> Their buried foundation lies in a questionable theological voluntarism and a questionably atomising metaphysic. In either case the same logic upholds both the absolute negative liberty of the individual and the unrestricted formally-grounded power of the sovereign political power. And only the latter can render the former operable, only the latter can effectuate positively the supposedly 'natural' character of rights.[49]

It is worth noting, in anticipation of the next chapter, that recent Roman Catholic thinking on natural law has drawn upon Ratzinger's comments on voluntarism:

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[45] Milbank, *Against Human Rights,* p.23.
[46] *Ibid.,* p.18.
[47] *Ibid.,* p.18.
[48] Steven Shakespeare expresses the problem with voluntarism in this way: 'as God is no longer related to us by a living chain of analogy, God becomes ever more hidden and dark to us. God retreats into the heavens, exercising his will from afar. And God's will becomes the arbitrary exercise of power. It has no inner relationship to human worth and fulfilment. God becomes the Law, imposed upon an essentially Godless world.' However, Shakespeare expresses this view in order to parody it and says that 'This account of Duns Scotus is highly controversial.' See Shakespeare, S. *Radical Orthodoxy: A Critical Introduction*, (London: SPCK, 2007), p.11.
[49] Milbank, J. *Against Human Rights*, p.27.

Voluntarism proposes to highlight the transcendence of the free subject in relation to all conditioning. Against naturalism that tended to subject God to the laws of nature, it emphasizes, in a unilateral way, the absolute freedom of God, with the risk of compromising his wisdom and rendering his decisions arbitrary.[50]

Douzinas, writing from a different perspective, also sees this medieval Franciscan philosophy as a disaster for Christianity and for civilisation. He expresses the implications of voluntarism with characteristic verve and clarity.

The separation of God from nature and the absolutisation of will prepared the ground for God's retreat and eventual removal from earthly matters. The celebration of an omnipotent and unquestionable will was both the prelude for the full abdication of divine right and the foundation stone of secular omnipotent sovereignty. Legal positivism and untrammelled state authoritarianism found their early precursor in these devout defenders of the power of God. And in a move that was to be repeated by the political philosophers of the seventeenth century, the Franciscan combined absolute legislative will with the nominalist claim that only individuals exist.[51]

Thus two inventions, conventionally ascribed to the 18th century, Hobbes' sovereign power and Rousseau's naturally free individual, are discovered to be the product of Scotus', and later Ockham's, nominalism and voluntarism. As we have seen, this conclusion is a double-edged sword. On the one hand, it undermines the conventional wisdom that natural subjective rights are a product of a rationalist and secular Eighteenth century. On the other hand, it simultaneously identifies Christianity both as architect of its own demise, and as progenitor of the politically dangerous concept of subjective right and its even more pernicious concomitant, the will to power.

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[50] International Theological Commission, *In Search of a Universal Ethic: A New Look at the Natural Law*, 2009, para.29. This passage uses the footnotes to reference the Regensburg Lecture. Available at: http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20090520_legge-naturale_en.html (Accessed: 8 July 2014).

[51] Douzinas, *The End of Human Rights*, p.63.

6.2.5 Coleman: Negotiating the medieval in the modern

Political theorist Janet Coleman also emphasizes the crucial role played by medieval nominalism and voluntarism in the development of modern political theory. She presents us with two traditions. The Augustinian / Franciscan 'voluntarist' tradition, emphasizing original sin and divine freedom, sees us as 'self-lovers' first, and holds that 'the philosophical order of rationality gives us no access to the other order of rationality, that of God and His absolute Will.'[52] It posits a dysfunctional relationship between divine and human nature, reason and will and between the individual and the common good. The Aristotelian / Scholastic 'intellectualist' tradition, emphasizing the *imago Dei* and divine creation, sees us as 'community-lovers' first, and holds that we have access to the principles of natural law 'innately and intuitively to guide our behaviour' and that the self is a normative self, its normativity derived from God. In this view, the *imago Dei* is somehow in us in 'what is best in our nature', *ratio recta* is available to all and the moral rules of natural law are accessible to rational comprehension, but must be supplemented by the divine law of the Decalogue. Here there is a congruence between divine and human nature, reason and will and between the individual and the common good.

The logical corollary of the Augustinian tradition, carried forward by Scotus, Ockham and Hobbes, is the transference of individual will and freedom, by way of the voluntarist principle, to a sovereign person or body, in the interests of peace and security. The logical corollary of the Aristotelian tradition, by way of natural law, is to try to constitute the political as a sacred ordering according to our knowledge of God's will, which we find *a priori* inherent in the structures of the world. This view, according to Coleman, persisted in both

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[52] Janet Coleman, 'Negotiating the Medieval in the Modern', *Transactions of the Royal Historical Society*, Vol. 22, (December 2012), pp.75-93, at p.83.

Catholic and Protestant thought into the Eighteenth century, but the neo-Augustinian 'realist' view of politics prevailed as a 'modern' ideological project, partly as a result of 'a wilful forgetting of the past'.[53] It is predicated on the human person as a self-interested individualist who cherishes the freedom to realise personal will. Modernity's cultural framework is consequently relativist, its ethics utilitarian, its legal system positivist.[54] Politics is devoted to the reduction of harm, as in the civil and political rights, not the realisation of moral goods, as in the economic social and cultural rights.

I would add this crucial observation: Ratzinger opts for the Aristotelian tradition. However, as an Augustinian, Ratzinger upholds the independence of church and state and the relative autonomy of the political sphere. He is consequently cross-pressured in his attitude to the enlightenment and liberal democracy. These issues will be revisited in Chapter Eight's discussion of Habermas. For now, we can observe that the tradition of human rights bears within itself a struggle for priority between politics and ethics.

Summary

The concept of rights belonging to the subject as subject does not start in the Eighteenth century, but has its origins in developments in medieval Franciscan philosophy and theology. Whether these developments are viewed benignly or negatively, the concept of human rights is shown to be ultimately based on theological presuppositions and not simply on imperatives in the civil and political realm. Ontologies and epistemologies have unavoidable ethical implications.

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[53] Coleman, *Negotiating the Medieval in the Modern*, p.76.

[54] Coleman is working in the territory opened up by the ground-breaking work of Adorno and Horkheimer, who identified the enlightenment as 'a nominalist tendency'. They emphasized the totalitarian character of modernity, which resulted from its adherence to calculability, utility, self-preservation, social coercion, all based on a replacement of God with the self-legislating subject and an alienation of the human person from nature. See Max Horkheimer and Theodor W. Adorno: *Dialectic of Enlightenment: Philosophical Fragments*, (Stanford, CA: Stanford University Press, 2002), (1947), esp. pp.1-33.

6.3: REPLACEMENT, SEVERANCE AND MUTATION

6.3.1 Rowland's three academic stables.

Tracey Rowland suggests that we situate genealogies of culture within three 'academic stables', which she styles replacement, severance and mutation.[55] The example she gives of a replacement genealogy is Hegel, for whom the classical – theistic synthesis of faith and reason had to be *replaced* by something new, the age of reason. According to Rowland, radical orthodox theologians Milbank and Pickstock belong to the 'mutation' stable. For them, the classical – theistic synthesis of faith and reason does not disappear or become defunct. It *mutates*, and in the process loses its original mooring, context and power as it takes on the meanings of liberal modernity. Rowland sees MacIntyre and Von Balthasar as adherents of 'severance' genealogy. This approach laments the cultural process whereby reason becomes *severed* from faith. She gives no examples, but I find that MacIntyre expresses the idea in this way:

> …the precepts that are thus uttered were once at home in, and intelligible in terms of, a context of practical beliefs and of supporting habits of thought, feeling and action, a context in which moral judgements are governed by impersonal standards justified by a shared conception of the human good. Deprived of that context and of that justification, as a result of disruptive and transformative social and moral changes in the late middle ages and the early modern world, moral rules and precepts had to be understood in a new way and assigned some new status, authority and justification.[56]

I suggest that Rowland may be incorrect to think of MacIntyre in terms of severance. After all, MacIntyre's genealogical approach is to talk of *traditions*. He offers three traditions, i) Homer – Aristotle – Albertus Magnus – Aquinas, ii) Bible – Augustine – Aquinas and iii) a Scottish tradition of Aristotle – Calvin – Hume. It may be fair to describe MacIntyre's

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[55] Rowland, *Ratzinger's Faith.* See Chapter 6, 'Modernity and the Politics of the West', especially p.106.
[56] Alasdair MacIntyre, *After Virtue: a study in moral theory*, (Bristol: Bristol University Press, 1981, 2007 3rd edition with Prologue), p.vii.

genealogies in terms of severance, but MacIntyre himself explains genealogy as a 'movement of thought' whereby 'those engaging in that movement become aware of it and of its direction and in self-aware fashion attempt to engage in its debates and carry its enquiries forward.'[57]

MacIntyre is implacably opposed to belief in human rights, which he famously dismisses as akin to belief in witches and unicorns.[58] The rights concept is non-existent in Hebrew, Greek, Latin, Arabic traditions prior to 1400C.E.[59] His genealogical approach prepares the way for Taylor. Both understand that genealogy has to look at the 'conditions of belief.' It is when these change, that old beliefs die and new beliefs are born. It is as impossible not to believe in the autonomous self today, as it was impossible not to believe in the past in the self that participated in the transcendent.

6.3.2 Taylor and the false genealogy of subtraction

Taylor believes genealogies are important, because in order to understand where we once were, and where we are now, 'we have to go back and tell the story properly.'[60] Where we once were, (c1500CE), was a place where we could rely on three 'bulwarks of belief': i) the natural world, as understood in terms of order, purpose and creation, ii) human society and government as rooted in something higher, iii) God as the guarantor that good would triumph over the forces of evil. This was a place where we enjoyed three dimensions of transcendence: i) a transcendent good, beyond human flourishing, ii) the possibility of transformation, beyond mere human improvement, iii) eternal life, beyond this life. Where we are now, (c2000CE), is the world of 'exclusive' or 'self-sufficient' humanism, which accepts no goals beyond human flourishing. The self, which had been 'porous' to spirits, demons and cosmic forces, is now 'buffered', disengaged from everything outside the mind. The 'buffered self'

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[57] Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth Press, 1988), p.326.
[58] MacIntyre, *After Virtue,* p.69
[59] *Ibid.,* p.67.
[60] Taylor, *A Secular Age*, p.29.

views itself as invulnerable and as the source of all its own meanings. The natural world is now outside the self, disenchanted from any inherent teleology and so available for manipulation and exploitation.

Taylor's master-narrative seeks to debunk the 'subtraction' genealogy which has hitherto held unquestioned sway. This subtraction theory says that liberal modernity, with its materialist atheism and instrumental scientism, could only emerge once transcendental religion had been subtracted from culture.[61] Taylor sets out to show, through a close analysis of key moments in history, how changes and mutations within Christianity itself were responsible for the emergence of liberal modernity. One of the moments he looks at is the nominalism and voluntarism of the Middle Ages. In discussing reformed notions of God's freedom and sovereignty, which meant that God could not be manipulated by any 'white magic' rite, Taylor comments that

> We can see a certain affinity between this spiritual sense and Scotist – Occamite theology, which also stressed the unfettered sovereign power of God. That this was more than just an affinity can be seen in the way Luther drew on this stream of thought.[62]

Taylor regards human rights as a crucial element in what he calls the 'Modern Moral Order', and regards the 'endorsing of human rights and welfare as one of our crucial goals' and 'a theme which has emerged as central in my narrative.'[63] He admires human rights for promoting a 'sense of inter-human solidarity,'[64] which he compares to the breakthroughs achieved by the Buddha, the Stoics, Christ and Muhammed. At the same time, he is sceptical about human rights, when they are conceived within a subtraction genealogy of modernity.

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[61] There seems to be little difference between Taylor's 'subtraction' and Rowland's 'severance.'
[62] Taylor, *A Secular Age,* p.73.
[63] *Ibid.,* p.608.
[64] *Ibid.,* p.608.

The 'Modern Moral Order' has a tendency to become what he calls a 'Closed World System', a structure of thought accepted by modernity but grounded in unquestioned assumptions or myths, such as 'science refutes religion', 'Christianity is incompatible with human rights', 'there was once a time when religion could flourish, but ... this time is past.'[65]

He also speaks of the nominalist revolution which broke down the Thomist – Aristotelian synthesis of faith and reason, in which 'once having created humans, God cannot but will what their nature defines as their good.' For the Franciscan voluntarists, it seemed vital that God remained free to determine what was good. 'The good is whatever God wills; not God must will whatever is (determined by nature as) good. This was the most powerful motive to reject the 'realism' of essences for Occam and his followers.'[66] Taylor uses the phrase 'Social Imaginary' to denote 'the ways in which they imagine their social existence,'[67] 'that largely unstructured and inarticulate understanding of our whole situation.'[68] The modern moral order' is a social imaginary built on i) the individual ii) society as a system of mutual benefit iii) freedom iv) rights and v) equality. In Taylor's genealogy, this social imaginary was constructed from four 'mutations' of culture, in which i) the economy was elevated into an objectified reality, ii) the public sphere was invented as a place of discourse on matters of common interest, iii) the people came to be regarded as the sovereign power and iv) the people felt they were no longer part of a hierarchy, but of a 'direct-access society.'[69]

Summary

In pre-modernity, the dignity of the individual derives from participation in the divine transcendent order and society is premised on a web of mutual obligations and privileges. If

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[65] Taylor, *A Secular Age,* p.590.
[66] *Ibid.,* p.97.
[67] *Ibid.,* p.171.
[68] *Ibid.,* p.173.
[69] *Ibid.,* pp. 173 - 211.

modernity's culture of human rights has arisen only through severance and subtraction of this pre-modern schema, then a recovery of the sense of participation can only weaken human rights. If modernity is a mutation of pre-modernity, then pre-modernity is a genetic inheritance that can both nourish and purify the cherished beliefs of modernity. This is the belief of Joseph Ratzinger.

6.4: DOING GENEALOGY WITH RATZINGER

6.4.1 Ratzinger's double helix genealogies

Rowland observes that 'Ratzinger has not written one all-encompassing exposition of his own genealogy, but has offered pieces of the puzzle.'[70] This thesis argues that he *does* offer us a number of signposts designed to point us in the right direction if we wish to construct a 'thick' theory of human rights that will be truly inclusive and therefore both durable and effective. This entire thesis argues that the prime signpost offered by Ratzinger is his critique of reason. This theme is presented as the key to his entire project, and to what he considers needs to be welcomed and corrected in the theory of human rights.

Ratzinger offers us a genealogy of reason, of *logos*, which inevitably becomes by implication a genealogy of Western civilisation and liberal modernity. Rowland calls Ratzinger's genealogy a 'double-helix' presented as 'two sets of three intellectual moments.'[71] Having set up the three stables, Rowland is not sure whether to portray Ratzinger as mutation and severance, but she is sure of one thing:

> His genealogy of modernity does not follow the school of thinking which reads
> modernity as an entirely new culture, completely severed from all Christian roots. He

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[70] Rowland, *Ratzinger's Faith*, p.107.
[71] *Ibid.*, p.108.

believes it is entangled with the Christian heritage, however much secular liberal elites may want to deny this.[72]

She decides that in Ratzinger 'the severances are accompanied by mutations.'[73] The voluntarist controversy is central to Ratzinger's Regensburg thesis, because he wishes to warn Islam of the dangers of subscribing to an extreme voluntarism, which 'might even lead to the image of a capricious God, who is not even bound to truth and goodness.'[74] The result would be that 'our reason, our sense of the true and good, are no longer an authentic mirror of God, whose deepest possibilities remain eternally unattainable and hidden behind his actual decisions.'[75] He accepts 'in all honesty' that Christianity itself has been guilty of just such a move:

> …in the late Middle Ages we find trends in theology which would sunder this synthesis between the Greek spirit and the Christian spirit. In contrast with the so-called intellectualism of Augustine and Thomas, there arose with Duns Scotus a voluntarism which, in its later developments, led to the claim that we can only know God's *voluntas ordinata*. Beyond this is the realm of God's freedom, in virtue of which he could have done the opposite of everything he has actually done.[76]

This is why the *logos* is so important. The purpose of the Regensburg Lecture is to reaffirm that 'Not to act reasonably, not to act with *logos*, is contrary to the nature of God.'

6.4.2   The loss of the concept of creation

The first helix is the story of the loss of the concept of creation. 'The foundations of modernity are the reason for the disappearance of 'creation' from the horizons of historically

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[72] Rowland, *Ratzinger's Faith,* p.108.
[73] *Ibid.,* p.108.
[74] *The Regensburg Lecture,* para.26.
[75] *Ibid.,* para.26.
[76] *Ibid.,* para.25.

influential thought.'[77] A noteworthy feature of this account is its highly negative approach to both Hellenization and de-Hellenization.[78] This severance or mutation took place in three stages.

The first stage is a moment of 're-Hellenization', associated with Bruno. Reverting to the divine cosmos of the Greeks means letting go of the Judaeo-Christian faith in creation, 'relinquishing the Christian so that the Greek can be restored in all its pagan purity.'[79] The contingency of individual things becomes indisputable, 'but the contingency of the world as a whole is not accepted.'

Galileo represents a second moment of re-Hellenization, in that he reverts to the mathematical vision of Plato. 'God wrote the book of nature with mathematical letters.'[80] Creation mutates into mere nature, God reverts to the Platonic, a mere first cause, a scientific hypothesis. The result is that God is confined to 'the inner world of piety' and thereby becomes meaningless.

The third moment is one of de-Hellenization, associated with Luther. Where Bruno and Galileo had wanted to get back 'beyond the synthesis of Christianity and ancient Greece, to something purely Greek,'[81] Luther wants 'to establish a pure Christianity, free from Greek influence.'[82] For Luther, creation is a curse, marked through and through by sin; redemption is being set free from nature by grace.

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[77] Ratzinger, J. *'In the Beginning...' – A Catholic Understanding of Creation and the Fall*, trans. Boniface Ramsey O.P. (London: T & T Clark, 1986 and with Appendix, 1995), p.82.
[78] Ratzinger comments in a footnote, (p.87), 'First and foremost, modernity is based on a re-Hellenization. Its opposite pole, de-Hellenization, has only gradually gained an epochal significance.'
[79] *'In the Beginning ...'*, p.83.
[80] *Ibid.,* p.84.
[81] *Ibid.,* p.86.
[82] *Ibid.,* p.87.

6.4.3 Three forms of concealment

Ratzinger's narrative of the loss of the concept of creation resulted from what he calls 'three forms of concealment.' Firstly, the concept of creation was concealed by 'the scientific concept of nature.' The result was that 'theological argument about the "nature of humans" or "natural rights", resting as they do on the concept of creation, meet a look of blank incomprehension; in fact, they seem nonsensical, the relic of an archaic "natural philosophy"'.[83]

Secondly, the concept of creation was concealed by modernity's negative and pessimistic view of human nature, the human mind and human freedom, which in modernity's view, lack nature's pure impartial beauty and balance.[84] The result is that 'To restore the balance, humans must be healed of being human.'[85] This is highly relevant to human rights. Ratzinger traces this essentially nihilistic view of the human person all the way back to Rousseau, a key figure in the genealogy of human rights.

Thirdly, the concept of creation was concealed by Christian theologians, who denied the importance of physical nature in order to emphasise spiritual grace. Ratzinger proposes a profound maxim: 'first the physical, then the spiritual.'[86] By 'physical' he means 'acceptance of myself as his creature'. To deny our own creation is to deny our very selves. 'A selflessness that tries to abolish one's own "I" degenerates into "I-lessness," and then "Thou-lessness" follows directly. Human rights as the sense of the importance of the other person disappears in the face of the self-obsession with the self and its own salvation by grace. Over-

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[83] *'In the Beginning ...',* p.92.
[84] This is a view Ratzinger claims to find in Levi-Strauss and Skinner.
[85] *Ibid.,* p.94.
[86] *Ibid.,* p.94. This is based on I *Cor* 15:46 "But it is not the spiritual that is first but the physical, and then the spiritual." (NRSV).

emphasis on God's grace, and downplaying of the goodness of God's creation, leads only to an *odium generis humani*, that can never produce a deep sense of human rights.

6.5: RATZINGER, REASON AND RIGHTS REVISITED

6.5.1 The false ontology of materialism

The threefold schema of ontology, epistemology and ethics that underlies this thesis will help to explicate the purposes of Ratzinger's engagement with genealogy.

In terms of ontology, Ratzinger's genealogy is ultimately a genealogy of belief in God. As such it is a genealogy that rejects exclusive materialism. For Ratzinger, the question of God can never be consigned to the dustbin that contains the false illusions humanity has entertained in the past.

> 'Inquiry about God is not the forlorn effort of the obsolete world that is trying to keep itself alive after its time has run out, but the most necessary thorn in the flesh of our minds, forcing us constantly to search for ourselves and to expose ourselves to the full responsibility of being human – a responsibility that cannot be reduced to the language of calculus.'[87]

This is the point made at Regensburg; to avoid the Socratic question, to exclude the ontological, not to allow that matter 'points beyond itself',[88] to despise and mock 'all talk about being' is to 'suffer a great loss' and to be 'deprived of the truth of existence'.[89]

6.5.2 The false epistemology of positivism

In terms of epistemology, Ratzinger calls for science to go 'beyond the possibilities of its methodology'.[90] He is swift and sincere in his acceptance that positivism delivers great benefits to humanity. But elevated to a complete philosophy of life, it not only excludes the question of God, it spells 'the end of humanity'. 'The *logos*, the intellect of man reaches

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[87] J. Ratzinger, *Faith in the Future*, (San Francisco: Ignatius Press, 2009), p.81.
[88] *The Regensburg Lecture*, para.59.
[89] *Ibid.*, para.61.
[90] *Ibid.*, para.59.

farther than formal logic.'[91] The scientific method owes its origin to Plato's basic assumption 'that the world is mathematically and rationally structured.'[92] Copernicus, Galileo, and Newton were all Platonists. At Regensburg, Ratzinger reminds us that 'This modern concept of reason is based, to put it briefly, on a synthesis between Platonism (Cartesianism) and empiricism, a synthesis confirmed by the success of technology.'[93] But reason is now guilty of self-limitation: 'the laws of method that brought it success have, through being generalized, become its prison.'[94] Ratzinger has always insisted on the rationality and intelligibility of the material world.

> …in the old Pythagorean saying about the God who practises geometry there is expressed that insight into the mathematical structure of being which learns to understand being as having been thought, as intellectually structured; there is also expressed the perception that even matter is not simply non-sense that eludes understanding, that it too bears in itself truth and comprehensibility that makes intellectual comprehension possible. In our time, through the investigation of the mathematical construction of matter and the way it can be conceived and evaluated in mathematical terms, this insight has gained an amazing solidity. Einstein said once that in the laws of nature "an intelligence so superior is revealed that in comparison all the significance of human thinking and human arrangement is a completely worthless reflection." [95]

We need to remind ourselves that reason precedes the world. 'The Logos, Wisdom, about which the Greeks spoke, on the one hand, and the Israelites, on the other, has been taken back into the material world and cannot be addressed outside of it.'[96]

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[91] *Faith and the Future,* p.81.
[92] *Truth and Tolerance,* p.157.
[93] *The Regensburg Lecture*, para.40.
[94] *Truth and Tolerance,* p.156.
[95] *Introduction to Christianity,* pp.152-153. The Einstein quotation is taken from A. Einstein, *Mein Weltbild*, ed. C. Seelig (Zürich, Stuttgart, and Vienna, 1953), p.21.
[96] *Truth and Tolerance,* p.157.

6.5.3 The false ethics of utilitarianism

In terms of ethics, the dominance of an exclusive scientific reason has led to 'attempts to construct an ethic from the rules of psychology and sociology.'[97] This is simply inadequate. Within the discipline of natural science, the self-limitation of reason is right. Elevated to be the only legitimate form of human thought, it becomes 'amputated reason'.[98] This reason is self-contradictory, because it does believe in a congruence between human rationality and the rationality of the universe, but then denies the capacity of human rationality to engage questions of life and death, human destiny and morality.

The implications for justice, peace and human rights are very serious. 'The disintegration of man, thus brought about, results equally in a pathological form of religion and a pathological form of science.'[99] This is the issue Ratzinger seeks to address at Regensburg, the fact that 'pathological forms of religion are constantly increasing.'[100] He is also concerned that 'science becomes pathological and a threat to life when it takes leave of the moral order of human life, becomes autonomous, and no longer recognizes any standard but its own capabilities.'[101] Ratzinger challenges us to come out of the prison we have fashioned for ourselves.

> 'What we need is something like what we find in Socrates: a patient readiness, opened up and looking beyond itself. This readiness to look at things, in its time, brought together the two eyes of reason, Athens and Jerusalem, and made possible a new stage in history.'[102]

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[97] *The Regensburg Lecture*, para.49.
[98] *Truth and Tolerance,* p.158.
[99] *Ibid.,* p.158.
[100] *Ibid.,* p.158.
[101]*Ibid.,* p.158. As examples of pathological science Ratzinger cites i) cloning and the production of foetuses ii) the manufacture of weapons of mass destruction.
[102] *Ibid.,* pp.158-159.

Summary

Christianity damaged itself when it severed the link between a participatory, *logos*-based reason and ordinary human rationality. Christianity's own self limitation of reason is a key source of modernity. Modernity's rationality is consequently limited, in denial of, or unaware of, its own religious origins and wedded to scientific positivism as the sole and universal rationality. Utilitarianism can never be the basis of an inclusive formulation of the concept of human rights.

6.6: *LOGOS* THEOLOGY, GENEALOGY AND AN INCLUSIVE CONCEPT OF HUMAN RIGHTS

Adamantia Pollis says that 'the absence of a genuine consensus on human rights necessitates rethinking and a search for new foundations for the construction of a reconstituted human rights theory.' She has asked that 'the liberal doctrine of human rights should be as subjected to discourse and dialogue as are non-Western values.'[103] Ratzinger is thus not alone in his concerns and ideas. He shares Ishay's respect for the centrality of religion in general, and Christianity in particular, in the construction of a humanism to preserve and enrich the discourse of human rights. He would warm to Ishay's portrayal of the Universal Declaration as a hugely fertile moment of dialogic encounter and overlapping cross-cultural consensus. With Moyn he shares a concern about the precarious and ephemeral status of human rights, and their potential weakening through proliferation. There is common ground with Milbank; modernity has taken a wrong turn by cutting itself off from the Platonic– Biblical–Thomist conviction that the immanent must be related in a participatory way with the transcendent. Both Ratzinger and Douzinas have a desire to restore the link between ethics and law. He

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[103] Adamantia Pollis, 'A New Universalism', in Adamantia Pollis and Peter Schwab, (eds.) *Human Rights: New Perspectives, New Realities*, (Boulder, CO: Lynne Rienner Publishers, 2000), pp.10-26, at p.15 and p.24.

shares Taylor's view that Christianity is the place to look for most of modernity's key features, for better or for worse. He is on common ground with MacIntyre; the big story to tell is the story of rationality and its implications for morality.

Ratzinger makes clear at Regensburg that his critique of reason 'has nothing to do with putting the clock back to the time before the Enlightenment and rejecting the insights of the modern age.'[104] Ratzinger's genealogy is as critical of Christianity and religion as it is of positivism and materialism and is often positive about the Enlightenment. Ratzinger's genealogy of reason, his view of human rights and his love of the *logos* come together at Subiaco, where he makes it clear that he has no desire to reject either the Enlightenment or modernity. He reminds us that from the beginning, Christianity has understood itself as the religion of the *logos*, as the religion according to reason. He makes clear his view of the relationship between the Enlightenment and Christianity: 'the Enlightenment is of Christian origin and it is no accident that it was born specifically and exclusively within the sphere of the Christian faith.'[105]   Christianity has only itself to blame. It degenerated to becoming 'mere tradition' and a 'religion of the state' and of domesticating 'the voice of reason' which had always been such a positive element in Christianity. In a stunning endorsement of modernity, he goes even further; the Enlightenment should be praised for re-introducing reason and 'giving back to reason its own voice.'[106]

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[104] *The Regensburg Lecture*, para.55.
[105] Ratzinger, *The Subiaco Address*, in Rowland, *Ratzinger's Faith*, p.163.
[106] *Ibid.*, p.164. See Chapter Two, p.21, above, where this point has already been made.

CONCLUSION

If it degenerates into a chauvinistic championing of a particular tradition, i.e., an exclusivism, be it secular or religious, then the discipline of genealogy is fruitless and damaging. If it consists of a patient excavation of the true sources of modernity's most precious values, then genealogy can prise open the intransigent certainties of modernity, be they secular or religious, and open the door to a new inclusivism, based on the full breadth of reason. As Ratzinger insists, 'It is necessary that both sides engage in self-reflection and be willing to correct themselves.'[107] Christianity must rediscover itself as the religion of the *logos*, based on faith 'in the Creator Spirit', from which proceeds everything that exists, 'a faith that comes from the 'Logos', from creative reason, and that, because of this, is open to all that is truly rational.'[108] Secular humanity must rediscover that 'the world comes from reason, so that its criterion and goal is reason.' Religious and secular can meet in a 'dialogue of cultures' to rediscover 'this great *logos*, the breadth of reason.'[109]

Traditionally, this breadth of reason, embracing the religious and the secular, and maintaining the great tradition of the Classical – Judaeo-Christian synthesis by playing a role on the genealogy of human rights, has been the tradition of natural law theory, and it is to this that we turn in our next chapter.

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[107] *The Subiaco Address,* p.164.
[108] *Ibid.,* p.164.
[109] *The Regensburg Lecture*, para.63.

CHAPTER SEVEN

RATZINGER, RIGHTS AND NATURAL LAW

'the faith of the Church has always insisted that between God and us, between his eternal Creator Spirit and our created reason there exists a real analogy'.[1]

INTRODUCTION

The starting point for Chapter Seven is the Regensburg Lecture's claim that once religion is excluded from what is reasonable, the subjective 'conscience' becomes the sole arbiter of what is ethical.[2] The chapter examines the Ratzinger theme of the self-limitation of reason through the loss of the classical tradition of natural law. The chapter will argue that cut adrift from their original moorings in the tradition of natural law, human rights lack ultimate justification, lose their power to critique the law and lose the universality they need for the dialogue of cultures. Human rights can be healed by being reconnected to natural law, but natural law itself needs to be healed by being reconnected with its own scriptural foundations.

In the Regensburg Lecture, Ratzinger argues that without religion, humanity tends to derive its rules from theories of evolution, or from psychology, or sociology.[3] Positivistic reason prevails, and considers itself the only approach that has universal validity. Ratzinger proposes an alternative:

> Listening to the great experiences and insights of the religious traditions of humanity, and those of the Christian faith in particular, is a source of knowledge, and to ignore it would be an unacceptable restriction of our listening and responding.[4]

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[1] *The Regensburg Lecture*, para.27.
[2] *Ibid.,* para.48.
[3] *Ibid.,* para.49.
[4] *Ibid.,* para.60.

Natural law is part of that great tradition of humanity. At the heart of natural law thinking, lies the conviction, re-proposed at Regensburg, that there is a link between human rationality and the rationality of the divine creator. This chapter engages with Regensburg by examining the prospects for natural law theory to reconnect with human rights and with its own tradition. The chapter proposes natural law as a grounding for human rights and a basis for a dialogue with secular and religious constituencies. The chapter will follow a pattern of endorsement and critique of natural law, as found in Ratzinger, the Roman Catholic tradition and the scriptures. It will examine the role of natural law in the formation of a non-relativistic formulation of human rights and will conclude by applying this role to the dialogue between the secular and the religious.

Natural law and the foundations of *logos* theology

We have already encountered some of the elements of natural law thinking in our investigations into the foundations of *logos* theology in Part One of the thesis. Plato, we learned, lived by a commitment to *alētheia*, a commitment embodied in Socrates' demythologizing questioning of the ontological, epistemological and ethical certainties of his day, which he exposed as myth. Socrates and Plato contrasted opinions and truth, and believed that we should have sufficient epistemological confidence to trust that ethical truth can be sought and attained. Their trust was based on the idea of participation, or *methexis*, the natural orientation of the human person towards the beautiful, the good and the true. This natural capacity resided in the *daimonion*, an indwelling spirit of truth or presence of God. The voice of truth could be manifested, enlivened, or incarnated through the almost sacred process of dialogue, which could trust in the process of rational discourse as epistemological pathway to the metaphysical.

This vision of human dignity found its fulfilment in the Prologue to John's Gospel, where the *logos*-light which enlightens every man is fulfilled in the *Logos* responsible for the whole of creation and intimately united with man in Christ. Justin, based on the personal experience of his own faith journey, discovered that the epistemology of Socrates and Plato, relying on natural revelation or natural theology, could only get so far, and would always come up against the in-built limitations of the human *logos*. It could only be truly fulfilled when linked to the special *logos* spoken by the biblical witnesses, and the person of Jesus Christ as *Logos* made flesh. Stoic natural law, Stoic right reason or *orthos logos*, could only be fulfilled when linked to the positive natural law of the Old Testament, which in turn could only be fulfilled by transformation of the biblical *nomos* into the *Logos* of Christ. Building on the Stoics, and in harmony with St.Paul, Justin taught that by virtue of the *logos spermatikos* humankind had always enjoyed partial access to ethical truth, to God's 'eternal righteous decrees', what we might call today the overlapping consensus on non-negotiable values across all cultures. Thus the Hellenized Judaeo-Christian tradition constitutes a humanism, which believes in a natural law written into creation and readable therein. This eternal, universalist natural law is understood as congruent with the Word speaking in the scriptures as well as the historical Word incarnate.

This chapter will explore natural law as the underpinning of human rights and will ask whether natural law can be constructed purely from the *logos*, from universal rationality, and whether it can be strengthened and fulfilled by the *Logos* as Divine Word. The answer to this question will determine what kind of natural law discourse can be taken into the dialogue of cultures between Christianity, the secular and the religions.

7.1: RATZINGER AND NATURAL LAW

I will extract five key themes from Ratzinger's statements on natural law, presenting them as five 'promises' and noting in each case Ratzinger's serious reservations.

7.1.1 The promise of an ancient tradition

Ratzinger sees Roman Catholic moral theology prior to Vatican II as 'constructed substantially on the foundation of natural law and therefore in the form of a philosophical reflection based on the ancient Stoic tradition that had in large measure been appropriated by Christianity throughout its history.'[5] When St. Paul said that the Gentiles were able to 'do instinctively what the law requires' because 'what the law requires is written on their hearts',[6] this is an example of 'Stoic teaching transformed by the theology of creation.'[7]

He comments that 'constitutional theory in classical antiquity, in the Middle Ages, and even in the conflicts of the modern period, has appealed to the natural law that can be known by "right reason" (*ratio recta*).'[8] The Greeks realised that 'there must be a law that derives

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[5] Ratzinger, J. *The Renewal of Moral Theology: Perspectives of Vatican II and Veritatis Splendor, in Joseph Ratzinger in Communio, Vol. I: The Unity of the Church,* (Grand Rapids, MI: Eerdmans, 2010), pp.183-194, at p.184. Ratzinger as seminarian admires the 'crystal-clear logic' of this version of Thomism, but finds it 'too closed in on itself, too impersonal and ready-made'. J. Ratzinger, *Milestones: Memoirs 1927-1977*, (San Francisco, Ignatius Press, 1998), p.44. Cf. 'Scholasticism has its greatness, but everything is very impersonal'. J. Ratzinger, *Salt of the Earth*, p.61. Hittinger reminds us that Ratzinger, the defender of rationality, is also the critic of rationalism, and 'scholasticism carried a germ of rationalism'. Russell Hittinger, 'Natural Law and Public Discourse: The Legacies of Joseph Ratzinger' in *Loyola Law Review*, Volume 60, September 2014. Available at: http://law.loyno.edu/sites/law.loyno.edu/files/Hittinger-FI-WLM-PROOF.pdf (Accessed: 12 January 2016). In no sense is Ratzinger anti-Aquinas: 'I am friends with Augustine, with Bonaventure, with Thomas Aquinas.' See Benedict XVI: *Light of the World: The Pope, the Church, and the Signs of the Times – A Conversation with Peter Seewald*, (San Francisco: Ignatius Press, 2010), p.17.
[6] Romans 2:14 (NRSV). This famous passage is also cited in the address to the German Parliament. See Benedict XVI, *The Listening Heart: Reflections on the Foundations of Law*, Visit to the Bundestag, 22 September 2011, available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2011/september/documents/hf_ben-xvi_spe20110922_reichstag-berlin_en.html (Accessed: 1 January 2014).
[7] *Truth and Tolerance*, p.239. Elsewhere Ratzinger sounds a note of caution. Paul is not giving us 'a non-specific pointer to whatever contemporary reason regards as good.' J. Ratzinger, (with Hans Schürmann and Hans Urs von Balthasar), trans. Graham Harrison, *Principles of Christian Morality*, (San Francisco: Ignatius Press, 1986), p.63.
[8] *Values in a Time of Upheaval*, p.27. These comments are taken from Chapter 1, 'To Change or To Preserve? – Political Visions and Political Praxis', originally delivered as a lecture entitled *Politische Vision und Praxis der*

from the nature, from the very being, of man himself.'[9] Then the discovery of native peoples

inspired Francisco di Vitoria to develop the (already existing) *ius gentium*, 'a law that

transcends all legal systems, a law that is binding on men *qua* men,' a law 'which is

antecedent to the Christian legal form and is charged with ordering the right relations among

all peoples.'[10] Then the conflicts within Christian Europe, triggered by the Reformation,

caused Grotius to develop the idea of a natural law 'which transcends the confessional borders

of faith by establishing reason as the instrument whereby law can be posited in common.'[11]

In the contemporary world, he claims that natural law has remained (especially in the

Catholic Church) a key issue in dialogues with the secular society and with other communities

of faith 'in order to appeal to the reason we share in common and to seek the basis for

consensus about the ethical principles of law in a secular, pluralist society.'[12]

However, he has serious reservations. The habitat in which natural law flourished has

disappeared and natural law has become extinct, along with everything that made it make

sense.[13] The Stoic view of nature was pantheistic, 'nature, full of gods and divinities, was

saturated with the signs of the divine will and of the path to divinization', and this could

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Politik in Trent, September 20, 2002. It was first published in Italian in Joseph Ratzinger, *Europa: I suoi fundamenti oggi e domani* (Cinisello Balsamo: Edizioni San Paolo, 2004), pp.43 – 59.

[9] *Dialectics of Secularization*, p.67.

[10] *Ibid.,* p.68. de Torre notes that 'The first comprehensive study of human rights in the context of natural law was made by Francisco di Vitoria (1486-1546), who devoted no less than a decade at the University of Salamanca to provide the basis for the equality of rights of the natives of the newly conquered lands by Spain and Portugal. He based his whole study on the teachings of St. Thomas Aquinas.' Joseph M. de Torre, "Human Rights, Natural Law, and Thomas Aquinas", online resource, available at http://www.catholicsocialscientists.org/CSSR/Archival/2001/Torre_187-206.pdf (Accessed: 21 March 2014).

[11] *Ibid.,* p.69.

[12] *Dialectics of Secularization*, p.69.

[13] In a somewhat opaque statement, Ratzinger says that 'of the various dimensions of the concept of nature on which the earlier concept of the natural law was based, only one remains.' We can presume that he means simply the laws of nature discoverable by science. Ratzinger refers to 3rd century C.E. Ulpian who referred to the simple laws which governed the natural biological world when he said '*ius naturae est, quod natura omnia animalia docet.*' Ratzinger reminds us that in Ulpian's, and in the classic medieval formulation, natural law was understood on the three levels of what man shared with a) everything, b) everything sentient, c) what was unique to himself as man: 'the dynamism of Being as a whole; the orientation of that nature which is common to men and animals (Ulpian); and the specific orientation of the rational nature of man.' See *Dialectics of Secularization*, footnote, p.70.

combine readily with the Christian view of creation, whereby nature 'expresses the language of the Creator, who lets himself be perceived through creation.'[14] This view of nature informed Aquinas' theology: 'It is not surprising that the doctrine about the dignity of the person, fundamental for the recognition of the inviolability of man's rights, matured in realms of thought that took up the legacy of St. Thomas Aquinas, who had a very lofty concept of the human creature.'[15]

This classical view has been destroyed by the theory of evolution: 'nature is no longer the expression of a creating reason' and so 'no longer has any metaphysical transparency.'[16] Ratzinger says that 'the divine light does not appear' because 'human reason has lost the capacity to see, in the world and in itself, the transparency of the divine.' Natural law was designed to recognize 'the moral principles inscribed in being' but in a world which is the product of evolution, nothing is inscribed, and so 'the possibility of recognizing the *intrinsece bonum aut malum* naturally also disappears.'[17] Once the concept of nature had 'undergone

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[14] J. Ratzinger, 'The Renewal of Moral Theology*', in *Joseph Ratzinger in Communio, Vol. I,* p.189. Cf. 'This word for many today is almost incomprehensible due to a concept of nature that is no longer metaphysical, but only empirical.' Benedict XVI, *Address to the Participants in the International Congress on Natural Law*, Clementine Hall, 12 February 2007. Available at:
http://www.vatican.va/holy_father/benedict_xvi/speeches/2007/february/documents/hf_ben-xvi_spe_20070212_pul_en.html. (Accessed: 30 June 2014).
[15] *General Audience*, St. Peter's Square, 16 June 2010. Available at:
http://www.vatican.va/holy_father/benedict_xvi/audiences/2010/documents/hf_ben-xvi_aud_20100616_en.html (Accessed: 1 July 2014).
[16] The conclusion that nature is non-rational is a philosophical, not a scientific stance. Ratzinger refers to Jacques Monod's influential 1971 treatise, *Chance and Necessity*. Monod is one of the thinkers, like Sartre, against whom Ratzinger has been able to develop his theological thought. Ratzinger admires Monod as the philosopher who has most consistently and impressively expressed the philosophy of evolution. Ratzinger also refers to Monod in para.43 of the *Regensburg Lecture*, interestingly describing him as a Platonist, by which he means one who 'presupposes the mathematical structure of matter, its intrinsic rationality.' In *Truth and Tolerance* (p.178.) Ratzinger references Monod as a 'classic instance' of 'a comprehensive theory of evolution, intended to explain the whole of reality,' which 'has become a kind of "first philosophy", which represents, as it were, the true foundation for an enlightened understanding of the world.'
[17] *The Renewal of Moral Theology,* p.189-190. In *Natural Law and Public Discourse: The Legacies of Joseph Ratzinger*, (p.241), Hittinger sees the connection of natural law and being as central to Ratzinger, and traces it all the way back to an address given in Cambridge in 1988, where Ratzinger spoke of 'the conviction that in man's being there lies an imperative ... he comes upon it in the being of things'. Based on this lecture, Hittinger is convinced that Ratzinger has always seen interreligious dialogue, *not* the public square, as the prime location for the application of natural law.

radical change', then natural law 'became part of a past that is gone without recovery,' rejected by modernity, 'because it reeks of metaphysics.'[18]

7.1.2. The promise of a broadening of ethical reasoning

Natural law results from early Christianity's positive decision in favour of philosophy: 'it was highly significant that Christian theologians aligned themselves ... on the side of philosophy, and that they acknowledged reason and nature in their interrelation as the universally valid source of law.'[19] In Christian ethics 'there is a place for reason, which is capable of discerning the natural moral law,' and, according to St. Thomas, 'on their own ... all men, believers and non-believers, are called to recognize the exigencies of human nature expressed in natural law.'[20] Natural law represents the use of the full breadth of reason. 'Where positivist reason dominates the field to the exclusion of all else ... then the classical sources of knowledge for ethics and law are excluded.'[21] Ratzinger calls for dialogue to broaden the scope of reason and 'to grasp anew the relevance of the question of whether there might exist a rationality of nature and, hence a rational law for man and for his existence in the world.'[22] This will be a dialogue between 'the followers of different religions and between believers and non-believers.'[23]

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[18] *The Renewal of Moral Theology,* p.189. and *Values in a Time of Upheaval*, p.56.

[19] Benedict XVI, *Address to the German Parliament*, 22nd September, 2011.

[20] Benedict XVI, *General Audience*, St. Peter's Square, 16th June 2010.

[21] *Address to the German Parliament*, 2011. Matláry sees Ratzinger as a 'philosopher of rationality', rather than a political scientist. She suggests Weber's critique of *Zweckrationalität*, or 'functional rationality', as an influence on Ratzinger's critique of positivist reason. Janne Haaland Matláry, 'Can Natural Law Be Restated? The Catholic Contribution', in *European Unity as a Challenge to Religious Communities*, (Oslo: Norwegian Academy of Science and Letters, 2007), pp.1-13, at p.1. and p.4.

[22] J. Ratzinger, *The Dialectics of Secularization: On Reason and Religion*, trans. Brian McNeil, (San Francisco: Ignatius Press, 2006).

[23] Benedict XVI, *The Human Person, The Heart of Peace*, Message for the 40th World Day of Peace, 1 January 2007. Available at: http://w2.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf_ben-xvi_mes_20061208_xl-world-day-peace.html (Accessed: 11 January 2016).

Natural law, however, no longer seems to work, having seemingly become too vague or generalized to deliver the judgements required by today's ethical dilemmas.[24] 'Unfortunately, this instrument has become blunt' and 'I do not intend to appeal to it for support.'[25] In 1984 Ratzinger had expressed misgivings about the Roman Catholic Thomist tradition, which tended to overload Aristotle's idea of natural law with 'too much Christian content' with the result that the necessary ability to compromise with secular society was lost. 'They fought for too much.'[26] Ratzinger believes the Thomists interpreted natural law 'too statically and definitively', forgetting that knowledge is a by-product of the alternation of theory and practice.[27]

7.1.3 The promise of a grounding for human rights

Rights are grounded in a human nature which is at once both rational and moral. Being derived from 'the nature of man', they have an ontological dimension: 'inherent in being itself

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[24] In *Values in a Time of Upheaval*, Ratzinger combines these two misgivings; 'this right reason seems to have ceased delivering answers to our questions' because 'natural law is considered no longer as the insight of all persons, but rather as a specifically Catholic doctrine.' See *Values in a Time of Upheaval*, p.27.

[25] *Dialectics of Secularization*, p.69. Matláry (*op.cit.*, p.8.) claims that she questioned Ratzinger face-to-face on this point: 'The Pope, when he was still a Cardinal, made the point to me that natural law has to be re-made in modern language.' Matláry is a convert from atheism to Catholicism and a proponent of natural law. At the time of writing she was a Member of the Pontifical Council for Justice and Peace. Maria Hölscher claims that in unpublished remarks made at the event, Ratzinger gave the impression that his reluctance to deploy natural law reasoning was not based on philosophical-theoretical considerations, but was of a pastoral or church-political (*kirchenpolitische*) nature. See Maria Raphaela Hölscher, *Das Naturrecht Bei Joseph Ratzinger / Papst Benedikt XVI: Das Bedeutung des Naturrechts in Geschichte und Gegenwart*, (Heiligenkreuz im Wienerwald: Be&Be, 2014), p.227, n837. Hölscher (p.227) quotes the opinion of Schockenhoff, who describes Ratzinger's relationship with natural law as one of discontinuity, his enthusiasm as Pope representing a change of heart (*Gesinnungswandel*). Schockenhoff says that 'For a long time Pope Benedict XVI counted as one of the astute theological critics of natural law. As a young theologian, he complained about its ideological susceptibility and its unexplained dependence on the positive law of the church.' (My translation). Hittinger by contrast offers a narrative of continuity.

[26] J. Ratzinger, 'A Christian Orientation in a Pluralistic Democracy? On the Indispensability of Christianity in the Modern World', in *Church, Ecumenism and Politics: New Endeavours in Ecclesiology*, (San Francisco: Ignatius Press, 2008), pp. 193-208, at p.201.

[27] J. Ratzinger, 'Eschatology and Utopia', in *Church, Ecumenism and Politics: New Endeavours in Ecclesiology*, (San Francisco: Ignatius Press, 2008), pp.223-238, at p.237.

there is an ethical and legal claim' and this has practical implications for justice. 'Nature bears spirit within it, bears ethical value and dignity.'[28]

However, once again Ratzinger is uncomfortable. Natural law is not scriptural or Christological. In the post-war period many Catholic scholars, including Ratzinger, developed reservations about a methodology which marginalized the scriptures, ('the atmosphere of the Scriptures was totally lacking'), and made no reference to Christ ('a living encounter with a living person').[29]

It is useful here to reflect on Ratzinger's seminal article on the relationship between grace and nature, in which he uses Bonaventure, plus a subtle engagement with scripture, to restore a healthy Christian anthropology.[30] Barth's bracing reminder of fallen human nature is acknowledged as a valid counterweight to 'the great universal Yes of the analogy of being.' Ratzinger wants to recover human nature as the true universal, which 'lies at the basis of every human person' even though 'in no man is it present without warping and falsification.' Ratzinger's conclusion to this article provides a perfect summary of his idea of natural law as the grounding of human rights:

> …there is in fact something like common sense, a sound human understanding in which the consciousness of the abiding order of creation makes itself known; man should allow himself to be corrected again and again by this awareness and to be called back to the ground of reality.

[28] *Truth and Tolerance*, p.238.
[29] *The Renewal of Moral Theology,* p.184.
[30] J. Ratzinger, trans. Michael J. Miller and Matthew J. O'Connell, '*Gratia Praesupponit Naturam:* Grace Presupposes Nature', in *Dogma and Preaching: Applying Christian Doctrine to Daily Life*, (San Francisco: Ignatius Press, 2011), pp.143-161.

7.1.4 The promise of a bulwark against relativism

This point is intimately connected to human rights. Ratzinger laments the depreciation of natural law and metaphysics, which mean that 'the very concept of law is losing its definition.'[31] Ratzinger asks for public reason to address 'the great fundamental structures of value' by using a 'reason common to all men.' Secular modernity does have values, such as justice and peace, but these must be grounded in the more fundamental values of respect for man and his dignity. 'The defence of man's universal rights and the affirmation of the dignity of the person postulate a foundation. Is not the natural law precisely this foundation, with the non-negotiable values that it indicates?'[32] There are non-negotiable values which are 'incomprehensible without the presupposition that man *qua* man, thanks simply to his membership in the species "man", is the subject of rights and that his being bears within itself values and norms that must be discovered – but not invented.'

Human rights, based on natural law, provide the 'non-relativistic kernel' of democracy.[33] The idea of human rights 'stands against the absolutism of the state, against the arbitrary will of positive legislation.'[34] Being 'prior to all our institutions', natural law upholds 'the rights of the individual over against the state and against institutions' and in the

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[31] J. Ratzinger, *Crises of Law*, Address delivered by Cardinal Ratzinger on the occasion of being conferred the degree of *Doctor Honoris Causa* by the LUMSA Faculty of Jurisprudence, Rome, 10 November, 1999. Available at: http://www.ewtn.com/library/Theology/LAWMETA.HTM (Accessed: 2 February 2015).

[32] *General Audience, St. Peter's Square, 16 June 2010.* Ratzinger here quotes John Paul II's *Evangelium Vitae* para.71: 'It is therefore urgently necessary, for the future of society and the development of sound democracy, to rediscover those essential and innate human and moral values which flow from the very truth of the human being and express and safeguard the dignity of the person: values which no individual, no majority and no State can ever create, modify or destroy, but must only acknowledge, respect and promote.'

[33] *Values in a Time of Upheaval*, p.55. This phrase appears in Chapter 4, 'What is Truth? – The Significance of Religious and Ethical Values in a Pluralistic Society', originally published as *Die Bedeutung religiöser und sittlicher Werte in der pluralistischen Gesellschaft* in *Communio* 21, no 6 (1992): 500-512; republished in *Wahrheit, Werte, Macht: Prüfsteine der pluralistischen Gesellschaft*, 3rd edn. (Freiburg im Br., 1995), 11-24.

[34] *Truth and Tolerance*, p.238.

doctrine of human rights 'it is seen as being the nature of man ... that he has rights against society, rights that have to be protected from society.'[35]

All human beings, believers and non-believers, are called upon to recognize natural law and to 'draw inspiration from it' in the formulation of positive laws. Failure to do this paves the way for 'ethical relativism at the individual level and to totalitarianism of the State at the political level.'[36]

However, yet again, there is a problem. Roman Catholic theology has become the sole academic milieu willing to harbour the beleaguered theory. This undermines its credibility: 'The idea of natural law is today viewed as a specifically Catholic doctrine, not worth bringing into the discussion in a non-Catholic environment, so that one feels almost ashamed even to mention the term.'[37] Natural law, we might say, is compromised by its association with Catholicism and thereby rejected as sectarian and toxic for the public square.[38]

7.1.5 The promise of a convincing Catholic social teaching

The truth is that Ratzinger has been wary of natural law since very early in his theological career, a wariness which he connects to reservations about the effectiveness of the whole tradition of Catholic social thought. The issues were set out with great clarity in 1964 in an article exploring the relationship between natural law, the Gospel and what Ratzinger called 'ideology', a term which can be translated as 'the history of ideas', or as 'socio-historical

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[35] *Truth and Tolerance*, p.239.
[36] *General Audience,* St. Peter's Square, 16 June 2010.
[37] *Address to the German Parliament*, 2011.
[38] The comment made by the German Bishops in preparation for the General Assembly of the Synod of Bishops to be held in Rome in Autumn 2014 is relevant here. In response to a world-wide canvassing of the views of practising Catholics, which had sought their views on natural law, the German Bishops found that 'very few people are familiar the term "natural law". It has virtually no role to play at institutional and educational level or in everyday culture.' See Hittinger, *Natural Law and Public Discourse: The Legacies of Joseph Ratzinger*, p.259, n.58.

developments'.[39] In this article, Ratzinger questions the sources, the authority and the legitimacy of the whole edifice of Catholic social thought, and thereby in my view calls into question Catholic teaching on the dignity of the human person and human rights.

He identifies three sources (*Quellen*) for Catholic social teaching and, by implication, for human rights: natural law, the scriptures and the history of ideas.[40] We have already encountered these three sources through an examination of the genealogy of human rights in Chapter 6. The purpose of Chapter 7 is to explore natural law as a source for human rights, especially within Catholic social teaching, a story which Ratzinger says appears simple at first glance, but has a long history and development. He makes clear from the start that this is no mere academic exercise, but an issue of huge importance in the light of the crisis of positive law, with its ever-present tendency, amply evidenced in the twentieth century, to slip into its opposite. For Ratzinger, unsurprisingly, this is a Socratic question, a Platonic search for something permanent behind the world of appearances. In the Middle Ages, as seen in the Decree of Gratian, the Greek concept of natural law, the *physei dikaion*, was mixed with the Gospel and found expression in the Golden Rule.[41] This settlement worked well enough when the *res publica* was Christian. However, Christian positive law came under strain when it encountered the non-Christian world in the form of Islam and then of the native peoples of the Americas. It was only then that the concept of pure nature or natural law came to dominate Catholic social teaching and assumed a normative validity. The result of this over-emphasis on natural law was an eclipse of the *lex evangelii,* and a consequent opening up of the Church

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[39] Ratzinger, J. 'Naturrecht, Evangelium und Ideologie in der katholischen Soziallehre: Katholische Erwägungen zum Thema', in Ratzinger, J., *Gesammelte Schriften Band 4: Einführung in der Christentum: Berkenntnis, Taufe, Nachfolge*, (Freiburg im Breisgau: Herder, 2014), pp.769-776. Originally published in *Christliche Glaube und Ideologie*, (Mainz: Bismarck / Dirks, 1964).

[40] He also calls the three sources 'elements' (*Elemente*), 'layers' (*Schichten*) and 'building blocks' (*Aufbauelemente*).

[41] The *Decretum Gratiani*, (also known as the *Concordantia Discordantium Canonum*), is a collection of canon law completed around 1140 by Gratian, a Benedictine monk who taught in Bologna.

to modernity's secularity. Catholic social teaching found itself adopting 'a strange kind of positivism' in an attempt to demonstrate the rationality and universal acceptability of the teachings of the faith. The Church settled on a formula whereby 'natural law should reinforce the positive law of the Church, but for its part the Church should be held by natural law.'[42] In its attempt to open itself to the non-Christian world the Church opened for itself a sort of 'reverse door', through which enlightenment thought flowed freely into theology and began to colour the teachings of the magisterium. It is this turn to modernity which we have already seen at work in the genealogy of human rights and which will be examined in the development of the concept of natural law.

The Gospel no longer stood as the constitutive principle of Catholic social teaching, but nor should it in Ratzinger's view, since its material principles can only really be derived from socio-historical realities. In fact, Ratzinger claims that Catholic social teaching as such does not really exist. What does exist is a process whereby socio-historical developments such as human rights are critiqued through the lens of the Gospel.

> A genuinely theological social teaching does not exist: only the search for a new 'evangelization' of social teaching and vice versa, a new 'realization' of the Gospel in the concrete social history of mankind.[43]

Herein, says Ratzinger, lies the problem. A close inspection of natural law is likely to reveal that either the Gospel, or socio-historical reality, has not been taken up into it with sufficient seriousness, resulting in what Ratzinger calls 'a double incognito'. We sense a double frustration in Ratzinger. Here, in 1964, he is expressing his generation's disillusion with a

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[42] *Naturrecht, Evangelium und Ideologie,* p.772.
[43] *Ibid.,* p.774.

natural law expressed in abstract formulae and void of respect for historicity. At the same time, he will soon be expressing disquiet at the social teaching approach of *Gaudium et Spes*, which he suspects of making an accommodation to socio-historical realities while disrespecting the centrality of the Gospel. Natural law becomes a 'pseudonym' for a social teaching which is neither truly Greek, nor truly Christian, nor truly socio-historical, and which mixes together these three ingredients in an ill-considered ratio. As a result, natural law, as sometimes propounded by the Church, remains alien to the world of technical and industrial modernity to which it is designed to appeal and the Church thereby loses its capacity to engage civil society and critique the law. Ratzinger concludes with the recommendation that the attempt to re-apply natural law, as a synthesis of Greek and biblical thought, must never be abandoned, but must in every period be ventured anew.

7.1.6 Summary of Ratzinger and natural law

Ratzinger is ambivalent, or we might say balanced, in his view of natural law. He admires the reason that produced Greek and Christian metaphysics. Because natural law embodies this reason, he respects it and proposes it as the theoretical grounding of human rights. He believes that natural law and human rights can provide a critique of positive law and rescue culture from utilitarianism and relativism by reminding it of certain non-negotiable values.

In Western culture, natural law has assisted humanity in the search for common ethical ground, but its framework was dismantled by the Enlightenment. The incommensurability between classical and Enlightenment frameworks of natural law reduce the efficacy of natural law as a discourse in today's dialogue with the secular. Detachment from scriptural roots has compromised its authenticity in Christian discourse and in the dialogue with religious

cultures. Modernity's last vestige of natural law is human rights. Rights can only inform a discourse for the dialogue of cultures if they are reinvested with the classical tradition of natural law, and that includes a scriptural foundation.

As we proceed with our survey of natural law in relation to human rights, we must take with us Ratzinger's 1964 imperative to bring together the philosophical and scriptural elements. In the two culminating chapters of this thesis, Chapters 8 and 9, we will observe whether natural law can be deployed in the two great cultural dialogues faced by the Church, the dialogue with the secular, as represented by Habermas, and the dialogue with the religions, as represented by Islam.

7.2: THE CLASSICAL TRADITION OF NATURAL LAW

7.2.1 Aquinas

Aquinas is representative of the classical tradition because he has served as a touchstone for all subsequent thought on natural law.[44] In this section Aquinas' words will be presented within the theoretical framework of ontology, epistemology and ethics, with key teachings italicized.

Aquinas starts with ontology: 'the whole community of the universe is governed by Divine Reason'[45] and this 'government of things in God, the ruler of the universe, has the nature of a law.'[46] This law is rational, eternal, but intimately related to the creation. Aquinas

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[44] Aquinas' exposition of his natural law theory is contained in his *Treatise on Law*, which constitutes *Quaestiones* 90 – 108 of the *Prima Secundae* of the *Summa Theologica*.

[45] The Stoic background to Aquinas can be seen here by a comparison with Cicero: 'That which we call Nature is therefore the power which permeates and preserves the whole universe, and this power is not devoid of sense and reason.' From this he concludes 'God and the world of nature must be one, and all the life of the world must be contained within the being of God.' Quoted in Matthew Levering, *Biblical Natural Law*, p.72., taken from Cicero, *The Nature of the Gods*, trans. Horace C.P. McGregor (New York: Penguin, 1972).

[46] S.T. I-II, Question 91, Article 2. All English quotations from the *Summa* are taken from St. Thomas Aquinas, *Summa Theologica*, Complete English Edition in Five Volumes, Translated by Fathers of the English Dominican

defines natural law as 'the rational creature's participation of the eternal law.'[47] This means that *the eternal law is the ontological grounding of the natural law.* Human nature 'has a share of Eternal Reason, whereby it has a natural inclination to its proper act and end.'[48] From this we learn that *the human person is designed by God to have a natural end that is good and in harmony with natural inclinations towards attaining this good*.[49] Secondary precepts of natural law can be related to *a threefold ontology of human nature*, in its commonality with i) 'all substances', ii) 'other animals' and iii) 'human nature.'[50]

In terms of epistemology, humans have the rational capacity to recognise natural inclinations as a moral law which binds because it is part of human nature. There are two modes of rationality, the speculative and the practical: 'the precepts of the natural law are to the practical reason, what the first principles of demonstrations are to the speculative reason,

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Province, (Notre Dame, Indiana: Christian Classics, 1948). Hereafter quotations will be referenced simply by the number of the Question followed by the number of the Article.

We note here the Stoic background of a divine reason ruling the entire universe.

[47] 91.2. The Latin is '*participatio legis aeternae in creatura rationali proprie lex vocatur.*' Literal translation: The law is properly called participation in the eternal law in a rational creature.' The Latin text is taken from the *Corpus Thomisticum*. Available at: www.corpusthomisticum.org/sth2090.html. (Accessed: 9 September 2014). It is based on the 1892 edition of the Leonine Text in Rome.

We note here the Platonic background. Like the Platonic *methexis*, *participatio* suggests the profound *intimacy* of the relationship between the human person and the creator, a 'holding – with' or 'being alongside.' Plato's thought provides the teachings which form the theory's foundation. The cosmos is a harmonious unity ordered towards the Good. When the well-lived life is oriented towards the Good it achieves its purpose which is *eudaimonia*. This Good is the true ground of our being and is intelligible by our human reason. Our souls are able to see 'the eternal norms that are the true standards for the various ethical virtues.' Martha Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics*, (Princeton, N.J.: Princeton University Press, 1994), p.17. Dupré uses the *Gorgias* to illustrate Plato's commitment to harmony and order. Louis Dupré, *Passage to Modernity: An Essay in the Hermeneutics of Nature and Culture*, (Yale: Yale University Press, 1993), p.20. Hobbs uses the same text to illustrate Plato's passionate concern for 'what sort of man one should be' and 'how one should live.' Angela Hobbs, *Plato and the Hero: Courage, Manliness and the Impersonal Good*, (Cambridge: Cambridge University Press, 2000), p.50. Hobbs takes these phrases from *Gorgias*, 487e – 488a and 500c.

[48] 91.2.

[49] That nature has a teleology is a central feature of Aristotelian thought. It is a perfective norm, which contains within itself both the imperative for development (*energeia*), as well as the criteria for that development. Dupré sums this up as 'an ontotheological vision of the real.' Dupré, *Passage to Modernity*: p.27.

[50] 94.2. In common with all substances, we have preservation of life, in common with animals, procreation and nurture, in common with all humans, to know the truth about God and to live in society.

because both are self-evident principles.'[51] *The primary precepts of natural law are not derived, deduced or inferred from facts or observations.*

'Whatever is contained in the Law and the Gospel belongs to the natural law.'[52] Citing Psalm 4:5-6, 'The light of Thy countenance, O Lord, is signed upon us,'[53] Aquinas explains that 'the light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the Divine light.'[54] *There is a unity between the scriptures and philosophy.*[55]

In terms of specific ethics, there is only one primary principle of natural law: '*good is to be pursued and done, and evil is to be avoided.*'[56] Human laws can be 'derived from the general principles of the natural law by way of conclusions' from the premises.[57] *Human law should be related to natural law*: 'every human law has just so much of the nature of law, as is derived from the law of nature.'[58] *Human law can be unjust*: 'if in any point it deflects from the law of nature, it is no longer a law but a perversion of law.'[59]

Proceeding from the primary to the secondary to the particular, *certitude is impossible*: 'practical reason' is concerned with contingent matters and that 'the more we descend to

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[51] 94.2. The important Latin phrase here is '*per se nota,*' translated as 'self-evident'.
[52] 94.4. Aquinas cites Gratian's statement that 'the natural law is what is contained in the Law and the Gospel.'
[53] NRSV: 'Offer right sacrifices, and put your trust in the Lord. There are many who say, "O that we might see some good! Let the light of your face shine on us, O Lord!'
[54] The term 'imprint' powerfully communicates the inseparability of the human and the divine, but also the distinction and non-identity.
[55] It is worth noting that of 96 articles in the *Treatise on Law*, 52 deal with the scriptures and only 6 with natural law. Questions 90-95 contain 37 references to scripture, 25 to Augustine and 24 to Aristotle.
[56] 94.2: '*bonum persequendum et faciendum at malum vitandum.*' Schall says that the principle is pre-Christian, from Aristotle and Cicero. James V. Schall S.J., *Pope Benedict on Natural Law*, online post. Available at: http://www.ignatiusinsight.com/features2007/schall_b16naturallaw_mar07.asp (Accessed 15 January 2016).
[57] 95.2.
[58] 95.2.
[59] 95.2

matters of detail, the more frequently we encounter defects.'[60] *Natural law is not just individual or personal*: 'it is nothing else than an ordinance of reason for the common good, made by him who has care for the community, and promulgated.'[61]

Aquinas' natural law theory models the inseparability of ontology, epistemology and ethics, the harmony between Christian and Greek thought, as well as the intimate relationship between reason and revelation, in a manner that is in accordance with the Ratzinger project.

7.2.2 Grotius

Most scholars concur with Ratzinger in identifying Grotius as the crucial turning-point in the loss or transformation of the classical tradition. Horror at religious conflict led him to conclude that war 'ought not to be undertaken except for the enforcement of rights.'[62] Grotius' rights are intelligible to reasoning, grounded in the social nature of the human person, apply to all equally, must be recognised in law and are connected to morality. Hence his definition of a right: 'a moral quality of a person, making it possible (for that person) to have or to do something lawfully.'[63] The groundwork of the revolution's liberty, equality and fraternity has been laid and the 'anthropocentric shift' has begun.[64]

Taylor believes that 'the older conception of order, derived ultimately from Plato, whether in the Aristotelian renewal of Thomas, or in the world of Pseudo-Dionysos, was one

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[60] 94.4. Aquinas is here answering the question 'Whether the natural law is the same for all men?'. He illustrates his point by showing how we start with the first principle, that it is right and true for all to act according to reason. From this follows the secondary principle, that goods entrusted to another should be restored to their owner. There may be exceptions to this secondary principle, since it may happen in a particular case that it would be injurious, and therefore unreasonable, to restore goods held in trust. He concludes that the greater the number of conditions added, the greater the number of ways in which the condition may fail.
[61] 90.4.
[62] Grotius, Hugo, *De Iure Belli ac Pacis Libri Tres*, Vol 2, trans. Francis W. Kelsey, (Oxford: Clarendon Press, 1925, Vol 1: Latin original, Vol 2: English translation), p.18. The date of Grotius' *De Iure belli ac Pacis,* 1625, is important to realise that Grotius is writing in the middle of, and reacting to, the 30 Years' War (1618 – 1648) and the wider wars of religion which tore Europe apart from the German Reformation one hundred years earlier.
[63] Grotius, H., *De Iure Belli ac Pacis*, p.18.
[64] See Levering, M., *Biblical Natural Law: A Theocentric and Teleological Approach*, (Oxford: Oxford University Press, 2008), pp.83-86.

of the forms which were seen as already at work in reality.'[65] In Grotius' version, 'the plan is a norm proposed to reason and not one which is already at work in being.' Aquinas' self-preservation, sociability and human rationality, *are* used by Grotius, but with 'a new twist.'[66] Natural law is based no longer on the ends of human nature, but on reason working out what 'is appropriate for' or 'suits' a being who is both rational and sociable, that is, life, liberty and property.[67] God *is* there in the background, but the system works, *etsi Deus non daretur.*[68] It has to, to avoid conflict. But with the self-sufficiency of human reason and will, natural law becomes anthropocentric and programmatic, aiming at the reconstruction of man and society. Taylor believes that this movement within natural law theory marks an important stage in the historical development of what he calls 'exclusive humanism'.[69] This is the 're-writing' of natural law theory, but here is the paradox for Taylor: the Christian faith was attacked from within Christendom and 'dethroned', but this led to 'a great advance in the practical penetration of the gospel in human life.'[70]

7.2.3 Summary of natural law in the classical tradition

In Aquinas, the human person has a metaphysical ontology. Endowed with ends, the person is capable of recognizing these ends by the light of both reason and revelation, and is sure of the pursuit of the good as the one certain natural law. Grotius abandons ontology, leaving the autonomous human will to apply its reasoning to whatever promotes human flourishing. In Ratzinger's eyes, this is a self-limitation of ethical reason.

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[65] Taylor, *A Secular Age*, p.125.
[66] Taylor, *A Secular Age*, p.126.
[67] The Latin word used by Grotius for 'suits' is *convenit*, literally, 'comes together with' recalling Cicero's *convenienter*, but also Plato's *methexis* and Aquinas' *participatio*. Taylor uses A.C. Campbell's translation of *De Iure Belli ac Pacis*, (New York and London: Walter Dunne, 1901), p.21.
[68] The phrase can be located in Kelsey's translation, p.13.
[69] Taylor, *A Secular Age,* p.130.
[70] Charles Taylor, *A Catholic Modernity? Marianist Award Lecture*, (New York: Oxford University Press, 1999), p.29.

7.3: NATURAL LAW IN THE ROMAN CATHOLIC TRADITION

7.3.1 The 19th Century revival of natural law

The publication of *Aeterni Patris* in 1879 gave a significant boost to the Thomist tradition of natural law within the Roman Catholic Church.[71] This version of Thomism was characterized by its ahistoricity and rigidity.[72] Nevertheless, it produced impressive fruit in *Rerum Novarum,*[73] a powerful endorsement of the core human rights of property, labour and family.[74] The growing importance of rights in the tradition of Catholic Social Teaching found its culmination in *Pacem in Terris,* which still stands as the magisterium's key document endorsing human rights. Its approach is clearly based on natural law.[75]

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[71] 'Among the Scholastic Doctors, the chief and master of all towers Thomas Aquinas, who, as Cajetan observes, because "he most venerated the ancient doctors of the Church, in a certain way seems to have inherited the intellect of all." The doctrines of those illustrious men, like the scattered members of a body, Thomas collected together and cemented, distributed in wonderful order, and so increased with important additions that he is rightly and deservedly esteemed the special bulwark and glory of the Catholic faith.' *Aeterni Patris*, Encyclical of Pope Leo III on the Restoration of Christian Philosophy, 4 August, 1879, para.10. Available at: http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_04081879_aeterni-patris_en.html
(Accessed: 10 September 2014).

[72] All versions of Thomism, as of Platonism, carry polemical baggage. Kerr describes the Leonine revival as 'sound philosophy', but notes MacIntyre's objection that it misuses Aquinas as a counterblast to Descartes. See Fergus Kerr, *After Aquinas: Versions of Thomism*, (Oxford: Blackwell Publishing, 2002), pp.17-19. Ratzinger as seminarian admired Aquinas' 'clear-cut logic' but famously found the Thomist diet indigestible, 'too closed in on itself, too impersonal and ready-made'. J. Ratzinger, *Milestones,* p.44. Similarly, he told Peter Seewald 'Scholasticism has its greatness, but everything is very impersonal'. *Salt of the Earth,* p.61. Rowland reports Kerr's observation that 'almost every significant Catholic theologian after the Second World War (including Ratzinger) was in some sense in rebellion against this'. Tracey Rowland, *Benedict XVI: A Guide for the Perplexed*, (London, T & T Clark, 2010), p.3. Georg Ratzinger recalls that he and his brother 'appreciated very much' the popularized guide to the *Summa*, written by Joseph Bernhart (1881-1969). See Georg Ratzinger, *My Brother the Pope*, trans. Michael J. Miller, (San Francisco: Ignatius Press, 2011).

[73] *Rerum Novarum*, Encyclical of Pope Leo XIII on Capital and Labour, 15 May 1891. Available at: http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum_en.html (Accessed 10 September 2014).

[74] The historical context was the plight of the industrialized working class and the growing strength of Marxist ideology.

[75] 'All created being reflects the wisdom of God,' and 'the world's creator has stamped man's inmost being with an order revealed to man by his conscience.' The laws which govern human beings are not the same as those which govern nature. 'The father of the universe has inscribed them in man's nature' and 'these laws clearly indicate how a man must behave toward his fellows in society.' *Pacem in Terris*, Encyclical of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity, and Liberty, 11 April 1963, paras.6- 9. Available at: http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html (Accessed: 8 July 2014). Hittinger, calls this 'a most extravagant appeal to natural law' in which 'the Pope had

7.3.2 John Paul II

The long pontificate of John Paul II brought both natural law and human rights centre stage in Catholic teaching. *Centesimus Annus*, for example, places human rights at the heart of theology and Christology.[76] At the same time the natural law approach came to be associated with the magisterial condemnation of contraception,[77] abortion,[78] euthanasia,[79] in vitro fertilization[80] and homosexuality.[81]

taken the 1948 UN Declaration on Human Rights and laid it out in the language of natural law.' This was a high point for the reception of the magisterial application of natural law: 'inside and outside the church there was hardly a murmur of complaint.' Hittinger, *Natural Law and Public Discourse: The Legacies of Joseph Ratzinger*, p.254. A further comment made by the German Bishops in preparation for the General Assembly of the Synod of Bishops to be held in Rome in Autumn 2014 is relevant here: 'there is a great deal of sympathy for the general validity of human rights, but this normally takes place without consideration for their theoretical foundation.' *Natural Law and Public Discourse,* p. 259, n.58.

[76] 'Thus the Church's *social teaching* is itself a valid *instrument of evangelization.* As such, it proclaims God and his mystery of salvation in Christ to every human being, and for that very reason reveals man to himself. In this light, and only in this light, does it concern itself with everything else: the human rights of the individual, and in particular of the "working class", the family and education, the duties of the State, the ordering of national and international society, economic life, culture, war and peace, and respect for life from the moment of conception until death.' *Centesimus Annus*, Encyclical Letter of Pope John Paul II, 1 May 1991, para.54. Available at: http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor_en.html
(Accessed: 6 September 2014).

[77] 'The Church, nevertheless, in urging men to the observance of the precepts of the natural law, which it interprets by its constant doctrine, teaches that each and every marital act must of necessity retain its intrinsic relationship to the procreation of human life.' *Humanae Vitae*, Encyclical Letter of Pope Paul VI, 25 July 1968, para.11. Available at: http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae_en.html
(Accessed: 6 September 2014).

[78] 'Respect for human life is not just a Christian obligation. Human reason is sufficient to impose it on the basis of the analysis of what a human person is and should be. Constituted by a rational nature, man is a personal subject capable of reflecting on himself and of determining his acts and hence his own destiny: he is free.' *Declaration on Procured Abortion*, Sacred Congregation for the Doctrine of the Faith, 18 November 1974, para.8. Available at:
http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19741118_declaration-abortion_en.html
(Accessed: 6 September 2014).

[79] 'the denial of a natural instinct to live'. *Declaration on Euthanasia*, Sacred Congregation for the Doctrine of the Faith, 5 May 1980, #I. Available at:
http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19800505_euthanasia_en.html. (Accessed 6 September 2014).

[80] 'Such fertilization is neither in fact achieved nor positively willed as the expression and fruit of a specific act of the conjugal union. In homologous IVF and ET, therefore, even if it is considered in the context of 'de facto' existing sexual relations, the generation of the human person is objectively deprived of its proper perfection: namely, that of being the result and fruit of a conjugal act.' *Donum Vitae*, Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation: Replies to Certain Questions of the Day, Congregation for the Doctrine of Faith, 22 February 1987, para.5. Available at:

The high point of John Paul II's endorsement of natural law, with Ratzinger's collaboration, must be taken as *Veritatis Splendor*, with its renowned insistence on exceptionless moral norms.[82] The document is fully conscious of postmodernity's obsession with historicity and culture and its horror of essentialism.[83] John Paul's response is that there is something in man which transcends those cultures:

> This "something" is precisely human nature: this nature is itself the measure of culture and the condition ensuring that man does not become the prisoner of any of his cultures, but asserts his personal dignity by living in accordance with the profound truth of his being.[84]

http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19870222_respect-for-human-life_en.html
(Accessed: 6 September 2014).

[81] 'For according to the objective moral order, homosexual relations are acts which lack an essential and indispensable finality... homosexual acts are intrinsically disordered and can in no case be approved of.' *Persona Humana*, Declaration on Certain Questions Concerning Sexual Ethics, Sacred Congregation for the Doctrine of the Faith. Available at:
http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19751229_persona-humana_en.html
(Accessed: 6 September 2014).
This document was referenced by Ratzinger in his *Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*, 1 October 1986, Congregation for the Doctrine of the Faith, #3: 'These were described as deprived of their essential and indispensable finality, as being "intrinsically disordered", and able in no case to be approved of.' Available at:
http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19861001_homosexual-persons_en.html
(Accessed: 6 September 2014).

[82] 'The *negative precepts* of the natural law are universally valid. They oblige each and every individual, always and in every circumstance. It is a matter of prohibitions which forbid a given action *semper et pro semper,* without exception, because the choice of this kind of behaviour is in no case compatible with the goodness of the will of the acting person, with his vocation to life with God and to communion with his neighbour. It is prohibited — to everyone and in every case — to violate these precepts.' *Veritatis Splendor*, Encyclical Letter of Pope John Paul II, 6 August 1993, para.52. Available at:
http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor_en.html (Accessed 6 September 2014). Hittinger, *Natural Law and Public Discourse: The Legacies of Joseph Ratzinger* p.256, says that *Veritatis Splendor* took six years to write.

[83] *Veritatis Splendor*, para.53.

[84] *Ibid.*, para.53.

7.3.3 The Catechism of the Catholic Church

The Catechism of the Catholic Church further develops this Christological and Trinitarian shift.[85] Natural law is the work of divine Wisdom, which finds its fullness in Christ who is the way of perfection and the end of the law.[86] Aquinas' concept of participation is invoked; man participates in the wisdom and goodness of the Creator.

As regards exceptionless moral norms, in faithfulness to Aquinas, a balance is struck between the 'immutable and permanent' natural law as 'the first and essential precepts' which govern moral life, and its application, which 'varies greatly' throughout the variations of history.[87] Natural law may often be rejected, but it cannot be destroyed or removed from the heart of man. 'It always rises again in the life of individuals and societies.'[88] It is intimately related to the revealed Old Law, which is a 'preparation for the Gospel,' specifically the Decalogue, and the New Law, especially the Sermon on the Mount, which presents 'a law of love, a law of grace, a law of freedom.'[89]

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[85] *Catechism of the Catholic Church*, (London, Geoffrey Chapman, 1994). The compilation of the Catechism was conducted by Ratzinger at the instruction of John Paul II. It can justifiably be regarded as the crowning achievement of his time in the role of Prefect of the Congregation for the Faith. In conversation with Peter Seewald, Ratzinger expressed satisfaction with the end-product, and explained that 'It took almost exactly five years. The 1985 Synod had expressed the desire for the *Catechism*. The Pope then established the commission in 1986. We were able to start work around the fall of 1986. Then, after six years, we were able to present the Catechism.' *Salt of the Earth*, p.92.

[86] *Catechism of the Catholic Church*, paras.1950 and 1953.

[87] *Ibid.,* paras.1955 and 1957.

[88] This view finds its echo in secular thought: 'natural law thinking can never become extinct.' Herman Belz, 'Americanization of Natural Law: A Historical Perspective', in *The Good Society*, Volume 12, No.3, 2003, pp.7-13, at p.9. Belz (p.12) also quotes secular political scientist Craig L. Carr: 'Natural theorizing, it seems, will not die, even in this so-called postmodern era – this is reason to think there is something true about natural law doctrine.' Rommen says 'There is manifestly something invincible and eternal about that body of spiritual and moral ideas which for thousands of years has been called natural law.' Heinrich A. Rommen, *The Natural Law: A Study in Legal and Social History and Philosophy*, (Indianapolis, IN: Liberty Fund, 1998), p.119, originally published as *Die ewige Wiederkehr des Naturrechts*, Verlag Jakob Hegner, 1936). Hittinger quotes Roman Catholic historian Etienne Gilson, 'The natural law always buries its undertakers.' Russell Hittinger, *The First Grace*, p 237.

[89] *Catechism of the Catholic Church*, paras.1964 and 1985.

The Catechism demands that natural law be the foundation 'for building the human community' and to provide 'the necessary basis for the civil law with which it is connected.'[90] There is a refreshing, we might say Barthian, reticence with regard to what human reason can discern, and a balance between faith and reason, or reason and revelation: 'sinful man needs grace and revelation so moral and religious truths may be known.'[91]

Most importantly, the Catechism identifies natural law with human rights: 'It expresses the dignity of the human person and forms the basis of his fundamental rights and duties.'[92]

7.3.4 Summary of natural law in the Roman Catholic tradition

The Roman Catholic tradition of natural law supports modernity's moral order of human rights, but draws conclusions in sexual and bioethical matters which are abhorrent to that same moral order. This raises questions about the efficacy of Catholic natural law discourse, not only *ad extra*, with the secular and the religious, but even *ad intra*, with its own faithful.[93]

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[90] *Catechism of the Catholic Church,* para.1959.
[91] *Ibid.,* para.1960.
[92] *Ibid.,* para.1978.
[93] Gerard Hughes, in his commentary on this section of the Catechism, says 'the faithful have largely accepted the contemporary social teaching of the Church with gratitude, whereas they may have many more reservations in other areas.' pp.353-4. Gerard J. Hughes S.J., 'Our Human Vocation', in *Commentary on the Catechism of the Catholic Church*, ed. Michael Walsh (London: Geoffrey Chapman, 1994), pp.336-356.

7.4   NATURAL LAW IN POSTMODERN THEOLOGY

7.4.1   Scriptural revivals

A biblical, theological and Christological approach to natural law can be found in the work of Matthew Levering. He claims to be following Ratzinger's search for 'knowledge for which faith provides evidence, knowledge that is later recognized as rational and pertaining to reason as such.'[94] Human nature is imbued with an 'ecstatic theological grammar toward the good, a natural love, a natural ordering, taken up and elevated into supernatural clarity in the call of God in Christ.'[95] *Ecstasis* refers to our capacity to come out of ourselves in self-giving love.[96] Human rights are self-referential, so that the human person is subject to a law he has created and can therefore endlessly change.[97] In his detailed study of Grotius and successors, Levering finds human thought trapped within itself. Descartes' mind, Hobbes' self-preservation, Hume's passions, Rousseau's liberty or Kant's practical reason all lose sight of the creature's capacity for a teleological relationship of 'fruitful receptivity' to the creator. Levering proposes 'an understanding of the human being as God's creature who is ecstatically ordered to the particular flourishing or perfection that is personal communion with God.'[98]

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[94] Levering is quoting from Joseph Ratzinger and Marcello Pera, *Without Roots: The West, Relativism, Christianity, Islam*, trans. Michael F. Moore, (New York: Basic Books, 2006), p.130.
[95] Levering, *Biblical Natural Law,* p.10.
[96] Ecstasy is also a Ratzingerian concept, expressed as 'being related beyond oneself', learned from du Lubac's idea of a 'transition from a natural to a supernatural love.' See J. Ratzinger, '*Gratia Praesupponit Naturam*' in *Dogma and Preaching,* p.160.
[97] An inspiration for Levering's concept of *ecstasis* is Aquinas' *participatio*, updated by Martin Buber's emphasis on the I-Thou call of God and expressed in Ratzinger hero Hans Urs von Balthasar's 'self-expropriation in favour of the divine good and the good of one's fellow man.' Levering cites Martin Buber, 'What Are We to Do About the Ten Commandments?', in Martin Buber, *On the Bible: Eighteen Studies*, ed. Nahum N. Glatxer (New York: Syracuse University Press, 2000), 118 – 121 and Hans Urs von Balthasar, 'Nine Propositions on Christian Ethics', in Heinz Schürrmann, Joseph Cardinal Ratzinger, and Hans Urs von Balthasar, *Principles of Christian Morality*, p.92.
[98] Levering, M., *Biblical Natural Law*, p.138.

Levering admires the work done by Barton and Novak to demonstrate that natural law is an integral part of biblical teaching.[99] This teaching produces four principles: natural law is teleological, theocentric, related to divine command, related to grace. In other words, there is a balance and a harmony between extrinsic and intrinsic formulations of natural law. These insights provide Levering with a project: 'Christian moral theology requires a philosophically sophisticated natural law doctrine in order to do justice to the teachings of divine revelation.'[100] Honouring his commitment to scripture, Levering concludes by recommending the Prologue to John's Gospel and the Wisdom Literature as fertile sources for further reflection on natural law.[101]

Reed issues a similar challenge, to 'think ethically about ... human rights on Christian theological grounds, for the sake of God's kingdom.'[102] She takes two contrary statements as her starting points. In support of human rights, she accepts that 'the recognition and development of human rights law is...the best guarantee of promoting a just and tolerant society in our pluralist democracy'. Against human rights she quotes Vigen Guroian's warning that 'in deism, God is removed from his creation, and the incarnation is denied ... In the concept of the rights of man, humanity gains an autonomy that a consistently incarnational faith will not permit.'[103] Taking the first statement to heart, the Christian runs the risk of

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[99] John Barton, *Ethics and the Old Testament*, (Harrisburg, PA: Trinity Press International, 1998.) and David Novak, David, *The Election of Israel: The Idea of the Chosen People*, (Cambridge: Cambridge University Press, 1995).

[100] Levering, *Biblical Natural Law*, p.67. Levering believes scholars like Servais Pinckaers have already embarked on this task. Pinckaers has identified the philosophical damage inflicted by nominalism upon the relationship between individual freedom, happiness and flourishing on the one hand and God's will, law, nature and society on the other. See Servais Pinckaers, *The Sources of Christian Ethics*, 3rd edn., translated by Mary Thomas Noble, OP (1985), (Washington DC: Catholic University of America Press, 1995).

[101] Here Levering draws in particular on Ben Witherington III, *John's Wisdom: A Commentary on the Fourth Gospel*, (Louisville, KY: Westminster John Knox Press, 1995). See Levering, *Biblical Natural Law*, pp.230-231.

[102] Esther D. Reed, *The Ethics of Human Rights: Contested Doctrinal and Moral Issues*, (Waco, TX: Baylor University Press, 2007), p.3.

[103] Reed (p.1) cites Vigen Guroian, 'Human Rights and Modern Western Faith: An Orthodox Christian Assessment,' in *Journal of Religious Ethics* 26, no 2 (1998), reprinted in and cited from Elizabeth M. Bucar and Barbra Barnett, eds., *Does Human Rights Need God?* (Grand Rapids, Michigan: Eerdmans, 2005), p.44.

accommodation to modernity, taking the second point, the temptation to disengagement. Reed welcomes the scriptural turn in the Roman Catholic tradition.[104] She notes that Kerr reads the *Summa* as 'christologically informed throughout', especially in the *Tertia Pars*, where we are assured that 'in Christ the human nature has its proper form and power whereby it acts.'[105] Cronin is used for his exegesis of natural law as a covenantal relationship between God and humanity.[106] Hollenbach is praised for his extensive work on the tradition of Catholic Social Teaching on the common good, which Reed sees as offering a solution to modernity's oft-criticised over-emphasis on subjective rights.[107] The Roman Catholic tradition is admired for its loyalty to 'a cosmic, metaphysical, and ontological unity of divine purpose.'[108]

However, Reed is conscious of Barth, warning Christians that 'if we only lend our little finger to natural theology, there necessarily follows the denial of the revelation of God in Jesus Christ.'[109] For Barth, 'the command of God...is the starting point of every ethical question and answer.'[110] Reed concludes that if natural law is 'independent of God and His will, it is mere idolatry.' A 'Christologically revised natural law' will propose 'an ethic of divine command' and 'a firmly Christocentric theology of the "natural"'.[111] A way may be opened through Bonhoeffer: 'Things work out quite differently when the reality of God and the reality of the world are recognised in Christ. In that way, the world, the natural, the profane, and reason are seen as included in God from the beginning.'[112] In her exegesis of

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[104] She cites John Paul II's *Veritatis Splendor* and its usage of John 1:9 as well as Romans 2:15.
[105] S.T. IIIq 19a 1. See Kerr, *After Aquinas,* p.163.
[106] See Kieran Cronin, *Rights and Christian Ethics*, (Cambridge: Cambridge University Press, 1992).
[107] See David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, (New York: Paulist Press, 1979) and *The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics*, (Washington D.C.: Georgetown University Press, 2003).
[108] Reed, E., *The Ethics of Human Rights,* p.8.
[109] Karl Barth, *Church Dogmatics*, II.1, paras.26 and 173.
[110] *Ibid.*, II.1, paras.36 and 519.
[111] Reed, *The Ethics of Human Rights,* pp.69-70.
[112] Dietrich Bonhoeffer, *Ethics. Dietrich Bonhoeffer Works*, vol.6, ed. Ilse Tödt et al., trans. Reinhard Krauss et al. (Minneapolis: Fortress Press, 2005), p.59.

Genesis, Reed models a way forward based not on human rights, but on 'middle axioms' that support human rights, such as life, dominion, justice.

7.4.2 Distrust of natural law

Hauerwas, like MacIntyre, advances the insight that if virtue is to be promoted in any practical sense, it can only be from within a living tradition.[113] He emphasises the virtues, which can only be formed when Christian stories are narrated and lived out in Christian communities. The Enlightenment's Lockean principle of non-interference is totally inadequate as a principle for true human community. Human rights merely produce an atomised society of conflict and a culture of blame. Natural law is a fiction since we have no common beliefs.

Milbank shares with Hauerwas an acute revulsion at the violence of modernity. Human rights are 'indissolubly linked with an augmentation of arbitrary will' and 'a logical slide of liberalism into a nihilism of enthroned will.'[114] Milbank tells a story of radical discontinuity between natural law and natural rights.[115] Modernity's 'juridical notions of natural human nature' are divorced from theological ideas of 'cosmic harmony, participation and divine grace.'[116] He is at home with natural law, if it means that on the basis of natural reason 'we can infer from natural relations between people, and between people and things, the *ends* of these relationships and the proper way of composing them according to a "right distribution".' For Milbank, the Catholic obsession with exceptionless moral norms has obscured the sense of gift that should underlie all action and relations. We need 'the idea that

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[113] Stanley Hauerwas, *The Peaceable Kingdom: A Primer in Christian Ethics*, (Notre Dame IN: University of Notre Dame Press, 1983).
[114] Milbank, *Against Human Rights*, p.8.
[115] Milbank finds fault with Tierney's genealogical argument for the compatibility and continuity between classical natural law and modern natural rights.
[116] *Ibid.*, p.18.

human beings mediate the material and the spiritual and that they are made in the image of God' and enjoy a relational status 'within the created hierarchical ordering of reality.'[117]

7.4.3 Summary of natural law in postmodern theology

The direction of travel of postmodern theology seems to be towards a restoration of metaphysics, ontology and teleology, a return to scriptural sources and a disillusion with secular ethics. This can go in two directions: support of human rights (Levering, Reed) or rejection (Hauerwas, Milbank).

7.5 NATURAL LAW AND HUMAN RIGHTS

7.5.1 The post-war revival of natural law

Natural law was an important part of the intellectual hinterland that resulted in the 1948 Declaration, and Maritain was at the heart of that enterprise. He insisted that the 'true' philosophy of human rights is based upon the 'true' idea of natural law, 'as looked upon in an ontological perspective and as conveying, through the essential structures and requirements of created nature, the wisdom of the Author of Being.'[118] Maritain sees natural law as 'a heritage of Greek and Christian thought.' Aquinas 'alone grasped the matter in a wholly consistent doctrine.'[119] Aquinas' lack of clarity resulted in subsequent distortion by the likes of Grotius.[120]   The Enlightenment replaced the ontological element, 'the normality of

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[117] Milbank, *Against Human Rights,* p.18.
[118] Maritain, J., *Man and the State,* (Chicago, Ill: The University of Chicago Press, 1952)*,* p.84. Maritain's philosophy of natural law and human rights is further developed in *Christianity and Democracy and The Rights of Man and Natural Law*, trans. Doris C. Anson, (San Francisco: Ignatius Press, 1986, 1943). While Maritain provides his own philosophical underpinning of human rights, he famously allows every human rights stakeholder to provide their own: 'we agree about the rights but on condition no one asks us why.' See Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, (New York: Random House, 2001), p.77.
[119] Maritain, *Man and the State,* p.84.
[120] Maritain provides a simple genealogy of natural law which runs as follows: Sophocles, the Stoics, Cicero, St. Paul, Church Fathers, Augustine, Aquinas, di Vitoria, Suarez, Grotius. Like many authors, (Maritain uses George Young's 1906 translation) he quotes from *Antigone* Act Two, verses 452-460:

functioning which is grounded in the essence of being,' with Kant's 'Autonomy of the Will'

and Rousseau's 'Freedom.' Grotius' Nature, Reason and Natural Law became 'abstract

divinities sitting in a Platonic realm.'[121] All three would continue to exist without a deity, who

was a mere 'superadded guarantor.'[122] Grotius' *etsi deus* was proposed as an antidote to

conflict, but the 18th century's trumpeting of the independence of the human subject fostered

endless violence. This morphed inevitably into a 19th century scepticism about human rights

and an eclipse of natural law. However, a 19th century 'conservative historical school' of

natural law survived, and was championed by Roman Catholicism's Thomist revival. The

interwar years saw a further revival of interest in natural law.[123] For Schenk, Maritain

represents a healthy 'theology of critical engagement' and foreshadows 'the revival of

metaphysics'.[124]

Since Maritain there has been a significant Catholic-led academic revival, dubbed 'the

new natural law', in the form of a 'school' led by Finnis, Grisez, and George, as well as

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'The unchangeable unwritten code of Heaven;
This is not of today and yesterday,
But lives forever, having origin
Whence no man knows.

The Sophocles passage is a privileged text of natural law history, and is cited by almost all guides to the history of natural law thinking, including the document of the International Theological Commission on Natural Law, *In Search of a Universal Ethic: A New Look at the Natural Law*, 2009, See para.18, where the passage is used to illustrate the Ratzingerian theme that 'there exists a norm of justice ... prior to positive juridical determinations'.

[121] Maritain, J., *Man and the State,* p.88.

[122] *Ibid.,* p.83. This was the point Grotius made with his '*etsi deus non daretur,*' the theme to which Ratzinger repeatedly returns.

[123] For example, Charles G. Haines, *The Revival of Natural Law Concepts*, (Cambridge MA: Harvard University Press, 1930) and Heinrich A. Rommen, *Die ewige Wiederkehr des Naturrechts*, (Leipzig: Hegner, 1936). Moving to the USA to escape Nazism, Rommen became highly influential through his *The Natural Law: A Study in Legal and Social History and Philosophy*, (Liberty Fund Inc: 1998, 1936). I suggest that Rommen is the source of much of Ratzinger's approach to natural law and of his interest in Grotius. Rommen's Chapter 3, pp.62-66, is devoted to Grotius as 'The Turning Point'.

[124] Richard Schenk OP, 'Vatican II and Jacques Maritain: Resources for the Future? Approaching the Fiftieth Anniversary of the Council', *Logos*, Vol.13, No.1, (Winter 2010), pp.79-106, pp.79-106, at p. 97. Ratzinger explicitly endorses Maritain's project and contrasts it with the antireligious natural law formulation of Rousseau. See *Values in a Time of Upheaval*, pp.63-4.

reaction and critical engagement by Budzizewski, Hittinger, and MacIntyre.[125] The story of this natural law revival, and reactions to it, illustrates the ongoing durability, but controversial nature, of natural law thinking. It reminds us that there are many species of Thomism and no definitive interpretation of Aquinas. In favour of natural law, the fact-norm problem may not be insurmountable. Against natural law, its exceptionless moral norms and specific moral prohibitions remain offensive to postmodern sensibilities.[126] Nevertheless, the view persists that natural law provides 'the only shared and widely intelligible vocabulary we have for talking about ultimate human goods and ends.'[127]

7.5.2 Secular endorsement of natural law as the ground of human rights

Cranston is an example of a secular voice, who, like Ratzinger, sees a role for natural law to critique positive law. 'The idea of natural law as a universal moral law which transcends the law of states is one by which European thinking about politics has been permeated for more than two thousand years.'[128] He offers a hermeneutic of continuity from pre-modern to modern versions and argues that the rights to life, liberty and property are better understood as natural laws rather than as contractual agreements. In similar vein, but thinking more of its

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[125] John Finnis is a legal scholar and philosopher who has held professorships at the Universities of Oxford and Notre Dame. He is author of *Natural Law and Natural Rights,* (Oxford: Clarendon Press, 1980) and *Moral Absolutes: Tradition, Revision and Truth,* (Washington D.C.: The Catholic University of America Press, 1991). Germain Grisez is a French – American philosopher and Thomist scholar. He is author of a three volume guide to Catholic Moral Theology collectively titled *The Way of the Lord Jesus*, (Vol. 1: *Christian Moral Principles*, Vol. 2: *Living a Christian Life*, Vol. 3: *Difficult Moral Questions*). J. Budziszewski is Professor of Government at the University of Texas and author of *Written on the Heart: The Case for Natural Law*, (Downers Grove IL., Inter Varsity Press, 1997) and *The Revenge of Conscience: Politics and the Fall of Man*, (Dallas: Spence Publishing, 1999). Russell Hittinger is William K. Warren Chair of Catholic Studies at the University of Tulsa and author of *A Critique of the New Natural Law Theory* (Notre Dame IND., University of Notre Dame Press, 1987) and *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, (Wilmington, Delaware: ISI Books, 2003). Further discussion of the revival of natural law can be found in Nigel Biggar and Rufus Black, eds. *The Revival of Natural Law: Philosophical, theological and ethical responses to the Finnis – Grisez School*, (Aldershot: Ashgate, 2000) and Lawrence Cunningham (ed.), *Intractable Disputes about the Natural Law: Alasdair MacIntyre and Critics*, (Notre Dame IND., University of Notre Dame Press, 2009).
[126] O'Donovan describes the demand for exceptionless moral norms as 'an impossible requirement.' Oliver O'Donovan, 'John Finnis on Moral Absolutes in Biggar and Black', in *The Revival of Natural Law,* pp.111-128, at p122.
[127] Francis Fukuyama, 'Natural Rights and Human History', in *The National Interest*, No.64, (2001), p.19.
[128] Maurice Cranston, *What are Human Rights*, (London: The Bodley Head, 1973), p.11.

application in the dialogue of cultures, Bielefeldt sees natural law as 'one of the most important sources of human rights in the Western tradition,' important because 'it has unconditional authority prior to legislation and yet is also independent of divine revelation or any tradition, be it religious or secular.[129]

Ignatieff's liberal vision of negative rights sees rights as safeguards of personal autonomy and purposive agency, not as 'guarantors of social justice'.[130] We have rights 'because we are purposive agents who should be treated as such by our fellow human beings.'[131] He acknowledges that the Universal Declaration rests on multiple moral and metaphysical foundations such as dignity, equality, reason and conscience, but he also approves of the framers' policy to eschew all mention of metaphysical foundations. He believes, nevertheless, that the Universal Declaration represents a return by the European tradition to its natural law heritage, but concludes that 'there is also a good reason for a human rights regime to welcome a plurality of nonexclusive claims concerning the ways in which human rights can legitimately be grounded in religious and secular claims of various sorts.'[132] Renteln, like Ignatieff, restricts human rights to the civil and political. If natural law was invoked, rights would be 'inflated beyond recognition' and lose credibility.[133]

Although a committed secularist, Moyn speaks wistfully of the cogency of the natural law construct: 'natural law, derived most often from God's will and thought to be embedded in the fabric of the cosmos, was the classic Christian version of universalism...Natural law as something objective, which individuals must obey because God made them part of the natural

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[129] Heiner Bielefeldt, ' "Western versus "Islamic" Human Rights Conceptions? A Critique of Cultural Essentialism in the Discussion on Human Rights', *Political Theory*, Volume 28, No.1 (February 2000), pp90-121, at p.93.
[130] Ignatieff, *Human Rights as Politics and Idolatry*, p.x.
[131] *Ibid.,* p.xviii.
[132] *Ibid.*, p.5 and p.xxiii.
[133] Alison Dundes Renteln, 'The Unanswered Challenge of Relativism and the Consequences for Human Rights,' *Human Rights Quarterly*, Volume 7, No.4 (November 1985), pp.514-540, at p.519.

order he ordained.'[134] He subscribes to the narrative of discontinuity: human rights in their 18th century and subsequent natural rights incarnations had nothing to do with this natural law and everything to do with the political requirements of the emerging European sovereign state.

Liberal orthodoxy rejects the view that rights are 'an independently intelligible moral idea'. They are simply 'a collective political enterprise.'[135] Their object is 'to protect urgent individual interests against predictable dangers...to which they are vulnerable under typical circumstances of life in a modern world order composed of states.' In this view, rights have no ontology, no existence in some separate normative order.

Douzinas describes rights as 'the dual banners of humanity and right', 'the noblest creation of our philosophy and jurisprudence' and 'proof of the universal aspirations of our modernity.'[136] In common with Moyn, he laments the loss of the capacity of rights to critique society. They started as 'a defence against conventional wisdom and institutional lethargy' and ended up as 'the legitimating device of some of the most sclerotic regimes and powers.'[137] Douzinas fears that the loss of the utopian dimension will spell 'the end of human rights.' He sees human rights as 'a final mutation in the long trajectory of natural law.'[138] As an unashamed advocate of the ethical dimension of the law, Douzinas characterizes rights as 'a critique of legal humanism inspired by a love of humanity.'[139] He supports the long tradition of 'rational natural law' which morphed into natural rights under the influence of Hobbes and Locke and which has always aimed 'to acknowledge and protect the central and

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[134] Moyn, *The Last Utopia*, p.21.
[135] Charles R. Beitz, *The Idea of Human Rights*, (Oxford: Oxford University Press, 2009).
[136] Douzinas, *The End of Human Rights*, p.1.
[137] *Ibid.,* p.380.
[138] *Ibid.,* p.380.
[139] *Ibid.,* p.68.

immutable characteristics of human nature.'[140] He is fully aware of how the ideals of natural human rights are subverted by the power of sovereign states. But natural law and human rights share 'a common tradition of resistance and dissent from exploitation and degradation' and a desire for a political and ethical utopia, 'the epiphany of which will never occur but whose principle can stand in judgement of the present law.'[141] Human rights are supported by a tradition of natural law which Douzinas patiently re-narrates, with detailed exposition of its classical as well as its early modern versions. He concludes that 'Natural law, the progenitor and companion of human rights, unlike other classical theories and practices, does not belong fully to any one epoch.'[142]

7.5.3 The challenge to natural law from Alasdair MacIntyre

MacIntyre contrasts the promise of natural law, a shared moral rationality, with 'the facts of moral disagreement.'[143] Any discussion of natural law has to take on board his teachings on the traditioned nature of rationality and of ethical traditions.[144] Famously, for MacIntyre, human rights are fictions and the liberal social contract of natural rights lacks any vision of the good. His proposal is a revival of Aristotelian virtue ethics, acknowledged as a tradition-centred inquiry. Relativism is the result of the Enlightenment's unreasonable requirement of epistemological certainty. It saw itself as a view from nowhere, from which it could cast rational judgement on all. Then it learned that its own rationality was traditioned. No longer able to claim superiority, it found itself without criteria with which to choose between traditions.

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[140] Douzinas, *The End of Human Rights,* p.264.
[141] *Ibid.,* p.380.
[142] *Ibid,* p.376.
[143] *Ibid.,* p.8.
[144] MacIntyre, A., "Intractable Moral Disagreements' in Lawrence S. Cunningham, ed. *Intractable Disputes about the Natural Law: Alasdair MacIntyre and Critics*, (Notre Dame, Indiana: Notre Dame University Press, 2009), pp.1-52.

MacIntyre's solution is to accept that by standing confidently within a tradition we can make judgements between traditions. Practising the virtue of 'intellectual and moral asceticism,'[145] our differing rationalities can meet in 'shared enquiry.'[146] For this process we need rules that look very much like Aquinas' principles of natural law. On one level he is sceptical about the Thomist natural law project, because the superiority of Aquinas' precepts does not emerge from rational enquiry and debate. He also fears that over-reliance on natural law's 'self-evident' principles results merely in 'shrill assertion and counter-assertion of incompatible first principles.'[147] On another level, he believes that rational debate between rival rationalities depends on four commitments: not to harm, to speak the truth, to keep promises and to maintain security. These, MacIntyre says, are commensurate with Aquinas' principles of natural law, and like them, are universal, exceptionless, presupposed rather than derived. One of the central claims of natural law theory is thereby upheld: the possibility of self-evident exceptionless moral absolutes. The search is still on for a universal morality through a kind of worldwide consensus of all rational persons, a promise on which MacIntyre says the Enlightenment fails to deliver. In their enquiries into rationality, Ratzinger and MacIntyre share a similar critical space and are separated by respective emphases on Plato/reason and Aristotle/virtue. Both approaches are compatible with natural law.

7.5.4 Summary of natural law and human rights

Secular philosophers acknowledge natural law as the most important historical source of human rights. Consensus converges on a schema of three moments in the history of both natural law and human rights. i) the Classical phase, ii) the Enlightenment phase and iii) the Universal Declaration. Where controversy arises is whether this story of natural law and

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[145] MacIntyre, *Intractable Moral Disagreements*, p.22.
[146] *Ibid.,* p.22.
[147] *Ibid.,* p.11.

human rights should be narrated in a hermeneutic of continuity or discontinuity.[148] The prevailing contemporary understanding of human rights is as positive law. There is widespread scepticism about the value of understanding human rights today in terms of natural law, with or without its metaphysical foundations. At the same time, there is a widespread acceptance that only natural law can provide an ethical critique of positive law and an antidote to ethical relativism.

7.6: NATURAL LAW AND RELATIVISM

Ratzinger's attack on relativism, at the Mass held for cardinals prior to the conclave which would see his election as Pope, caught the world's attention.[149] Apart from the Regensburg Lecture, this homily on the 'dictatorship of relativism' is the defining moment in Ratzinger's teaching role. Bloor described this as 'the best-publicized denunciation of relativism in recent times.'[150] In fact, Ratzinger summarized relativism in three tropes: letting oneself be tossed about by every wind of doctrine, not recognizing anything as definitive, and making one's own ego and desires one's sole aim. This is a wide-ranging critique, which I believe bundles together related but discrete phenomena. The issue of relativism is so central to Ratzinger's teaching on the self-limitation of reason, that it is vital to try to unpick the variety of views expressed in the furious ensuing debate. I therefore now turn to six different rebuttals of Ratzinger's anti-relativism campaign.

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[148] Kerr explains that the hermeneutic of a discontinuity between pre-modernity and modernity was made popular by Joseph Kleutgen, who developed the concept of a *Vorzeit*, in two monumental works, the three volume *Die Theologie der Vorzeit* (1853-60) and the two volume *Die Philosophie der Vorzeit*. Kerr explains that MacIntyre broadly adopts Kleutgen's concept. He also notes that Kleutgen was one of the drafters of *Aeterni Patris* (1879).

[149] J. Ratzinger, *Pro Eligendo Romano Pontifice*, Vatican Basilica Monday 18 April 2005. Available at: http://www.vatican.va/gpII/documents/homily-pro-eligendo-pontifice_20050418_en.html. (Accessed: 20 January 2015).

[150] David Bloor, 'Epistemic Grace: Antirelativism as Theology in Disguise', *Common Knowledge*, Volume 13: Issue 2-3, (Spring-Fall 2007), pp. 250 – 280, at p. 273.

7.6.1. Relativism does not exist

Committed secularist Geertz dismisses relativism as 'largely a fantasy.'[151] Genuine nihilists are hard to find, since no one really adheres to a 'radical, culture-is-all historicism.'[152] It is 'a drained term', 'yesterday's battle-cry,'[153] 'the anti-hero with a thousand faces.'[154] Catholic commentator Allen questions Ratzinger's wisdom in taking on such a 'diffuse, amorphous, unsystematic opponent' as relativism.[155] Ratzinger's critics fear that relativism is 'an exaggerated caricature and 'straw man', used to attack liberation theology, Marxism, relativism, pluralism, Asian religions and philosophy and 'New Age' approaches to life and religion.'[156]

Stout repeats Geertz's point: it is hard to find absolute relativists, so relativism is 'a feeble foe' which can be refuted by 'only a little reflection.'[157] Smith says relativism does not exist: 'the relativism denounced is elusive, protean, and open to many interpretations.'[158] Ratzinger's habitual 'broad brush' approach bundles together egoism, subjectivism, Marxism, liberalism, libertinism, hedonism, individualism, atheism, mysticism, agnosticism and syncretism. Smith dismisses relativism as 'the chimerical beat–part straw man, part red herring...a fantasy heresy.'[159] John Hick, in a notable rebuttal of Ratzinger, made the point

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[151] Clifford Geertz, 'Distinguished Lecture: Anti Anti-Relativism', *American Anthropologist, New Series*, Vol.86, No 2 (June 1984), pp.263 -278, at p.265.

[152] Geertz, *Anti Anti-Relativism*, p.268.

[153] *Ibid.,* p.263.

[154] *Ibid.,* p.273.

[155] John L. Allen, *The Rise of Benedict XVI: The inside story of how the Pope was elected and what it means for the world*, (London: Penguin, 2005), p.166.

[156] Gerard Mannion, 'Christian Unity and Religious Dialogue: On Ecumenism and Other Faiths', in *The Ratzinger Reader*, Lieven Boeve and Gerard Mannion (eds.) (London: T & T Clark, 2010), pp. 119 – 178, at p.174.

[157] Jeffrey Stout, 'A House Founded on the Sea: Is Democracy a Dictatorship of Relativism?', *Common Knowledge*, Vol.13: Issue 2-3, (Spring-Fall 2007), pp.385 – 403, at pp.389 – 390.

[158] Barbara Hernstein Smith, 'Relativism, Today and Yesterday', *Common Knowledge*, Volume 13: Issue 2-3, (Spring-Fall 2007), pp.227 – 249, at p.248.

[159] *Ibid.*, p.16.

that Ratzinger's address 'mixes together several different issues under the elastic heading Relativism.'[160]

7.6.2 Relativism does exist and we need it

Mong points out that 'relativism for more than two thousand years has been able to resist refutation and continues to attract supporters.'[161] He cites as an example Baghramian's defence of relativism on the grounds that 'we do not have access to univocal answers to our diverse problems.'[162] Relativism could be defined as 'all assessments are assessments relative to some standard or other, and standards derive from cultures.'[163] Stout sees relativism as essential to democracy, which requires us to consider opposed answers to moral questions and recognize that 'we have to decide the cases that fall in the vicinity of the fuzzy border.'[164] We must honour the complexity of 'our epistemic circumstances' and adhere to 'commitments under conditions of uncertainty.'[165]

Likewise for Smith, a healthy relativism is 'an acute consciousness of the historical and cultural contingency of human perceptions, interpretations and judgements (including one's own).'[166] This healthy relativism will question 'standard views of what is natural, necessary, or inevitable for members of the species to do, feel, or think,' but at the same time

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[160] John Hick, 'A Response to Cardinal Ratzinger on Religious Pluralism', *Reviews in Religion and Theology*, Vol.5, No.1, (1998), pp.7-9, at p.8. In *Truth and Tolerance*, Ratzinger's whirlwind tour of relativism includes relativism as applied to conscience, (p.206), to interreligious prayer events, (p.106), to theological scholarship, (p.186), to New Age beliefs, (p.127), to notions of freedom, (pp.231-233), to democracy, (p.140), to Buddhist beliefs, (pp.226-227), to biblical exegesis, (pp.131-133), and to ecclesial dogma (p.129 and p.215).
[161] Mong, *Dialogue Derailed*, p.150.
[162] Maria Baghramian, *Relativism*, (New York: Routledge, 2004), p.303.
[163] I.C. Jarvie, 'Rationalism and Relativism', *British Journal of Sociology*, Vol 34, (1983), pp.44 – 60, at p.46.
[164] Stout, *A House Founded on the Sea*, p.392.
[165] *Ibid.,* p.402.
[166] Barbara Hernstein Smith, 'The Chimera of Relativism: A Tragicomedy', *Common Knowledge*, Vol.17, Issue 1, (Winter 2011), pp.13-26, at p.24.

will retain some sort of universalism, 'the pragmatic unity of mankind' and 'various species-wide ("universal") cognitive capacities.'[167]

On the ethical front, healthy relativism is not 'anything goes nihilism,' 'everybody has his own opinion' and 'who's to say what's good or bad.' Smith wants to pass the Hitler test by rejecting what she calls 'politically objectionable neutrality.'[168] But she rejects natural law, rejecting notions of objective truth or transcendent value, or 'reality' if it is understood as 'an autonomous, absolute, privileged realm of being.'[169]

Counterintuitively, I read Ratzinger as *supporting* a healthy relativism. He is only against the attempt to turn relativism into a rule, a totalizing dogmatism.[170] The ideal situation will never exist in human history and the perfect ordering will never be achieved. The liberated world of the future is a myth: 'We can only ever construct *relative* social orders, which can only ever be *relatively* right and just.'[171] Central to the Ratzinger project is the conviction that all utopias must be demythologized, leaving us to face the fact that

> It is our task always to struggle for the *relatively* best possible framework of human coexistence in our own present day and, in doing so, to preserve anything good that has already been achieved, to overcome anything bad that exists at the time, and to guard against the outbreak of destructive forces.[172] (my emphasis).

Clearly there is a problem: the catch-all charge of relativism can be deployed in a manner that is indiscriminate, imprecise and intellectually lazy.

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[167] Smith, 'The Chimera of Relativism', p.21.
[168] *Ibid.,* p.25. The two evils that Smith wants to have enough anti-relativism to reject are Christian creationist fundamentalism and Islamic maltreatment of women. (p.24.)
[169] *Ibid.,* p.14.
[170] Mong, *Dialogue Derailed*, pp.147-151.
[171] Ratzinger, *Truth and Tolerance*, p.257.
[172] *Ibid.,* p.197.

7.6.3. Relativism does exist and it is dangerous

As an anti-relativist, Ratzinger keeps company with a movement of anti-relativists, which includes philosophers, Islamic spokespersons, human rights activists and left-wing thinkers. Perusek agrees that the problem is 'a generally relativistic post-modern zeitgeist' which runs the risk of morphing into full-blown 'absolute relativism' and 'hyper-subjectivism.'[173] It is generally accepted that relativism arose within anthropology. Perusek believes that cultural relativism has reified 'culture', absolutizing it into an idolatry, a pre-emptive *conclusion about* the world instead of a *healthy approach* to the world. This is perhaps what Gimello is referring to when he laments 'the world's increasingly doctrinaire and aggressive relativism.'[174] Here we are approaching Ratzinger's 'dictatorship of relativism'.

The campaign of anti-relativism was initiated between the wars. Positivism, scientism, the revival of natural law and the Habermas' Frankfurt School of Critical Theory were all engaged in the attempt to shore up objectivist and universalist values in a move against positivism and scientism. Although vehemently opposed to the Ratzinger project, Kristeva praises both Ratzinger (and Habermas) because 'they understand the crisis.'[175] She sees today's anti-relativists as correctly continuing the struggle against the reign in the academy of multiculturalism, identity politics, culture wars, history wars, theory wars, constructivism, pragmatism, postcolonialism, feminism and poststructuralism.[176]

The counter argument is that relativism exists as a natural and necessary aspect of the human condition.

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[173] Perusek, *Grounding Cultural Relativism*, p.830.
[174] Gimello, *A Depth of Otherness*, pp.116-117.
[175] Kristeva, *Rethinking "Normative Conscience*, p.226.
[176] Smith, *Relativism, Today and Yesterday*, p.234.

7.6.4 Relativists are absolutists

Stout notes the internal incoherence of the absolute claim that all truth is relative: 'the claim that truth is relative cannot account for itself.'[177] This applies not just to theory, but to practice: Oakes highlights 'the relativity paradox' that 'everyone is an absolutist about something.'[178] The relativizers are not without their absolutes, as can be seen in the pluralist command to dissolve orthodox Christology. Corkery is convinced that if Ratzinger had ignored relativism, 'he would simply be allowing Christianity to be demolished at its very centre.'[179] There are no true relativists, because 'closet absolutism always lurks in relativistic rhetoric.'[180] Allen comments that relativism masquerades as respect for tolerance and diversity, while opening the door to totalitarianism, 'by undercutting any basis for asserting that there are moral limits to what secular power can do.'[181] This is Ratzinger's position.

7.6.5 Some absolutism is needed

Stout praises the Vatican view that 'horrific violations of justice ... are simply impermissible, regardless of the situation.'[182] Even Geertz rejects extreme relativism, as 'a kind of spiritual entropy...in which everything is as significant, thus as insignificant, as everything else.'[183] Bloor respects the Ratzinger project: 'the statements from the Vatican are clear. There is no evasion of fundamental issues. The necessary choices are confronted and the consequences embraced.'[184] He appreciates that Ratzinger's position is based on God as the ground of a true

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[177] Stout, *A House Founded on the Sea*, p.390. Another expression of the internal incoherence of relativism is given by Hollenbach: 'a relativist would never have any reason to revise his or her beliefs, for in strict relativism there are no grounds to prefer one belief over another.' Hollenbach, *The Global Face of Public Faith,* p. 33.
[178] Edward T. Oakes, "Resolving the Relativity Paradox" in John C. Cavadini (ed.), *Explorations in the Theology of Benedict XVI*, (Notre Dame, Indiana: University of Notre Dame Press, 2012), pp.87 – 113., at p.99.
[179] Corkery, *Joseph Ratzinger's Theological Ideas,* p.95.
[180] Oakes, *Resolving the Relativity Paradox*, p.89.
[181] Allen, *The Rise of Pope Benedict XVI*, p.175.
[182] Stout, *A House Founded on the Sea*, p.389.
[183] Geertz, *Anti Anti-Relativism*, p.265.
[184] Bloor, *Epistemic Grace*, p.253.

ontology, epistemology and ethics: 'God is the source of all true standards, and these are, accordingly, absolute and not relative.'[185] He notes that belief in the Incarnation makes this position coherent and moves that absolutism is not susceptible to a decisive philosophical refutation. Like Ratzinger, Bloor sees relativism as inextricably linked with atheism and naturalism, but he strongly objects to caricatured portrayals of relativists as moral cynics.[186]

This takes us back to Geertz, who wrote not to promote relativism, but to denounce anti-relativism, on the grounds that the absolutism of the absolutist relativists is less dangerous than the absolutism of the absolute anti-relativists! Hence he is an 'anti anti-relativist.' Consequently, he is anti-Ratzinger.

7.6.6 Anti anti-relativism

According to Bloor, absolutists like Ratzinger are found among 'powerful and dangerous enemies of rationality and moral decency.' It is not the 'dictatorship of relativism' we should fear, but 'the dictatorship of absolutism.' He concludes that 'a properly formulated relativism should be warmly welcomed' and we should put our trust in historic traditions of humanity and decency.[187] Bloor suggests that if absolutists like Ratzinger were to honestly examine their non-negotiables they would find they were 'mired in relativities.'[188] Secondly, absolutists are found on both sides of key moral debates such as torture, so that if we were all absolutists about our positions then society would descend into unresolvable conflict.[189]

[185] Bloor, *Epistemic Grace,* p.254.
[186] *Ibid.*, p.278.
[187] *Ibid.,* p.251 and p. 276.
[188] *Ibid.,* p.278.
[189] *Ibid.,* p.274.

Smith occupies similar ground when she equates the denunciation of relativism with the demand for dogmatism.[190] Smith reads *Pro Eligendo* as an intra-ecclesial power play which 'censures questioning' and lacks all credibility because it 'authorizes itself by what it authorizes as authoritative.'[191] Ratzinger seeks to 'maintain the traditional privileges of the powerful, reinforce the prejudice of the ignorant, and confine, demean, and devastate millions of human beings around the globe,' and all this 'in the name of the Son of God, love, truth, goodness, and friendship.'[192] Smith locates 'full-throated denunciations of relativism' in three quarters. The first two, positivist-scientism and realist-rationalist epistemology, are both condemned by Ratzinger at Regensburg. The third is Ratzinger himself and his 'Vatican infallibilities,' incapable of historical and cultural contextualization or self-reflexivity.[193]

For Kristeva, Ratzinger's obsession with normative conscience is as 'obsolete' as his preoccupation with 'the reason-revelation duo.'[194] Kristeva shares with Ratzinger a belief that strictly rationalist humanism is a delusion and a dead end but is adamant that this is a problem that 'no religion or established moral order or ideal of normative conscience will ever resolve.'[195] Kristeva prefers 'new forms of humanism' based on the soul's 'pre-religious need to believe'. This can be forged from 'a generosity that free intellectuals can acquire but that the standards of normative conscience are intended to extinguish.'[196]

Geertz, contra Ratzinger, says that the norms of reason were not fixed in Greece; we cannot cling to 'lost simplicities of a less strenuous past,'[197] or to false universals such as 'The

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[190] Smith, *Relativism, Today and Yesterday*, p.234.
[191] *Ibid.,* p.248.
[192] *Ibid.*, p.248. Smith explains in a footnote that the teachings she objects to are i) the ban on contraception, ii) the subordination of women in the Church and iii) the definition of homosexuality as an intrinsic evil.
[193] *Ibid.,* p.18.
[194] Kristeva, *Rethinking Normative Conscience*, p.221.
[195] *Ibid.,* p.226.
[196] *Ibid.,* p.226.
[197] Geertz, *Anti Anti-Relativism*, p.275.

Human Person' or 'Reason'. Vattimo, on the other hand, admires Ratzinger's desire for a truth 'that can be trusted without doubts and hesitations, one that guarantees the continuity of our interior life, the fidelity to an ideal, the cohesion of the community in which we live.'[198] But this 'adoration of Truth' is just the 'last idolatry.'[199] Nor is absolutism actually possible: 'in the makeup of any genuine Christian, Joseph Ratzinger not excluded, a relativist component must necessarily abide.'[200]

Ratzinger would ask who is more free, the university intellectuals who trust in their private judgement, or those faithful to a conscience informed by a tested tradition of inquiry.

7.6.7 A possible synthesis

I have dwelt on the issue of relativism because it brings into focus the relationship between reason, religion, rights, natural law, public reason, democracy, secularity, and the dialogue of cultures. Naas addresses this matrix of issues in a reflection inspired by Derrida's *Laïcité*.[201] Derrida deconstructs the supposed secularism of liberal modernity by disclosing its 'Abrahamic filiation.'[202] Derrida occupies the territory explored in Chapter Six, which exposed the religious genealogy of modernity and specifically the theological origins of the political notion of sovereignty. The Enlightenment thought it was inventing this concept and thereby creating modernity, whereas in fact 'sovereignty' has an onto-theological origin in what Derrida calls the 'egological ipseity' of the Divine.[203] Likewise, Derrida deconstructs the ostensibly secular concept of 'tolerance' as 'a good face of sovereignty', a Christian virtue exercised as 'a kind of condescending concession' from a position of power.

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[198] Vattimo, *Surtout pas de Zèle*, p.217.
[199] *Ibid.*, p.218.
[200] *Ibid.,* p.218.
[201] Michael Naas, 'Derrida's *Laïcité*', *The New Centennial Review*, Vol.7, No.2, (Fall 2007), pp.21-42. Naas draws on thirteen Derrida texts.
[202] *Ibid.*, p.22.
[203] *Ibid.,* p.23.

Ratzinger is naturally opposed to Derrida: 'all that remains is reason's dissolution, its deconstruction, as, for example, Jacques Derrida has set it out.'[204] Nevertheless, Derrida and Ratzinger share an interest in the broadening of reason. But where Ratzinger laments dissolution, Derrida proposes deconstruction as a project of repair and recovery. Naas says that

> instead of diagnosing a crisis of European reason and proposing a reform or rehabilitation of it, Derrida wishes to demonstrate the faith – which would not be Jewish or Christian or Muslim – that makes science and religion possible in the first place and that is at the origin of our belief in these *today*.

In the dialogue of cultures, Naas concludes

> a deconstructive reason might be more promising than a return to Greek *logos* for the kind of interfaith dialogue the Pope himself was seeking to promote.[205]

Perhaps there is a task here, to re-express natural law in a mode that can speak to postmodernity. Ratzinger would then be right to champion a broadening of reason, but wrong if he dismissed modernity. Secularism *is* an unhealthy dogmatism, but Ratzinger's theological anti-relativism may run the same risk. We know that 'radical orthodoxy' eschews ways of meeting between the religious and the secular. Perhaps there is something called 'radical secularity' in which the religious and the secular can find a way of meeting to acknowledge their common origin. That sounds like a genealogical project, to which Ratzinger would whole-heartedly subscribe, as long as alongside the endorsement of modernity/postmodernity, it used the full breadth of reason and encompassed, rather than ruled out of court, the human person's capacity for transcendence, and the venerable tradition of natural law.

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[204] J. Ratzinger, 'In Search of Freedom: Against Reason Fallen Ill and Religion Abused,' *Logos*, Volume 4, No 2, (2005). This is the text of a speech delivered by Ratzinger on the 60th anniversary of the Allied landing in Normandy. It was initially published in the *Frankfurter Allgemeine Zeitung*.
[205] Naas, *Derrida's* Laïcité, p.37.

The capacity for the religious and the secular to find common cause in the human person will therefore be the subject of the two final chapters of the thesis, which will explore how the Regensburg dialogue of cultures plays out in reality in the dialogue with the secular and the dialogue with Islam.

7.7: *LOGOS* THEOLOGY, NATURAL LAW AND AN INCLUSIVE CONCEPT OF HUMAN RIGHTS

Conscious of his own ambivalence about both natural law and human rights, Ratzinger in 2005 asked the International Theological Commission to seek a way forward for both. I conclude this chapter by using the Commission's report as a signpost towards a *logos* theology of human rights within the tradition of natural law.[206]

The word *logos* is used 20 times in the text, tracing the transition from the Stoic *logos*[207] to the Patristic *Logos*.[208] In this transition, the Stoic immanentist vision of a pantheistic cosmos is replaced by the transcendent wisdom of the Creator: 'To conduct oneself in conformity with reason amounts to following the orientations that Christ, as the divine *Logos*, has set down by virtue of the *logoi spermatikoi* in human reason.'[209] The concept of the *logos* is deployed to lament the loss of the metaphysics of being, the

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[206]International Theological Commission, *In Search of a Universal Ethic: A New Look at the Natural Law*, 2009. Available at:
http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20090520_legge-naturale_en.html (Accessed: 8 July 2014).
Hittinger says of this document that 'the purpose and the intellectual attitude is Ratzingerian to the bone'. He hears Ratzinger's voice in the very word 'search', which he sees as an echo of the use of the word 'search' in *Fides et Ratio*. See Hittinger, *Natural Law and Public Discourse: The Legacies of Joseph Ratzinger*, p. 264. In harmony with the 'search' idea, Ratzinger tells Peter Seewald (*Salt of the Earth*, p.41), that man is 'a being on the way.'
[207] 'an eternal law ... which is present both in the cosmos – which infuses it with rationality – as well as in human reason.' *In Search of a Universal Ethic,* para.21.
[208] 'to follow nature and reason is to follow the personal logos, the Word of God.' *In Search of a Universal Ethic,* para.26.
[209] *In Search of a Universal Ethic,* para.26.

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metaphysics of creation, and the moral significance of nature.[210] But it is also used to propose Jesus Christ as the correct framework for an understanding of natural law:

> The very person of Christ, *Logos* and Wisdom incarnate, thus became the living law, the supreme norm for all Christian ethics. The *sequela Christi*, the *imitatio Christi* are the concrete ways of carrying out the law in all its dimensions.[211]

In terms of the tradition and genealogy of natural law, *In Search* offers a definition of natural law in line with Aquinas, avoiding any overt connection to the scriptures or religious belief.

> This law, in substance, affirms that persons and human communities are capable, in the light of reason, of discerning the fundamental orientations of moral action in conformity with the very nature of the human subject and of expressing these orientations in a normative fashion in the form of precepts or commandments.[212]

Two genealogical pathways are identified. A Hellenized route leads from Plato and Aristotle via Stoicism and Philo to Paul and the Fathers. A scriptural route leads in from the Decalogue, the Wisdom literature and the Sermon on the Mount. Late medieval voluntarism is identified as the precursor of a secularization of Aquinas, resulting in Hobbes' *auctoritas, non veritas facit legem*, and Grotius' *etsi Deus non daretur*.

In terms of the Roman Catholic tradition, the maximalist, rationalist excesses of pre-conciliar natural law are acknowledged; its human nature essentialism is ahistorical, its excessive intrinsicism a bracketing of sin and grace, its deductive *a priori* reasoning unacceptably rigid and over-ambitious in its code of rules covering every eventuality. The link between natural law and human rights is central to the document.

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[210] *In Search of a Universal Ethic,* paras.72 and 78.
[211] *Ibid.,* para.109.
[212] *Ibid.*, para.9.

After the Second World War, the nations of the entire world were able to create a Universal Declaration of Human Rights, which implicitly suggests that the source of inalienable human rights is found in the dignity of every human person. The present contribution has no other aim than that of helping to reflect on this source of personal and collective morality.[213]

Like the Universal Declaration, it addresses itself to the question concerning 'objective moral values which can unite human beings and bring them peace and happiness' and the 21st century's need 'to search for this common ethical language.'[214]

Natural law is linked to the battle against 'relativistic individualism', a battle which is traced back to Plato's confrontation with the Sophists. Natural law is upheld as a guarantor of freedom of conscience, or 'the duty of disobedience'.

Central to the search are the two themes which form the subject of the following chapters. Natural law and human rights are linked as the ethical underpinning of democracy and the priority of natural justice over the state's positive law is constantly emphasised:

The norms of natural justice are thus the measures of human relationships prior to the will of the legislator. They are given from the moment that human beings live in society. They express what is naturally just, prior to any legal formulation. The norms of natural justice are expressed in a particular way in the subjective rights of the human person.[215]

Natural law is also seen as an ally in the dialogue of cultures, making possible an intercultural and interreligious dialogue in the interests of peace. Modelling this strategy, Chapter One of the document open-mindedly and inclusively explores natural law thinking in the world's major religions, acknowledging the particularism and voluntarism of the Islamic approach to

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[213] *In Search of a Universal Ethic*, para.115.
[214] *Ibid.,* para.3.
[215] *Ibid.,* para.92.

law, but suggesting that many elements of Islamic law 'take up again or repeat the great elements of the moral patrimony of humanity.'[216]

CONCLUSION

The I.T.C. report on natural law is exclusive, in that its vision of human rights and natural law is unapologetically Christological. But the Report is also inclusive, in that it embraces the non-Christian sources of human rights and natural law. It invites partners to a dialogue about a universal ethic, a dialogue which is open to the universal capacity of human rationality to participate in the wisdom of the creator, a dialogue with both the secular and religious worlds. It is to this dialogue with the secular and religious worlds that we turn our attention in Part Three of the thesis.

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[216] *In Search of a Universal Ethic,* para.17. This section takes further the early attempt by Ratzinger to explore cultural expressions of the 'interlocking of politics, religion and morality' in Chinese and Indian traditions. See *Values in a Time of Upheaval*, pp.13-14.

CONCLUSION ON PART TWO:

RESTORING THE *LOGOS* TO THE CULTURE OF HUMAN RIGHTS

Chapter Six was a response to Ratzinger's Regensburg suggestion that the creative synthesis between Greek and Christian thought, so carefully nurtured in biblical and patristic theology, was pulled apart by Christians themselves as early as the Middle Ages. This chapter raised the question of the history of human rights and the role played by Christianity in the development of the concept of universal subjective rights. It also involved the question of what attitude a Christian should take to the modern moral order of exclusive humanism within which the contemporary culture of human rights is promulgated. This culture is now predicated on a rationality based on an ontology of materialism, an epistemology of positivism and an ethic of utilitarianism.

A *logos* theology of human rights will be built on a broader rationality which embraces a thick theory of human rights, grounded in what God has ordained, not on a restricted rationality which can only countenance a thin theory of human rights couched in terms of what society has legislated for itself out of prudential self-interest.

A *logos* theology of human rights will have to take a position on the issue of theological voluntarism. If the theology of human rights is based simply on obedience to the Divine Will that God as Word has expressed, then all legislative power must be handed to the interpreters of God's word in the scriptures. If it is based on a patient listening to what the *logos* has spoken in the past in the great philosophical and religious traditions of humanity, and continues to speak in the *logos* of the human person, and the *logos* of civil and political discourse, then the construction of a good society is a collaborative task for all. The Universal Declaration does not claim to be an expression of the will of God, but nor does it claim to be

merely the expression of the will of a particular ruler, or State, or constitution or culture. Instead it sees itself as something in between, something constructed, certainly, but also something 'recognized', something that is as much gift as artefact.

The Universal Declaration is a 'big tent', a place of meeting for all the cultures of the world. This tent can simply be accepted as a structure where certain working rules abide, but it will be strengthened if each culture is left free to attach its own rope to support that structure. Its fabric is the dignity of the human person, which can be translated into many different languages and dialects. For a *logos* theology, the central pole which supports the whole structure is the *logos*, a rationality which is tall enough to reach right up and pierce the tent itself, because it participates in the supreme *Logos*, the creative Word made flesh. A *logos* theology does not seek to impose these transcendent roots of human dignity on the wider world. It certainly professes them to the Christian community. It further brings to the dialogue of cultures a genealogy of human rights which reminds humanity of how it came to the liberating discourse of human rights by finding, losing, and potentially finding again a rationality that could encompass both *logos* and *Logos*. The relationship between the concept of human rights and Christianity and is like that of a child that has left home for many years, and comes back changed, with a certain worldly wisdom to impart to its parent, but also with the need to be healed of its wounds by a reminder of wisdom of the home it left.

Chapter Seven responded to Ratzinger's adherence at Regensburg to the doctrine of an analogy between God and the human person, between God's Creative Word and our created reason. This doctrine finds ethical expression in the theory of natural law. A *logos* theology is a theology which still believes in natural law and which holds natural law to be the true underlying thought structure of the framework of human rights. The concept of the *logos* is an

appropriate way of encapsulating a theology which adheres to natural law, because it is the central term in the Stoic philosophy which lies at the origin of natural law.

The *logos* is as much a biblical as a philosophical term and so the type of natural law proposed by a *logos* theology will be as scriptural as it is philosophical. *Logos* theology will elucidate human rights and the dignity of the human person through three types of natural law. The classical formulation of Thomas Aquinas holds ontology, epistemology and ethics together in a cosmic order. The eighteenth century version of Hobbes and Rousseau strips the divine ontology out of the system of natural law, leaving it free to champion the freedom of either the individual or the state. There is finally the intermediate natural law of Locke and Grotius, which retains almost all the key features of the classical formulation, but emasculates the divine by reducing it to a merely notional deist guarantor. Ratzingerian theology will insist that natural law should serve the role of a higher law with which to critique the positive law of the liberal democratic state and will expect human rights, as an expression of natural law, to fulfil this purpose.

The contemporary modern, or postmodern, world has a choice as to how to understand human rights. Rights can stand simply as historical, culturally-conditioned, expedient and prudential constructs of legal positivism. Or they can be invested with the ethical imperatives of peremptory norms. Their resilience and authority can come from the fact that they have been agreed upon, and they can be rendered justiciable through embodiment in legal instruments. Alternatively, it can come from their grounding in the dignity of the human person. Dignity itself can be understood within a secular, immanent anthropology, based on the conditions of human flourishing, or dignity can be based on a religious or theological anthropology, grounded in the human capacity for transcendence.

Natural law can embrace both these translations of dignity, because natural law itself in history has been formulated both in purely philosophical or secular modes as well as in truly theological and scriptural expressions. Natural law belongs to no one, and to everyone.

Part Three will put this theory to the test, by exploring the capacity of *logos* theology to dialogue with the secular and religious worlds.

PART THREE

THE *LOGOS* AT WORK IN THE DIALOGUE OF CULTURES

CHAPTER EIGHT:

RATZINGER, DEMOCRACY AND PUBLIC REASON

CHAPTER NINE:

RATZINGER, ISLAM AND RIGHTS

CHAPTER EIGHT

RATZINGER, DEMOCRACY AND PUBLIC REASON

'*For philosophy and, albeit in a different way, for theology, listening to the great experiences and insights of the religious traditions of humanity, and those of the Christian faith in particular, is a source of knowledge, and to ignore it would be an unacceptable restriction of our listening and responding'*.[1]

INTRODUCTION

The starting point for Chapter Eight is the Regensburg Lecture's critique of secular reason and rationality when it separates itself from religious faith. The chapter examines the Ratzinger theme of the self-limitation of reason through the loss of the voice of religion in the public square. This chapter will argue that dominant theories of political philosophy demand that the State be secular and impose restrictions on religious voices in the public square. *Logos* theology claims that religious voices gain legitimacy by critiquing and strengthening the moral foundations of political processes. The public discourse of human rights becomes stronger when seen as a meeting place of the religious and the secular.

In the Regensburg Lecture, Ratzinger criticizes secular modernity, when it separates itself from the tradition of religious faith and adopts a reason or rationality that is so narrow that it refuses to listen to the voice of the great religious traditions.

> This is a dangerous state of affairs for humanity, as we see from the disturbing pathologies of religion and reason which necessarily erupt when reason is so reduced that questions of religion and ethics no longer concern it.[2]

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[1] *The Regensburg Lecture*, para.60.
[2] *Ibid.* para.49.

This chapter uses the debate between Joseph Ratzinger and Jürgen Habermas to provide a systematic exposition and critique of the arguments used on both sides of the contemporary debate about public reason and the role of religion in democratic discourse. The chapter aims to use the implications of the Ratzinger – Habermas debate as building blocks for an inclusive *logos* theology of human rights.

Democracy, public reason and the foundations of *logos* theology

The previous chapter has suggested that natural law can only carry complete conviction when its Greek origin in the *logos* of cosmic and human rationality is integrated with the *Logos* of Christian faith, the Word responsible for the whole of creation, which has spoken through the scriptures and which speaks as the natural law inscribed in the human heart. We have seen how objective natural law was turned into subjective natural rights by a dethronement of the Judaeo-Christian God and an enthronement of the autonomous self. Once epistemological confidence was shattered, and the metaphysical declared out of bounds, the human could no longer gain access to the divine, nor even to its own ontology. What was left was an empirical inquiry into human behaviour, conducted by a restricted rationality based not on human ends as given, but on an instrumental inquiry into human flourishing. The resulting vision of the human person as rational, autonomous, free and equal, has generally been regarded as the necessary foundation of the democratic state and its culture of human rights and the dignity of the human person. Much of contemporary society has not just lost the vision of the Judaeo-Christian *Logos*, of Christ as the foundation stone upon which a good society is built. It has even lost the vision of the Platonic / Stoic *logos* which sees society and the individual as set in order by a rationality which precedes them as a given. What is left is *logos* as the *dialogos* of democratic discourse. This is not Platonic participation, but at best a consensual equilibrium, divorced from the laws of God or the foundation of a God-designed human nature and

forgetful of the Hellenized Judaeo-Christian tradition which gave it birth. This is the dilemma addressed in this chapter, which observes what happens when a representative of Christian humanism, of the theological rationality of the *Logos* of Christ as Word made flesh, meets a representative of atheistic humanism, the philosophical rationality of secular enlightened modernity. The chapter explores the possibility of a new *logos*, which both these sides can share as a broadened reason and an expanded humanism. It asks whether a secularized rationality, which has become hollowed out, attenuated, self-referential, enclosed and exclusive, can recover its universality and inclusivity when it responds to an invitation from the *logos* theology of Hellenized Judaeo-Christianity, to listen and respond to an ancient wisdom tradition, alive in the Church and operative in the light which enlightens every man. The Ratzinger-Habermas encounter is not a self-indulgent academic debate, but rather an urgent intercultural encounter, and a mutually reparative exchange concerning nothing less than the capacity of contemporary culture of democracy to secure its future health as socio-political safeguard of human rights and guarantor of the dignity of the human person.

8.1: THE RATZINGER – HABERMAS DEBATE

On 19 January 2004 a debate was staged at the Catholic Academy of Bavaria between Jürgen Habermas and Joseph Ratzinger on the subject of secularization and the relationship between reason and religion.[3] I will consider this debate through the three areas of ontology,

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[3] Joseph Ratzinger and Jürgen Habermas, *Dialectics of Secularization: On Reason and Religion*, edited with a Foreword by Florian Schuller, trans. Brian NcNeil, C.R.V., (San Francisco: Ignatius Press, 2006). The debate was hosted by the Bavarian Catholic Academy of Munich and chaired by the Academy president, Dr. Florian Schuller. The audience was restricted to about thirty, and included cardinals, statesmen and prominent intellectuals. Habermas was there as the foremost atheistic European political philosopher and defender of the secular liberal state, Ratzinger as the most prominent defender of the tradition of European Christianity in general and of Roman Catholic doctrine in particular. Ratzinger's contribution is re-issued as Chapter 2 of *Values in a Time of Upheaval*. Although Brian McNeil is again credited as the translator, the translation is quite different from the version found in *Dialectics of Secularization*. Rourke describes this debate as 'one of the most intriguing, yet still poorly publicized, intellectual confrontations', and describes Habermas as 'the most highly respected Continental philosopher in the field of political philosophy.' See Rourke, *The Social and Political Thought of Benedict XVI*, p.96. Roselló describes the encounter as 'the most unique carried out to date on the

epistemology and ethics, deconstructing the arguments around six core values of enlightened modernity and the secular liberal state: rationality, law, democracy, solidarity, secularization and pluralism.

8.1.1 Rationality: the ontological foundation of democracy and human rights

I will start with reason because, just like Regensburg, first and foremost, this is a debate about reason or rationality, in which the stakes are high and the issues grave.[4] Habermas stands in the enlightenment tradition of Kant, 'the tradition of a rational law'.[5] His legitimation of democracy is procedural rationality, by which he means 'an inclusive and discursive formation of opinion and will' which 'establishes an assumption that the results will be rationally acceptable'.[6] Inspired by Kant, Habermas claims that 'the basic principles of the constitution have an autonomous justification and that all the citizens can rationally accept the claim this justification makes.'[7]

Ratzinger has appealed all his life for a return to reason 'in the sense of reasonableness.'[8] He appeals to 'the reason we share in common', which forms 'the basis for

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matter in hand.' Meritxell Roselló, *Religion and Secularism: An Impossible Binomial for Interculturality*, p.196, Available at: http://www.iemed.org/observatori/arees-danalisi/arxius-adjunts/qm-16-originals/roselloMeritxell_review%20religion%20and%20secularism_qm16.pdf (Accessed: 9 December 2015). Nemoianu disagrees with Rourke and says the dialogue 'stirred unusually high waves in European intellectual life.' Virgil Nemoianu, 'The Church and the Secular Establishment: A Philosophical Dialogue Between Joseph Ratzinger and Jürgen Habermas', *Logos* Vol.9, Issue 2, (Spring 2006), pp. 17-43, at p.18.
[4] Rourke (p.99) concludes with this point: 'This dialogue is a reflection of his constant thinking, which has always been open to the world of philosophy. Benedict knows that this debate is not really about faith vs. reason. Rather, it is about the ultimate status of reason and its role in preserving systems of government, freed from the dual pathologies of Stalinism and Pol Pot on the one hand, and Bin Laden and the Taliban on the other.'
[5] *Dialectics of Secularization*, p.24. *Le Monde* calls Habermas '*le meilleur représentant de la philosophie des Lumières*'. Daniel Vernet, 'Benoît XVI, la foi, la raison et la modernité, Le Monde, 6 January 2006. Available at: http://www.lemonde.fr/europe/article/2005/08/17/benoit-xvi-la-foi-la-raison-et-la-modernite_677835_3214.html?xtmc=habermas_benoit_xvi&xtcr=10 (Accessed 21 January 2016).
[6] *Dialectics of Secularization*, p.26.
[7] *Ibid.*, p.28.
[8] Twomey, *Pope Benedict XVI, The Conscience of Our Age*, p.78.

a consensus about the ethical principles of law in a secular society'.[9] He deplores 'the pathologies of reason' seen in the application of scientific and technological expertise to such products as the atomic bomb and human cloning.[10] He speaks of the 'hubris of reason', the elevation of empiricism to the status of sole legitimate epistemology.[11] Such reason 'must be warned to keep within its proper limits.'[12] Ratzinger even-handedly warns of 'pathologies of religion' and, as at Regensburg, calls for religion to subject itself to 'the divine light of reason'.[13]

Ratzinger claims that the secular rationality of enlightened modernity has an inherent philosophical problem, since 'it comes up against its limitations when it attempts to demonstrate itself.'[14] Ratzinger asks 'that we free ourselves from the blindness typical of our age, that is, the idea that faith has nothing more to say to contemporary man because it contradicts his humanistic idea of reason...'. For Ratzinger, there is 'a necessary relatedness between reason and faith'.[15]

Habermas deplores postmodernism's acceptance of 'a self-destructive intellectual and societal rationalization.'[16] He asks philosophy to engage with the cognitive challenge of

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[9] *Dialectics of Secularization*, p.69. Ratzinger the theologian uses the terms 'reason' and 'rationality' over 30 times in his paper, the philosopher Habermas just 7.

[10] *Ibid.,* p.77.

[11] Sarto comments that for Ratzinger, 'the main, constant battlefront is his encounter with secular reason.' See Pablo Blanco Sarto, '*Logo*s and *Dia-Logos*: Faith, Reason, (and Love) According to Joseph Ratzinger', *Anglican Theological Review*, Vol.92, Issue 3. Available at:
http://www.anglicantheologicalreview.org/static/pdf/articles/sarto.pdf (Accessed: 23 September 2014). Nemoianu is in the same area when he says that 'there are few places in the current world where reason finds more reliable support than inside the Catholic magisterium'. Nemoianu, *The Church and the Secular Establishment*, p.32.

[12] *Dialectics of Secularization,* p.78.

[13] *Ibid.,* p.77.

[14] *Ibid.,* p.76.

[15] *Ibid.*, p.78. He aligns himself with the patristic tradition which taught that religion needed to be 'purified and structured by reason'. (p.26.)

[16] *Ibid.*, p.37. Bernstein comments that 'In a time when it has become so fashionable to attack, mock, ridicule the claim to Reason, Habermas is not afraid to appear 'old-fashioned.' Richard J. Bernstein, 'An Allegory of Modernity / Postmodernity: Habermas and Derrida', in Lasse Thomassen,(ed.) *The Derrida-Habermas Reader*, (Edinburgh: Edinburgh University Press, 2006), p.79. Habermas' critique of enlightened modernity is influenced by the neo-Marxist Frankfurt School and stands in the tradition of Adorno and Horkheimer, who drew attention

religious belief and is pleased that both philosophers and theologians have been involved in a 'self-reflection' on philosophy's 'religious-metaphysical origins.'[17] But he clings to one irreducible certainty, the 'generic distinction' and 'grammatical borders' between 'the secular discourse that claims to be accessible to all men' and 'the religious discourse that is dependant upon the truths of revelation.'[18]

Nevertheless, out of 'the respect due to persons' and to the integrity and authenticity of religious convictions, Habermas asks reason to desist from passing cognitive judgement on the truth claims of religious traditions.[19] Going further, he calls for philosophy to 'be willing to learn from religious traditions'. There is an 'assymetry' between the epistemological claims of philosophy and theology, *in favour of theology*. Habermas speaks of an 'ethical absence' and wants philosophy to admit that something has been lost from a society to which 'every universally obligatory concept of a good and exemplary life is foreign'.[20]

Habermas shows a profound respect and admiration for the communal life of the religions, for their vibrant traditions of scriptural interpretation, their capacity to touch 'lives that have gone astray', to heal society's 'pathologies', to give direction to peoples' plans for their lives, and to heal 'the deformation and disfigurement of the lives that people share with one another'.[21] Habermas admires the Roman Catholic tradition's respect for the *lumen naturale* of reason.[22] He even shares an interest in Ratzinger's Regensburg theme of the Hellenization of Christianity, agreeing that there was 'mutual compenetration of Christianity and Greek metaphysics'. Where Ratzinger is interested in what Christianity learned from

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to the totalitarian nature of the Enlightenment, where 'self-preservation' leads to 'social coercion'. Horkheimer and Adorno, *Dialectic of Enlightenment,* p.9.

[17] *Dialectics of Secularization,* p.38.
[18] *Ibid.,* p.42.
[19] *Ibid.,* p.42.
[20] *Ibid.,* p.43.
[21] *Ibid.,* p.44.
[22] *Ibid.,* p.25.

philosophy, Habermas is interested in what philosophy learned from Christianity. He acknowledges the debt owed to Christianity for such 'heavyweight' secular concepts as 'autonomy' and 'individuality.'[23] He recommends a process he calls 'transformation' or 'translation'.[24] Philosophy transformed the theological concept of the *imago Dei* by translating it into 'the identical dignity of all men that deserves unconditional respect'.[25] Religion is helping philosophy here, by providing it with the depth it cannot achieve on its own. But philosophy is helping religion, making it intelligible to secular culture, which has lost all contact with its Christian roots, and to other religious cultures unfamiliar with those roots.

Conclusion on reason

Both interlocutors agree that there is an intimate relationship between reason and faith, between philosophy and religion and in the potential for ongoing cross-fertilization between the two.[26] Philosophy would recover an ethical depth and purpose that can only come from

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[23] *Dialectics of Secularization,* p.44. Habermas lists 'responsibility, autonomy, and justification; or history and remembering, new beginning, innovation, and return; or emancipation and fulfilment; or expropriation, internalization, and embodiment, individuality and fellowship'.

[24] Welker points out that the German word for translation, *Aufhebung*, is a loaded term with a pre-history in the thought of Kant, Marx and Hegel. Welker ascribes to it a 'Hegelian double meaning' of 'sublation' and 'maintenance', implying a kind of subversion through transposition. See Michael Welker, 'Habermas and Ratzinger on the Future of Religion', *Scottish Journal of Theology*, Vol.63, Issue 04, (November 2010), pp.456-473, at p.456. Cavanaugh comments wryly that 'Christian symbols must be run through the sausage-grinder of social ethics before coming out on the other end as publicly digestible policy.' William T. Cavanaugh, *Theopolitical Imagination: Christian Practices of Space and Time*, (Edinburgh: T & T Clark, 2003), p.5.

[25] Elsewhere, Habermas, following Kant and *contra* Carl Schmitt, is adamant that we must retain the concept of dignity as the moral core of human rights. Dignity is no mere 'smokescreen', but a 'portal' through which equality is cashed out in 'legal currency', and a line is trod between realism and 'the utopian impulse.' See J. Habermas, 'The Concept of Human Dignity and the Realistic Utopia of Human Rights', *Metaphilosophy*, Volume 41, No. 4, (July 2010), pp.464-480, at pp.469-470 and p.478.

[26] Skidelsky says that although the Habermas / Ratzinger encounter had all the makings of 'an epic duel', between 'two old men', the extent of agreement between the two meant that 'the duel never took place.' Edward Skidelsky, 'Habermas v. the Pope', *Prospect Magazine*, 20 November 2005. Available at: http://www.prospectmagazine.co.uk/opinions/jurgen-habermas-pope-benedict-xvi-ratzinger (Accessed: 3 December 2015). Somewhat mischievously, Skidelsky describes Habermas as 'the darling of the 68ers' and Ratzinger as 'the apotheosis of reaction'. Hovdelein sees Ratzinger speaking 'in irenic terms', on an 'equal footing' and in 'mutual respect.' Olav Hovdelein, 'Post-Secular Consensus?', *Australian ejournal of Theology*, Vol.18, No.2, (August 2011), available at http://aejt.com.au/_data/assets/pdf_file/00004/374413/AEJT10.33_Fomatted_Hovdelien_Post-

metaphysics and a renewed sense of its ethical mission. Theology would reject extremism and recover the philosophical language with which to explore and express its truths. Habermas emerges as positive and constructive, evincing a warm sense of the plight of the real people and the potency of living faith. With his combined themes of transformation and proceduralism, he has thought through the actual mechanics of a dialogue between reason and faith. Ratzinger's more negative tone results from his greater fear of the evils of technology, as well as his acute sense of the perils of religious fundamentalism. In Ratzinger's scheme, modernity's reason seems to face a double challenge: it needs to be reined in and limited, to prevent it performing the unethical, but it also requires a Regensburg-style broadening, in order to embrace the insights of faith, and recover the capacity for the ethical. Habermas, we have seen, is in sympathy with both these moves. Both men doubt the universality and inclusivity of secular rationality, both demand a dialogue, and blur the boundaries, between faith and reason.

8.1.2 Communicative action or natural law: the epistemological foundation of law and democracy

8.1.2.1 Law

For Habermas the law is 'a straightforward matter of *de facto* legislation'.[27] It finds its theoretical underpinning and legitimation in the democratic means by which it has been formulated. The constitution is something the citizens give to themselves. Because it is self-legitimated, Habermas dismisses the need for any 'pre-political foundations of the democratic

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Secular_Consensus.pdf. (Accessed: 21 September 2014), p.108. For Nemoianu, Ratzinger displays 'supple intelligence, diplomatic tact, and quiet, patient meekness.' Nemoianu, *The Church and the Secular Establishment*, p.28.

[27] *Dialectics of Secularization*, p.22.

constitutional state.' His stance is that 'there is no ruling authority derived from something antecedent to the law'.[28]

Ratzinger, however, insists on these 'pre-political moral foundations'. Democratically created law is always called into question by the fact that democratic majorities can be 'blind or unjust'.[29] We have to face 'the question of the ethical foundations of the law', of 'its own inherent criteria', a question which 'goes generally unanswered.'[30] These inherent criteria, or 'normative elements', represent 'something that is of its very nature inalienably law', are found in human rights, standing outside majority decision-making.[31] Ratzinger does ground human rights in natural law, despite misgivings about its unintelligibility to the contemporary mind. He concedes, however, that natural law has become a blunt instrument and does not place it at the centre of his appeal.[32]

Habermas' defence of democracy is conducted in the shadow of the Holocaust and 'moral indignation at massive breaches of human rights.'[33] Like Ratzinger, Habermas maintains that there is a continuity between human rights and the natural law tradition.[34] However, like Ratzinger, he finds a discontinuity; the Enlightenment vision of 'a state authority with a neutral world view' is a product of 17th and 18th century philosophy.

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[28] *Dialectics of Secularization,* p.27. Ratzinger also associates this view with H. Brunkhorst, '*Der lange Schatten des Staatswillenspositivismus*', *Leviathan* Vol 31 (2003): pp.362-381. The title can be translated as 'the long shadow cast by the positivist theory of the will of the State'. Hauke Brunkhorst (b.1945) was Professor of Sociology at the University of Flensburg and studied under Habermas as part of the 'Frankfurt School'. He is a specialist in political theory and European constitutional affairs.
[29] *Ibid.,* p.60.
[30] *Ibid.,* p.59 and p.56.
[31] *Ibid.,* p.60.
[32] 'The natural law has remained (especially in the Catholic Church) the key issue in dialogues with the secular society and with other communities of faith in order to appeal to the reason we share in common and to seek the basis for a consensus about the ethical principles of law in a secular, pluralistic society. Unfortunately, this instrument has become blunt. (*abgestumpft*: 'dulled', 'truncated') Accordingly, I do not intend to appeal to it for support in this conversation.' *Dialectics of Secularization*, p.69.
[33] *Dialectics of Secularization,* p.34.
[34] 'Naturally, the history of Christian theology in the Middle Ages, and especially of late Spanish Scholasticism, forms part of the genealogy of human rights'. *Dialectics of Secularization*, p.24.

Conclusion on law

Both interlocutors understand that the disasters of the 20th century have raised the question of the liberal state's foundations. For Ratzinger, this foundation is human rights, which he regards as the last surviving element of natural law.[35] For Habermas, the foundation is the constitution.[36] For Ratzinger, human rights sit outside the constitution and being prior to it, are able to pass judgement on it. For Habermas, the constitution can legitimate and regulate itself through the rational democratic procedure by which it comes into being. Pursued logically, Habermas' position means that the foundational laws of a society may have any imaginable content, as long as this is legitimized as a product of a democratic process.[37] For Ratzinger, human rights still beg the question of their own legitimation, and so in his mind we must regress one more step: natural law is the theoretical legitimation of human rights and the distancing mechanism from which to evaluate the justice of democratically derived laws. Habermas excuses himself from this move to natural law, on the grounds that the liberal state was forged out of the philosophical reflections of the enlightenment and not from natural law.[38] We could say that Habermas is still influenced by 'an age of widespread suspicion and hostility to the very idea of universally binding moral truths.' [39]

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[35] Rourke (p.97) sees Ratzinger's reliance on human rights as 'in some ways in tension with his typical emphases'.

[36] Habermas retains the idea of human rights, but only as a process of socialization. They provide the conditions for communicative action, but they are *not* pre-political, as in classic Lockean liberalism. See James Gordon Finlayson, *Habermas: A Very Short Introduction*, (Oxford: Oxford University Press, 2005), pp.111-113.

[37] This point is made by Hovdelein, *Post-Secular Consensus?* p.111.

[38] There are in fact three permutations of the relationship between positive law and natural law. Natural law may be expected to provide both the content and the legitimation of positive law (as in Aquinas), or merely the legitimation, or merely the content. See Norberto Bobbio, *Thomas Hobbes and the Natural Law Tradition*, (Chicago, IL: The University of Chicago Press, 1993), p.157. Bobbio (1909-2004) puts Hobbes in the third category.

[39] Matthew T. Eggemeier, 'A Post-Secular Modernity? Jürgen Habermas, Joseph Ratzinger, and Johann Baptist Metz on Religion, Reason, and Politics', *The Heythrop Journal*, Volume III, (2012), pp.453-466, p.455-456.

8.1.2.2 Democracy and solidarity

Habermas' passionate concern for people in their real life situations, alongside his strong commitment to constitutional democracy, leads him to emphasise the need for some means of fostering social solidarity. An active, virtuous citizenry is vital to the democratic project, which is predicated on citizens as willing subjects of a law they have co-authored.

Habermas is simultaneously cognizant of the deleterious effects of modernity's 'isolated monads acting on the basis of their own self-interest' and using human rights 'as weapons against each other'.[40] Solidarity is crumbling in the face of the global economy and its 'trade mechanisms that aim at profit and at the realization of individual preferences'.[41] Habermas professes confidence that the liberal state can produce its own 'motivational presuppositions'.[42] The freedom of communication which is granted to citizens is a uniting bond that encourages engagement in topics that concern everyone.[43] The alternative viewpoint, which Habermas rejects, is the one attributed to Böckenförde, which is that the liberal state depends for its solidarity on the 'pre-political ethical convictions of religious or national communities'.[44] Yet Habermas concedes that true solidarity can only arise 'when the

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[40] *Dialectics of Secularization*, p.35. Nemoianu expands on this point: 'Thus individualist and selfish centrifugality changes the codes of human rights into arsenals providing armament and ammunition in the conflicts between groups and between individuals, each seeking higher moral validation and, basically, a larger slice of the socioeconomic pie in general.' Nemoianu, *The Church and the Secular Establishment*, p.25.

[41] *Dialectics of Secularization*, p.36. Elsewhere Habermas speaks of 'the four big moral-political liabilities of our time.' These are listed as i) Third World hunger and poverty, ii) torture and human rights violations in autocratic regimes, iii) social inequality in the First World and iv) the nuclear arms race. See J. Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen, (Cambridge: Polity Press, 1990).

[42] *Dialectics of Secularization,* p.31.

[43] Rorty admires Habermas' 'philosophy of intersubjectivity' which involves 'treating as true whatever can be agreed upon in the course of free discussion.' Richard Rorty, "Habermas, Derrida and the Functions of Philosophy" in Thomassen, *The Derrida-Habermas Reader*, p.48.

[44] *Dialectics of Secularization,* p.27. Michael Welker explains that Böckenförde was a constitutional judge. In 1968 he contributed an article to a '*Festschrift*', (i.e. a book honouring a respected academic), produced in honour of E. Forsthof and entitled 'The Emergence of the State as a Process of Secularization'. Böckenförde's article was entitled 'The liberal secularized state exists based on presuppositions it cannot guarantee.' Welker comments that this line could qualify for the Guinness Book of World Records as the most frequently quoted jurisprudential statement of the twentieth century. See Welker, *Habermas and Ratzinger on the Future of*

principles of justice have penetrated more deeply into the complex of ethical orientations in a given culture'.[45] In other words, he knows that the kind of solidarity democracy needs cannot be imposed by law. He openly expresses doubt that modern society will be able to achieve stability 'on the basis of the secular forces of a communicative reason' and fears that 'the sources of this solidarity may dry up altogether'.[46] With equal candour, he hopes that religious fellowships might be given 'the possibility of bringing their influence to bear on society as a whole'.[47] He calls for public recognition of the religions 'in view of the functional contribution they make to the reproduction of motivations and attitudes that are societally desirable.'[48]

Habermas' meditation on solidarity and the failures of the Western project could easily be read as coming from the work of Ratzinger. However, Ratzinger relies less on socialization; ethics must place a brake on the untrammelled application of scientific and technological capabilities. He is also more concerned with *global* solidarity, fractured by fundamentalist terrorism and only capable of being healed through a Regensburg-style mending of the rupture between religion and reason.

Religion, p.460. The Böckenförde reference is Ernst-Wolfgang Böckenförde, '*Die Entstehung des Staates als Vorgang der Säkularisierung*', in Böckenförde, *Recht, Staat, Freiheit: Studien zur Rechtsphilosophie, Staatstheorie und Verfassungsgeschichte*, (Frankfurt: Suhrkamp, 1991), pp. 92-114. Korf explains that the Böckenförde dictum enjoys 'canonical' status in Germany and that Böckenförde was influenced by the writings of Carl Schmitt, an important interwar critic of the liberal state. See Benedikt Korf, *Review of The Dialectics of Secularization*, Article first published online: 16 August 2010. Available at: www.researchgate.net/publication/227377324_Book_review_The_Dialectics_of_Secularization_on_Reason_and _Religion_-_By_J._Habermas__J._Ratzinger_Ignatius_2006 (Accessed: 25 November 2015).
[45] *Dialectics of Secularization,* p.34.
[46] *Ibid.*, p.38 and p.22. Cooke makes the point that for religious adherents, religion is 'a source of energy that nourished and invigorates their entire lives.' Maeve Cooke, 'A Secular State for a Postsecular Society? Postmetaphysical Political Theory and the Place of Religion', *Constellations*, Vol.14, No.2, (2007), pp.224-517 at p.232.
[47] *Dialectics of Secularization*, p.49.
[48] *Ibid.,* p.46. Roselló comments that 'religion can have the function of going to the hearts of people, speaking to them with its wisdom and tradition, changing the egotistical mentality characteristic of human beings without ignoring the secular ethics of non-believing citizens who pursue the same end.' Roselló, *Religion and Secularism.* p.196.

Conclusion on democracy and solidarity

We may conclude that Habermas instrumentalizes religion. It is a means to the end of social solidarity and democratic legitimacy which is his version of inclusivity and universality.[49] For Ratzinger, religion is prior to democracy. It enjoys an ontological status as a source of ethical truth and therefore of the only authentically inclusive and universal source of democratic solidarity.[50]

8.1.3   Secularization and pluralism: the ethical foundation of the post-secular

8.1.3.1 Secularization

Habermas self-consciously counters the central tenet of the traditional secularization thesis, that religion is in decline.[51] A recurrent theme of this thesis is that there is an inevitable historical process taking place, whereby the ignorance and superstition of religious faith is retreating in the face of the enlightened reasonableness of atheistic humanism. Habermas rejects this; he recognizes the fact of the persistence of religious belief, admitting that

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[49] Adams says that Habermas wants to 'feed on' religion's normative power, while keeping his distance from its authoritative air. Nicholas Adams, *Habermas and Theology*, (Cambridge: Cambridge University Press, 2006), p.14.

[50] Skidelsky (*op.cit.*) comments that despite a 'cosy cultural convergence', 'significant differences remain'.

[51] Taylor would call this claim 'secularization 2', 'the falling off of religious practice', (Taylor, *A Secular Age*, p.2.), or as Smith expands: 'secularization theory is usually a confident expectation that societies will become secular 2 – that is, characterized by decreasing religious belief and participation', James K.A. Smith, *How (Not) to be Secular: Reading Charles Taylor*, (Grand Rapids, MI: Eerdmans, 2014). David Martin began to question the proposal 'that secularization is a very long term or inevitable trend' as early as 1978. See David Martin, *A General Theory of Secularization*, (Oxford: Blackwell, 1978). By 1994 José Casanova was able to ask 'who still believes in the myth of secularization?' See José Casanova, *Public Religions in the Modern World*, (Chicago, IL: University of Chicago Press, 1994), p.11. One of Casanova's myths is 'The Decline of Religion Thesis', by which he means the widespread sociological assumption 'that religion in the modern world was declining and would likely continue to decline', (p.25.) At the end of the 1990s key thinker on secularization Peter Berger distanced himself from his earlier 1960s stance with the words 'The assumption that we live in a secularized world is false'. See Peter L. Berger (ed.), *The Desecularization of the World: Resurgent Religion and World Politics*, (Grand Rapids, MI: Eerdmans, 1999).

'religion is holding its own in an increasingly secular environment and that society must assume that religious fellowship will continue to exist for the foreseeable future.'[52]

A second and related secularization thesis, more ideological than empirical, holds that the secular and the religious are conceptually incommensurable. The most they can hope for is a grudging tolerance. Habermas by contrast calls for something much more positive: a mutually enriching relationship which he calls 'a complementary learning process'.[53]

A third permutation of secularization theory is the philosophical assumption of cognitive or epistemological superiority on the part of secularists. In this view, the rational is all on the side of the enlightened secular, while inferior religion languishes in the ever-retreating darkness of the superstitious and irrational. Habermas objects on philosophical grounds. Secularists must grant 'that religious convictions have an epistemological status that is not purely and simply irrational', while 'naturalistic world views' based on scientific reason 'do not in the least enjoy a *prima facie* advantage over competing world views or religious understandings.'[54]

There is a fourth, essentially political, point. A common secularist stance is that the insights of religious adherents, especially if expressed in religious terms, must be excluded from the public sphere of democratic debate, where secular rationality and discourse must reign supreme. Habermas again demurs: 'religious images of the world have the potential to

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[52] *Dialectics of Secularization*, p.46.

[53] *Ibid.*, p.47. Flynn explains that the Habermas project is to use postmetaphysical thinking as the common ground on which can be built a triangulation of the three institutions of democracy, science and religion. See Jeffrey Flynn, *Review of J. Habermas, Between Naturalism and Religion: Philosophical Essays, trans. Ciaran Cronin, (Cambridge: Polity Press, 2008)*, posted online 31 May 2009, Available at: https://ndpr.nd.edu/news/24033-between-naturalism-and-religion-philosophical-essays. (Accessed: 30 September 2104).

[54] *Dialectics of Secularization,* p.51.

express truth' and this means that secularists must not 'refuse their believing fellow citizens the right to make contributions in a religious language to public debates.'[55]

These admonitions to the secular do not mean that the religious escape all restriction. Certainly, religious freedom is a bedrock of the liberal democratic settlement. However, believers must accept that the state is neutral, not confessional; they must submit to a 'universalistic legal order' and an 'egalitarian societal morality', doing everything they can to accept these cornerstones of modernity into their own religious ethos, 'in such a way that the one consistently proceeds from the other.'[56]

There is little here with which Ratzinger would disagree. Rather than engaging specifically with the secularization thesis, he views the secular through the lens of rationality:

> Although the secular culture is largely dominated by the strict rationality of which Jürgen Habermas has given us an impressive picture, a rationality that understands itself to be the element that binds people together, the Christian understanding of reality continues to be a powerful force. The closeness and the tension between these two poles varies: sometimes they are willing to learn from each other, but sometimes they reject each other to a greater or lesser degree.[57]

He then uses a wide angle lens to incorporate something 'absolutely essential' which is lacking in Habermas' exposition: 'the intercultural dimension and its consequences.'[58] The world has changed, such that discussions about law, democracy, rationality, secularization 'cannot be carried on exclusively either within the Christian realm or within the Western

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[55] *Dialectics of Secularization,* p.51.
[56] *Ibid.,* p.49.
[57] *Ibid.,* p.74.
[58] *Ibid.,* p.73.

rational tradition'.[59] Admittedly these two traditions still have global dominance, but European-style secularization may fall short of universality.

> …our secular rationality may seem very obvious to our reason, which has been formed in the West; but *qua* rationality, it comes up against its limitations when it attempts to demonstrate itself. The proof for it is in reality linked to specific cultural contexts, and it must acknowledge that it cannot as such be reproduced in the whole of mankind. This also means that it cannot be completely operative in the whole of mankind.[60]

> Ratzinger expresses a Regensburg-style concern for Islamic culture, which he sees as being capable of both 'fanatical absolutism' and 'tolerant rationality'.[61] The very existence of Islam and of the other great religious traditions of the world is evidence that an exclusively secular reason will never be the universal culture that binds the world together.

Conclusion on secularization

On the subject of secularization, I conclude that Habermas makes a convincing move beyond traditional secularization theory to a recognition of the 'postsecular', a move which is philosophical, not sociological.[62] Ratzinger meanwhile, counter-intuitively, wants secular rationality to preserve itself. A healthy secularity preserves the secular values of democracy and human rights, but recognizes its own historical contingency and denies ideological

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[59] *Dialectics of Secularization,* p.73.

[60] *Ibid.,* p.76. Jiménez Lobeira understands Ratzinger's position to be that both the Christian and the Enlightenment cultures are universal *de iure*, on a theoretical level, but that they are not universal *de facto*, on an empirical level. Pablo Cristobal Jiménez Lobeira, *Pre-political Foundations of the Democratic Constitutional State: Europe and the Habermas-Ratzinger Debate*, posted July 2010. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1633715 (Accessed: 9 October 2014).

[61] *Dialectics of Secularization,* p.74.

[62] Welker is less impressed by Habermas' move to the postsecular. He finds Habermas 'half-hearted' because he tries to cling to the Enlightenment and does not fully confront its 'repression of religion'. Welker, *Habermas and Ratzinger on the Future of Religion*, pp.470-471.

secularism. Ratzinger's move to the postsecular means other cultures renouncing violence and appreciating democracy and human rights.[63]

8.1.3.2 Pluralism

Both interlocutors question whether the human communities of the world can hold together, or whether they will disintegrate into violence and conflict. Both interlocutors, in different ways, seem to advocate a mutually enriching co-existence sustained by dialogue and reasonableness.

Ratzinger rejects Küng's global ethic project, on the grounds of both humility and realism: 'the rational or ethical or religious formula that would embrace the whole world and unite all persons does not exist; or at least, it is unattainable at the present moment. This is why the so-called 'world ethos remains an abstraction.'[64] Ratzinger also makes the point that 'a renewed ethical consciousness does not come about as the product of academic debates'.[65]

Habermas advocates a 'double learning process'.[66] Both thinkers are open to self-limitation on both sides of the secular/religious divide, aimed at 'a polyphonic relatedness' and based on 'the essential complementarity of reason and faith'.[67] Habermas knows that we live in 'a society with a plurality of world views'.[68] However, he focuses on the situation

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[63] This point is expressed by Skidelsky (*op.cit.*) in these words: 'If the modern West is to be perceived as more than merely "godless", if it is to inspire not just fear, but also respect, it must recover its ethical substance. And this in turn demands some kind of reconciliation with its own religious inheritance.'

[64] *Dialectics of Secularization,* p.76. Ratzinger believes that Robert Spaemann has provided a convincing critique of Küng's world ethos proposal in R. Spaemann, '*Weltethos als Projekt*', *Merkur*, No 570 / 571: pp.893-904. Robert Spaemann (b.1927) belongs to the same generation as Habermas and Ratzinger and is regarded as one of Germany's foremost Catholic philosophers. He has held professorships of philosophy at Stuttgart, Heidelberg and Munich. Roselló sees the *Weltethos* project as the solution: 'this should become the ultimate cause ruling humanity regardless of ideology, religion or social and national origin.' Roselló, *Religion and Secularism*, p.196. Adams is inclined to disagree: Küng's project is another Western powerplay. 'The idea that (worldviews) can be unified is a mask of violent imperialism.' Nicholas Adams, *Habermas and Theology*, p.13.

[65] *Dialectics of Secularization,* p.56.

[66] *Ibid.,* p.23.

[67] *Ibid.,* p.79.

[68] *Ibid.,* p.22.

within Western democracies, rather than the global crisis of cultures.[69] He is concerned to steer modern philosophy out of its enlightenment cul-de-sac, both for the sake of philosophy itself and its most precious product, the liberal state. In order to restore society's lost solidarity, Habermas wants philosophy and religion to heal their rupture.[70] Ratzinger wants this also, but has an eye for the broader picture, effectively issuing a Regensburg-style challenge to religion in general, and to Islam in particular, to reunite the rational with the religious.

Conclusion on pluralism

On the subject of pluralism, I conclude that where Habermas offers the rational proceduralism of deliberative democracy, Ratzinger does, in the final analysis, offer natural law: 'that which holds the world together' is found in 'the essential values and norms that are in some way known or sensed by all men'.[71]

Habermas wants a 'postsecular society.'[72] The false certainties of the secularization thesis must be set aside in order to allow 'the constitutional state to deal carefully with all the cultural sources that nourish its citizens' consciousness of norms and their solidarity.'[73]

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[69] Habermas fully understands contingency and plurality, but the German 20th century experience has left him with a horror of nihilism and relativism. Bernstein, in Thomassen, *The Derrida-Habermas Reader*, p.77, says that Habermas is greatly influenced by Horkheimer's Marxist critique of Western rationality. Habermas accepts Horkheimer's rejection of scientistic reason, but rejects Horkheimer's pessimism about the Enlightenment project in general and democratic process in particular.

[70] Eggemeier (p.455) identifies four historical moves in the relationship between philosophy and religion: Kant opens philosophy to the content of religion, Hegel submits religion to a hostile takeover by philosophy, Leo Strauss and Carl Schmitt return philosophy to a pre-modern metaphysics, Nietzsche and Heidegger dissolve philosophy into a postmetaphysical *mythos*. This helps us to understand Habermas' postsecular move as still Kantian: it is an opening of philosophy to the content of religion.

[71] *Dialectics of Secularization,* p.80. Skidelsky calls Habermas' approach 'democratically enlightened common sense'.

[72] *Ibid.,* p.46. Habermas provides a citation for the phrase 'postsecular': K. Eder, '*Europäische Säkularisierung – ein Sonderweg in die postsäkulare Geselleschaft*?', *Berliner Journal für Soziologie* 3 (2002): 331 -343. Eder's title can be translated as 'European Secularization – An Exception in Postsecular Society?' Klaus Eder, (b.1946) belongs to the next generation after Habermas and has been greatly influenced by Habermas' work. He is a sociologist who has published widely on the debate about 'the public sphere'.

Ratzinger has recourse 'to the strength of the law', (not 'the law of the stronger'), but this strength of the law cannot come from Habermas' merely contingent, constitutional factors. It can only come from 'something that is of its very nature inalienably law'.[74] But Ratzinger does *not* propose his own religion or any metaphysical basis as the legitimating force behind democracy and is *not* dogmatic in tone.[75]

Summary

This formal dialogue between a prominent atheist and a champion of religious orthodoxy shows that secular reason and religious faith have the potential to both endorse and critique each other when they engage in dialogue about the core values of enlightened modernity and the secular liberal state: reason, law, democracy, solidarity, secularization and pluralism.[76]

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[73] *Dialectics of Secularization,* p.46. Habermas includes within this concept the idea that religions should find justification for human rights from *within their own systems*, rather than merely conforming to 'the normative principles of the secular order.' See J. Habermas, 'Religious Tolerance – The Pacemaker for Cultural Rights', in Thomassen, *The Derrida-Habermas Reader*, p.202. (Originally published in *Philosophy*, Vol 79, Issue 01, January 2004, pp.5-18).

[74] *Dialectics of Secularization,* p.60.

[75] This point is noted by Sally Paddock, *Review of The Dialectics of Secularization by Jürgen Habermas and Joseph Ratzinger*, 11 February 2009. Available at: http://www.liberalevangelical.org/index.php/reviews/recent-and-relevant/140-the-dialects-of-secularization-by-juergen-habermas-and-joseph-ratzinger. (Accessed 20 November 2014). Skidelsky (*op.cit.*) agrees, describing Ratzinger as 'a humane intellectual, not the dogmatist sometimes portrayed in the liberal press.' Nemoianu also agrees. Far from being 'strict and rigid', Ratzinger is 'colloquial', 'open', 'experimental', 'playful', a 'discursive mode' which Nemoianu believes Ratzinger learned from the German Protestant School. See Nemoianu, *The Church and the Secular Establishment*, pp.19-20.

[76] Skidelsky sums up the debate in these words: 'While Habermas makes his peace with religion, Ratzinger bestows his blessing on the modern multicultural state.' Welker states that Ratzinger was not over-impressed by the debate, and provided the press with the somewhat grudging conclusion that there had been 'some agreement in operational ways.' See Welker, *Habermas and Ratzinger on the Future of Religion*, p. 470. Rourke (p.99) concedes that 'there is obviously still divergence'. The debate with Habermas was not Ratzinger's only debate with a prominent atheist. In 2004 Marcello Pera gave a lecture at the Pontifical Lateran University (12 May) followed by a lecture by Ratzinger (13 May) to the Italian Senate. Revised versions of these lectures, together with an exchange of letters, were published as Joseph Ratzinger and Marcello Pera, *Without Roots: The West, Relativism, Christianity, Islam*, trans. Michael F. Moore, (New York: Basic Books, 2006).

8.2:   CRITIQUING HABERMAS

Habermas and Ratzinger *both* uphold 'thick' theories of the democratic state, Ratzinger from a religious or metaphysical perspective and Habermas from a post-metaphysical, philosophical perspective. An alternative, potentially 'thin' theory of rights is preferred by John Rawls.

8.2.1 Habermas and Rawls

Habermas and Rawls are both adherents of political liberalism, but they disagree on its rationale.[77]   Both focus on how the democratic state's legal and constitutional structures acquire legitimacy, (the question of justification) and how it secures the loyalty of its citizenry (the question of acceptance). Rawls' answer to both questions is to be found in his concept of an 'original position'. Rationally self-interested citizens override their own autonomy and act out of principles of fairness or justice. Rawls regards his approach as superior to that of Habermas, because his political liberalism is just that, political. It 'leaves philosophy as it is' and 'leaves untouched all kinds of doctrines, religions, metaphysical and moral, with their long traditions of development and interpretation.'[78] His core starting point of citizens as rational, free and equal is *not* a philosophical position, but simply a description of the familiar features of actual liberal democratic political culture. He insists that his approach is neither

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[77] Jürgen Habermas, 'Reconciliation Through the Public use of Reason: Remarks on John Rawls's Political Liberalism', *The Journal of Philosophy*, Vol.92, No.3 (March 1995), pp. 109-131 and John Rawls, 'Political Liberalism: Reply to Habermas', *The Journal of Philosophy*, Vol.92, No.3 (March 1995), pp.132-180. Habermas and Rawls shared enough common ground for Habermas to describe this debate as 'a familial dispute' in which he offered 'a constructive critique', (*Reconciliation Through the Public use of Reason*, p.110.) The respect in which Rawls held Habermas was indicated by the fact that this was 'one of the only substantive public exchanges that Rawls ever engaged in.' See Todd Hedrick, *Rawls and Habermas: Reason, Pluralism and the Claims of Political Philosophy*, (Stanford: Stanford University Press, 2010), p.4. Hedrick (p.2.) describes Rawls and Habermas as 'two giant figures in recent political thought'. Rawls took Habermas' criticisms seriously enough to offer a 48-page reply, expressing gratitude 'for forcing me to rethink things I have said'. Rawls, *Reply to Habermas*, p.132. Habermas in conversation with Ratzinger makes explicit reference to Rawls and the 'fact of pluralism.' See *Dialectics of Secularization*, p.21.
[78] Rawls, *Reply to Habermas*, p.134.

Platonic nor Kantian (both 'thick'); it is intelligible and contradiction-free. In the original position citizens 'are situated in reasonable conditions and constrained by these conditions absolutely'. Free and equal citizens reach agreement about political principles under conditions that represent those citizens as both 'reasonable and rational'.[79] And the proof or validation of this (imaginary) process is the 'considered judgements' we must make in actual democratic discourse. Society is 'a fair system of cooperation', which proves its reasonableness by reaching 'reflective equilibrium'.[80]

Rawls' criticism is that Habermas' theory of communicative action is 'a comprehensive doctrine' which has implications for meaning, truth, morality, theoretical and practical reason. This forces Habermas to take up positions on citizens' metaphysical and naturalist views, where Rawls feels he has the advantage: he never has to deny or question these doctrines.

Habermas does have a riposte. In the original position citizens recognize the rights of liberty and equality and fairness, proceeding from their autonomy. Now if these principles or rights are moral norms or exceptionless obligations, then the construction is Kantian. But if they are really primary *goods* then they are not norms but *values*, expressing what is good for people. In that case they are either Aristotelian, (teleological) or perhaps utilitarian, (oriented towards goals of human flourishing). Either way, Rawls, despite his protestations, is offering a 'thick' or substantive theory, based on unprovable presuppositions.[81] The same ambiguity, however, affects Habermas, as to whether his postsecular is 'empirical' or 'normative'.[82]

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[79] Rawls, *Reply to Habermas,* p.139.
[80] *Dialectics of Secularization,* p.141.
[81] Habermas later provided a detailed discussion of Rawls' theory of justice and came to the conclusion that Rawls himself is unclear as to whether he is offering a historical-sociological description of what in fact works or has worked, or a theoretical prescription of how just judgements should be made. See Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg,

Habermas concludes that he has a better solution: dispense with the original position and its inherent ambiguities and contradictions and keep 'the procedural conception of practical reason free of substantive connotations by developing it in a strictly procedural manner'.[83] The test of moral truth or validity is fully rational acceptance in 'the ideal discourse situation'.[84] Adams would challenge both theorists on the grounds that communication is not 'something one can have a theory about.'[85] Yet it is in the twin theories of 'communicative action' and 'reflective equilibrium' that the differences between Habermas and Rawls dissolve:

> Reflective equilibrium ... is a point at infinity we can never reach, though we may get closer to it in the sense that through discussion our ideals, principles, and judgements seem more reasonable to us and we regard them as better founded than they were before.[86]

This is inadequate for Ratzinger. Reflective equilibrium is little more than contentment with consensus and evasion of the issue of truth.

(Cambridge: Polity Press, 1996), pp. 56-65. Habermas reads Rawls as adopting the latter position, but failing to appreciate that his system depends for its health and success on 'a culture in which basic liberal convictions are already rooted through tradition and political socialization in everyday practices and in the intuitions of individual citizens.' *Between Facts and Norms,* p.61.

[82] Cooke, *A Secular State for a Postsecular Society?* p.227. *Cf.* Finlayson: 'Habermas does not make clear to what extent he is recommending a normative ideal of deliberative or discursive democracy and to what extent he is offering an empirical theory.' Finlayson, *Habermas: A Very Short Introduction*, p.119.

[83] Habermas, *Reconciliation Through the Public use of Reason*, p.116.

[84] *Ibid.,* p.142.

[85] Adams, *Habermas and Theology*, p.98. The point Adams wants to make is that 'there is no deductive or discursive route from thinking to the grounds of thinking.' *Ibid.*, p.183. This same idea is expressed by de Gaál: 'one cannot prove the reasonableness of reason. It would require an outside agent other than reason.' de Gaál, *The Theology of Pope Benedict XVI,* p272.

[86] Habermas, *Reconciliation Through the Public use of Reason*, p.142.

8.2.2: Ratzinger and Rawls

The *Westminster Address* represents an important instance of the exercise of the religious voice in the public square.[87] Here Ratzinger sounds positive notes, such as endorsement of pluralist democracy,[88] alongside an impressive account of cooperation between church and state.[89]

On the critical side, three challenges are offered. Firstly, he confronts the British establishment with the Böckenförde question, 'the ethical foundations of civil discourse' and 'the moral principles underpinning the democratic process'. In an implied criticism of Rawls, he rejects 'social consensus' as an adequate foundation and he does this against the background of 'the totalitarian ideologies of the twentieth century'.

Secondly, his diagnosis of the problem is the Regensburg theme of reason: reason uncorrected by faith produces ideology, while faith uncorrected by reason produces fanaticism. His remedy is dialogue: secular rationality and religious belief 'should not be afraid to enter into a profound and ongoing dialogue, for the good of our civilization'. The voice of religion should not be silenced or 'relegated to the purely private sphere'. Rather it should be welcomed into 'the national conversation', not as 'a problem for legislators to solve' but as 'a vital contributor'.

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[87] Ratzinger, J., as Pope Benedict XVI, *Address to Representatives of British Society, including the Diplomatic Corps, Politicians, Academics and Business Leaders*, Westminster Hall, City of Westminster, 17 September 2010. Available at:
http://www.vatican.va/holy_father/benedict_xvi/speeches/2010/september/documents/hf_ben-xvi_spe_20100917_societa-civile_en.html. (Accessed: 11 October 2014).
[88] The list includes freedom of speech, freedom of political affiliation, respect for the rule of law, respect for the individual's rights and duties and the equality of all citizens before the law.
[89] The list is as follows: the arms trade, human rights, the spread of democracy, debt relief, fair trade, immunization and the environment, all placed in a framework of 'solidarity to the poor' and turning 'solidarity into effective action'.

Thirdly, the Church does *not* propose a political programme of its own, but it does propose 'the unique dignity of the human person' and this essentially is the moral truth the Church offers to the state.

Truth in Ratzinger is invariably linked to the issue of freedom discussed in the *Subiaco Address*.[90] The Rawlsian project, like the Enlightenment itself, is predicated on freedom as the 'fundamental value that measures everything' which necessitates the exclusion of the voice of religion from the public square. Ratzinger wholeheartedly endorses modernity's cherished freedoms.[91] He becomes uncomfortable when this 'canon' of freedoms is elevated to the status of 'a universally valid philosophy', becomes, in fact, an ideology.[92]

Enlightenment philosophy is based on a materialist/naturalist ontology, a positivist/empiricist epistemology and a utilitarian/relativist ethic. This rationality is cut off from 'the memory of humanity'.[93] In its determination to deny and exclude the religious and metaphysical, Western secular culture denies the very freedom which is its own most precious ideal. 'A confused ideology of freedom leads to dogmatism, which is showing itself increasingly hostile to freedom'.[94]

At Westminster Ratzinger criticizes the view that Christians in public roles should be required at times to act against their consciences. In his letter to Marcello Pera he sees relativism, in the name of freedom, morphing into dogmatism and intolerance.[95] Modernity

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[90] Ratzinger, J., *The Subiaco Address*, in Rowland, *Ratzinger's Faith.* Pope John Paul II died on the following day and Joseph Ratzinger was elected as Pope on 19 April. The full text is published as an appendix to Rowland, pp.156 – 165, but also, as stated above, constitutes the greater part of *Christianity and the Crisis of Cultures*.
[91] The list is familiar: freedom of religion, the religious neutrality of the state, freedom of opinion, freedom of the judiciary and freedom of democratic participation.
[92] *The Subiaco Address*, in Rowland, *Ratzinger's Faith*, p.160.
[93] *Ibid.,* p.161.
[94] *Ibid.*, p.160.
[95] Cooke has similar concerns about the lack of true tolerance or equality in the Habermasian postsecular state, which is 'unnecessarily restrictive' in its demands on believers, thereby threatening their freedom of religion and freedom of opinion. Cooke, *A Secular State for a Postsecular Society?* p.226.

imposes 'a single way of thinking and speaking' which masquerades as having 'reached greater heights than the loftiest philosophical achievements of the past' but is really 'a new pseudo-enlightenment', which threatens freedom of thought as well as freedom of religion'.[96]

A second, deep reservation about the secular is Ratzinger's suspicion concerning the unholy alliance between Rawlsian political liberalism and exploitative capitalism. We have seen Habermas expressing a nervousness about 'the dynamic of the global economy' which has spun out of control and 'could well slacken the democratic bond and exhaust the kind of solidarity that the democratic state needs but cannot impose by law.'[97] Ratzinger sees a parallel between the false freedom of the secular sphere, which seeks to exclude the religious, and the false freedom of the capitalist market, which seeks to exclude the ethical from its operations. Like the secular state, the free market hides 'its tacit philosophical presuppositions' which are essentially deterministic and contradictory to true freedom, because it excludes the reality of human freedom.[98]

There is a third area where I believe Ratzinger exhibits far greater realism about the actual practice of democracy than either Habermas or Rawls. In conversation with Habermas, he questions the concept of consensus, which in reality involves delegation through representatives and majority voting. Elsewhere he provides a full critique of the realities of democratic processes.[99]

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[96] *Without Roots:* p.128.

[97] *Dialectics of Secularization,* p.35.

[98] J. Ratzinger, 'Church and Economy: Responsibility for the Future of the World Economy', trans. Stephen Wentworth Arndt, in *Joseph Ratzinger in Communio Volume 1: The Unity of the Church*, (Grand Rapids, MI: Eerdmans, 2013), pp.78 – 84, p.79. Ratzinger, as Benedict XVI, following the global financial crisis of 2008, provided a widely admired critique of global economic systems in the papal encyclical *Caritas in Veritate: Charity in Truth*, (Dublin: Veritas Publications, 2009). The extent of support for Ratzinger's critique can be seen in the work of Adrian Pabst (ed.) *The Crisis of Global Capitalism: Pope Benedict XVI's Social Encyclical and the Future of Political Economy*, (Cambridge: James Clark and Co, 2012).

[99] J. Ratzinger, 'Truth and Freedom', trans. Adrian J. Walker, in *Joseph Ratzinger in Communio Volume 2: Anthropology and Culture*, (Grand Rapids, MI: Eerdmans, 2013), pp. 147-167, p.155-156. 'The feeling that

Furthermore, despite the emphasis on consensus and communication in Rawls and Habermas, both might be guilty of a dialogic deficit. Paskewich, for example, praises Ratzinger for striking an appropriate balance between the potentially opposing forces of moral values and secular autonomy, and for achieving the goal of keeping religion involved in politics while maintaining the distinction between church and state. Ratzinger's theological grounding of the dignity of the human person may appear to be a limitation in dialogue with the secular, but a significant strength in dialogue with Judaism and Islam.[100]

Finally, on the level of theory, as Paskewich notes, liberalism is not born *ex nihilo*. If Habermas is right, then both he and Rawls are both to some extent compromised by comprehensive doctrines, the very thing they set out either to overcome or exclude. That renders the contributions of Ratzinger and of other religious voices as worthy of respect in the public square as those of Habermas and Rawls.

Summary

Rawls has an aversion to comprehensive doctrines, and believes democracy can be sustained by political discourse. Both Habermas and Ratzinger believe it is legitimate to bring their

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democracy is not the right form of freedom is fairly common and is spreading more and more. The Marxist critique of democracy cannot simply be brushed aside: how free are elections? To what extent is the outcome manipulated by advertising, that is, by capital, by a few men who dominate public opinion? Is there not a new oligarchy who determine what is modern and progressive, what an enlightened man has to think? The cruelty of this oligarchy, its power to perform public executions, is notorious enough. Anyone who might get in its way is a foe of freedom, because, after all, the lie is interfering with the free expression of opinion. And how are decisions arrived at in representative bodies? Who could still believe that the welfare of the community as a whole truly guides the decision-making process? Who can doubt the power of special interests, whose dirty hands are exposed with increasing frequency? And in general, is the system of majority and minority really a system of freedom? And are not interest groups of every kind appreciably stronger than the proper organ of political representation, the parliament? In this tangled power play, the problem of ungovernability arises ever more menacingly: the will of individuals to prevail over one another blocks the freedom of the whole.'

[100] J. Christopher Paskewich, 'Liberalism *Ex Nihilo*: Joseph Ratzinger on Modern Secular Politics', *Politics*, Vol. 28, Issue 3, (October 2008), pp.169-176.

comprehensive doctrines, from the secular and religious perspectives respectively, to make contributions in the public square.[101]

8.3: CRITIQUING RATZINGER

I see the biggest question mark hanging over Ratzinger's position as his ambivalence over the question of natural law as a bridge between the religious and the secular and a common foundation for human rights. Hittinger agrees with Ratzinger, that the human rights conventions, as originally conceived, were based on the concept of 'a natural human dignity' as 'a norm for what can be counted as rational in the domain of conduct and conventions or contracts'.[102] Hittinger also agrees that the classical world view has been lost, with the result that now the 'human' is found in the conventional. This means that human rights are regarded as nothing more than conventions, their norms derived from Habermasian procedure or Rawlsian consensus, not from the nature of things. This leaves Ratzinger / the Roman Catholic Church, confident in proclaiming 'a high doctrine of natural law' *ad intra*, but diffident in the deployment of natural law thinking *ad extra*, 'across institutions and traditions,' a position which is neither theoretically coherent nor dialogically efficacious.

Rourke sees a disjunction between the Ratzinger who backs away from affirming natural law as the common ethical language of humanity, and the Ratzinger who 'still clearly believes' in natural law as the only place where reason, morality and democracy can

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[101] Rourke (p.98) finds in the Habermas – Ratzinger debate 'a fairly broad consensus that scientific reason by itself is not a sufficient basis to ground a democratic ethos, and that religion has at least some role to play in the dialogue about the sources and content of that ethos.' Eggemeier (p.456) points out that Ratzinger steers a difficult path, 'to resist the Scylla of instrumental-positivistic reason while also avoiding the Charybdis of postmetaphysical reason and its commitment to the position that truth is socially constructed.'
[102] Russell Hittinger, 'Natural Law and Public Discourse: The Legacies of Joseph Ratzinger', pp. 241-271, at p.261. Posted online 27 September 2014. Available at:
http://law.loyno.edu/sites/law.loyno.edu/files/Hittinger-FI-WLM-PROOF.pdf. (Accessed: 5 December 2015).
Hittinger finds Ratzinger's disavowal of natural law 'a startling remark' p.260. Rourke likewise regards it as 'most surprising.' See Rourke, *The Social and Political Thought of Benedict XVI*, p.97.

reunite.[103] This point is reinforced by Kirchhoffer who questions the efficacy of Ratzinger's broad brush endorsement of 'the dignity of the human person' as the grounding of human rights. Kirchhoffer provides a threefold deconstruction of dignity. Ontologically, it is the given fact of life. Epistemologically, it is the capacity for reason (truth), for freedom (morality), for love (charity) and for community (solidarity). Ethically it becomes teleological, a task to be performed and a purpose fulfilled. For the believer, this all sits beautifully within a theology of gift and creation. But for the secularist, it can be dismissed as fundamentalism and superstition.[104]

Welker regards Ratzinger's Hegelian trope of 'Reason' as a barrier to building bridges across the religious secular divide.[105] He would prefer him to speak, like MacIntyre, of 'rationalities'. Ratzinger will never be listened to if he demonizes all scientific rationality as scientism. He is naive about the complexity and sophistication required for any meaningful dialogue between philosophy and science. Both Habermas and Ratzinger show a marked lack of cultural and political realism.[106] Welker doubts whether such a philosophy exists and is certain it cannot be found in natural law. Revivals of natural law have always 'failed miserably' and the idea of natural law as a basis for dialogue is 'exaggerated and misguided'. Natural law is theologically suspect in itself and consists of little more than 'humans talking to themselves.' It cannot guarantee any genuinely Christian results and is therefore not a practicable basis for dialogue with the world religions. If used in interreligious dialogue, its true identity will be unmasked: 'a philosophically embellished relic of Western hegemonic

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[103] Rourke, *The Social and Political Thought of Benedict XVI*, p.97-98.
[104] David G. Kirchhoffer, 'Benedict XVI, Human Dignity, and Absolute Moral Norms', *New Blackfriars*, Vol.91, Issue 1035, (September 2010), pp.586-608.
[105] Sarto seems to share this concern when he asks 'Is this an idealistic, romantic vision of reason?' Sarto, *Logos and Dia-Logos: Faith, Reason, (and Love) According to Joseph Ratzinger*, p.509.
[106] Welker, *Habermas and Ratzinger on the Future of Religion*, p.456.

thought.'[107] Welker is even-handedly critical of Habermas, whom he suspects of translating religious statements, 'all the while hoping religion will go away.' He would prefer Habermas to 'take a real, constructive interest in the development of religion as a valid dialogue partner.'[108] The next section will show that Habermas does exactly this.

8.4: *MYTHOS* AND *LOGOS* IN THE DIALECTICS OF SECULARIZATION

8.4.1 Habermas in search of that which is missing

To the consternation of secularists, in 2001 Habermas signalled a remarkable change of direction, when he began to speak of the meaning-endowing function of religious discourse, the bankruptcy of the secularization thesis and the need for democracy to engage the religions in constructive dialogue.[109] He put this principle into practice not only in the debate with Ratzinger, but in a further colloquium with the German Jesuits.[110]

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[107] Welker, *Habermas and Ratzinger on the Future of Religion*, p.472. Welker believes that his misgivings are given added weight by the fact that he has been involved in '20 years of more or less successful international and interdisciplinary research cooperation.' (p.472).

[108] *Ibid.*, p.464

[109] That same year Habermas called for 'mutual respect for the sincerely attested power of opposed traditions' and 'mutual esteem of alien cultures and ways of life, despite differences in fundamental value-orientations.' See J. Habermas, *The Liberating Power of Symbols: Philosophical Essays*, trans. Peter Dews, (Cambridge: Polity Press, 2001), pp.35 and 43. For many years Habermas had already accepted that the ethical life of modernity was built on the Platonic foundation of the 'ideas' and the Judaeo-Christian concept of salvation. The task of philosophy is now to provide 'transmission' and 'transformation' of 'the great world traditions.' J. Habermas, *Postmetaphysical Thinking*, (Oxford: Blackwell, 1992), p.15. In the same work (p.51.) Habermas already expresses doubts about his own project: 'Philosophy, even in its postmetaphysical form, will be able neither to replace nor to repress religion as long as religious language is the bearer of a semantic content that is inspiring and even indispensable, for this content eludes (for the time being?) the explanatory force of philosophical language and continues to resist translation into reasoning discourses.' Nemoianu makes the point that Noberto Bobbio (philosopher and law scientist), Jacques Derrida (radical sceptic and relativist) and Emmanuel Lévinas (philosopher and religious thinker) all show in their later years an openness to religion. See Nemoianu, *The Church and the Secular Establishment*, p.22.

[110] Jürgen Habermas *et al.*, *An Awareness of What is Missing: Faith and Reason in a Post-Secular Age*, trans. Ciaran Cronin, (Cambridge: Polity Press, 2010). This volume resulted from a podium discussion between Habermas and representatives of the Jesuit School of Philosophy, which took place in Munich in February 2007. The publication gave contributors an opportunity to formalize and develop their contributions to the debate. Hovdelein describes Habermas' change of heart as 'nothing less than remarkable.' Hovdelein, *Post-Secular Consensus?*, p.109.

Here he speaks in an almost plaintive tone of modernity's 'melancholy over something which has been irretrievably lost'.[111] Just like Ratzinger, he speaks of 'the cognitive advance from *mythos* to *logos*' represented by the Platonic / Mosaic breakthrough. This leads him to place the origins of secular reason in 'Jerusalem and Athens'.[112] Like Ratzinger, he criticizes 'the blinkered enlightenment which is unenlightened about itself and which denies religion any rational content.'[113] Like Ratzinger, he rejects naturalism as 'a naive faith in science' and worries that an out-of-control modernity is threatening the 'morality of justice'. Using strikingly religious motifs, Habermas, the Kantian, concedes that Kant is not enough: 'practical reason fails to fulfil its own vocation' because it cannot address violations of solidarity throughout the world and is silent in the face of 'what cries out to heaven.'[114]

Like Ratzinger, Habermas asks us to revisit the genealogy of reason. His conclusions, however, differ from Ratzinger's. Indeed, he explicitly rejects the argument of the Regensburg Lecture. For Habermas' taste, Ratzinger is 'unexpectedly critical of modernity'.[115] As 'a child of the Enlightenment', Habermas cannot feel as negatively as Ratzinger about the three stages of de-Hellenization.[116] Certainly, Scotus produced

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[111] Habermas, *An Awareness of What is Missing*, p.15.

[112] *Ibid.,* p.17. Habermas adheres to the Jaspers Axial Age formulation that 'The religions which have their roots in this period achieved the cognitive leap from mythical narratives to a *logos* that differentiates between essence and appearance in a very similar way as did Greek philosophy.' J. Habermas, 'Religion in the Public Sphere', *European Journal of Philosophy*, Volume 14, No.1, (2006), pp.1-25, at p. 17.

[113] Habermas, *An Awareness of What is Missing*, p.18. *Cf.* Habermas' objection that analytic materialism is a metaphysical position: 'the scientistic background assumption that the natural sciences...do in general furnish the model and ultimate authority for all knowledge that is still acceptable.' True science accepts its own fallibility and is characterized by 'unprejudiced openness.' *Postmetaphysical Thinking*, p.21. and p.36. For Habermas' desire to build an inclusive genealogy that acknowledges both the Greek and the Judaeo-Christian traditions, see *Between Naturalism and Religion*, pp.238-239.

[114] Habermas, *An Awareness of What is Missing*, p.19. In order to understand Habermasian genealogy correctly, we must understand that he critiques Kant for clinging to the ancient tradition of Plato. In styling his own philosophy 'post-metaphysical', Habermas seeks to distance himself from 'a philosophical idealism that goes back to Plato and extends by way of Plotinus and Neo-Platonism, Augustine and Thomas Aquinas, Cusanus and Pico de Mirandola, Descartes, Spinoza and Leibniz, up to Kant, Fichte, Schelling and Hegel.' *Postmetaphysical Thinking*, p.29.

[115] Habermas, *An Awareness of What is Missing*, p.22.

[116] *Ibid.,* p.23. Eggemeier notes that here Habermas keeps company with Johann Baptist Metz. Both are happy with de-Hellenization, because it is 'an opportunity to return Christianity to its Jewish roots in order to prioritize

nominalism, and nominalism produced the Protestant voluntarist deity, but Scotus also gave rise to modern science, so we cannot have one without the other. Likewise, if you reject Kant's critique of reason and its limitation of reason's capacity to apprehend the truth about God, then you may have to reject 'the concept of autonomy which first made possible our modern European understanding of law and democracy.'[117] The Habermas / Ratzinger debate leaves us with a post-secular choice between 'a salvaging deconstruction of religious discourse' or 'a salvaging recovery of a derailed modern project.'[118] Habermas and Ratzinger alike seem to be forever caught in this double bind of respecting both modernity and religion. We see this in the comments made by John Milbank.

8.4.2 Milbank in search of a postmodern orthodoxy

Milbank provides a useful appraisal of the stances of Habermas and Ratzinger, discussed against a Regensburg-like background of Dawkinsesque ardent secularism and violent religious fundamentalism.[119] Habermas offers 'pragmatized transcendentalism', Ratzinger 'a revived blend of Greek reason with biblical faith'. Milbank welcomes Habermas' postsecular move, but rejects his demand that religion recognise 'the absoluteness of secular norms'.[120] Habermas offers a 'trade-off', outlawing both Ratzinger's metaphysics and Dawkins' scientism. Milbank dislikes Kant's 'secular consecration' of the separation of reason and faith.[121] Ratzinger is right, orthodoxy demands 'the neoplatonic logic of participation in God'. Nominalism and voluntarism are ruptures of orthodoxy. Scotian theology severs the

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praxis over metaphysics', happy with Kant, 'as an opening that makes possible the emergence of political theology' and they 'do not lament nominalism as the gateway to modernity's history of decay.' Eggemeier, *A Post-Secular Modernity?* pp.461-463.

[117] Habermas, *An Awareness of What is Missing*, p.23.

[118] Eggemeier, *A Post-Secular Modernity?* p.463.

[119] Milbank, J., 'What Lacks is Feeling: Hume versus Kant and Habermas', in Craig Calhoun, Eduardo Mendieta and Jonathan Van Antwerpen (eds.) *Habermas and Religion*, (Cambridge, Polity Press, 2013), pp.322 – 346.

[120] Habermas, *An Awareness of What is Missing*, p.15.

[121] Milbank, *What Lacks is Feeling*, p.324.

relationship between nature and grace, creating an independent category called 'nature', and separating theology from philosophy. Ratzinger is 'more prodigious historicist' because Habermasian genealogy is false.[122] Medieval science flourished perfectly well before the advent of nominalism. Constitutional governance was developing long before Kant. Ratzinger is the 'more radically historicist' because he believes 'that events can disclose truths' and trumps Habermas 'metacritically'.[123] If Kant is a development of medieval nominalism and voluntarism, he may not be as original as Habermas hopes. Subscribing to the de-Hellenization thesis, Habermas unwisely keeps company with von Harnack, whose views are falsified by the fact of biblical Hellenization and by scholarly consensus which rejects Hellenic/Hebraic opposition as an overblown dichotomy.[124]

Habermas' postsecular certainly looks postmodern. But in fact it is 'manifestly outdated in the face of the manifest revival of metaphysics'.[125] Habermas retreats into 'a modern humanist comfort zone that is no longer sustainable'.[126] Meanwhile, 'the octogenarian ex-Pope' looks 'cool', being more switched on to 'the post postmodern zeitgeist'. Here is the irony: the religious Ratzinger argues for the broadening of reason, the secular Habermas for its limitation.[127] The point at issue is serious. Ratzinger's 'advocacy of a generous extension

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[122] Milbank, *What Lacks is Feeling,* p.325. Ratzinger is never a-historical in his thought. For him, 'metaphysical and moral reason comes into action only in a historical context.' But his position is subtle: 'At one and the same time, it depends on this context *and transcends it.*' (my emphasis). *Values in a Time of Upheaval*, p.68.

[123] Milbank, *What Lacks is Feeling*, pp.325-326.

[124] With his wry aside, 'outside Germany, at least', Milbank shows that he regards the whole Hellenization debate as to some degree a German preoccupation. (*What Lacks is Feeling*, p.327.) Friedo Ricken thinks that the difference between Habermas and Ratzinger on the subject of Hellenization is not a fundamental one, but is caused by the fact that Ratzinger locates the process of Hellenization in the Old Testament and in the New Testament, while Habermas is interested in the tradition of Hellenization that runs from Augustine to Aquinas. In other words, Habermas would happily accept the Hellenization of biblical faith, while remaining nervous of the neoplatonic Hellenization of the patristic and medieval periods. See Friedo Ricken S.J., 'Postmetaphysical Reason and Religion', in Jürgen Habermas, *An Awareness of What is Missing*, pp.51-58.

[125] Milbank, *What Lacks is Feeling,* p.323.

[126] *Ibid.,* p.326.

[127] Milbank shares both Habermas' and Ratzinger's distaste for the limited nature of modernity's instrumental reason, describing it as 'bastardized.' See J. Milbank, *Beyond Secular Order: The Representation of Being and the Representation of the People*, (Oxford: Wiley Blackwell, 2013), p.7.

of reason' represents the far surer 'guard against terror' than Habermas' 'confinement of reason to formal checkability'.[128]

So Milbank helps to clarify the choice offered to modernity by the Habermas-Ratzinger debate: 'pragmatically normative criteria for communication' or 'the infinite communication of the *Logos* by the divine Father who created finite reality'.[129] Milbank admires Habermas for his misgivings about modernity and his move from secular exclusion of religion to post-secular openness to religion. However, he sees the metaphysical *Logos* theology of Joseph Ratzinger as the more convincing antidote to the pathologies of religious and scientistic fanaticism.

Habermas, too, characterizes his rationality as *logos*. Haunted by transcendence, he espouses an immanent, postmetaphysical philosophy, in full consciousness of philosophy's transcendental origins. Taking a lead from Josef Schmidt, Habermas admires the Decalogue's demand 'to transcend everything within the world', an intuition to which philosophy 'must hold fast'.[130] Habermas concludes his dialogue with the Jesuits with these words:

> We can only "master" a language of whose *logos* we heed; at the same time, this *logos* liberates us from the subjection to the immediacy of events and occurrences in the world, because we gain intentional distance from the world as a whole through intersubjective communication about something in the world.

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[128] Milbank, *What Lacks is Feeling,* p.327.
[129] *Ibid.,* p.327.
[130] J. Habermas *et al*., *An Awareness of What is Missing*, p.82. Josef Schmidt S.J. provides a contribution entitled 'A Dialogue in Which There Can Only Be Winners', in *An Awareness of What is Missing*, pp.59-71. Schmidt says that the purpose of Christian theology has always been 'to understand and communicate the talk of "*theos*" as "*logos*", and this as *logos* of the "Word" of God and of itself, and at the same time of the shared "*logos*" which unites human beings, which is "the Light", which "enlightens everyone {!}" (*Jn*.1:9)'. (Schmidt's exclamation mark).

Thus Habermas' *logos* is an immanent transcendence in the Nussbaum/Taylor vein. Ratzinger's *Logos* is rooted in divine transcendence, and incarnated in the empirical immanence of the scriptural witness and the historical reality of Christianity.

Summary

The crux of the Habermas/Ratzinger divide lies in the Habermasian concept of translation. Both accept the congruence between secular and religious concepts and their genealogical connection. But for Habermas, it is religious discourse that must retranslate itself into, and therefore conform to, the secular discourse of so-called public reason. This sets up religion as the inferior partner and presupposes an absolute divide between the 'secular' and 'religious' which simply doesn't exist. For Ratzinger, the secular discourse of public reason is the inferior partner, since it is cut off from its historical metaphysical roots and has substituted 'consensus' for moral truth. The modern moral order of human rights, freedom, equality and fairness needs to be reinvested with its substantive core and this can only come from natural law and from the Old Testament. Habermas does not think the Ratzinger project is possible because we can never get back behind post-metaphysical reason. There is substantial disagreement here, and neither side is changed by the debate. Nevertheless, if the health of our public life needs 'better models for apprenticeship in public argumentation', then I believe such a model is found in the Habermas /Ratzinger encounter.[131]

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[131] Adams, *Habermas and Theology*, p.202. In fact, Adams shows no interest in Ratzinger or in the Habermas – Ratzinger debate, despite devoting an entire chapter to 'Habermas in dialogue with theologians'. Adams (p.200) makes the point that Habermas has never sought dialogue with theologians. 'It is the theologians who have beaten a path to his door.'

8.4.3 Martin in search of a *logos* without *mythos*

As early as 1978, sociologist David Martin began to question the secularization thesis 'that secularization is a very long term or inevitable trend'.[132] Surveying historical relationships between church and state, he asserted a principle that 'where there exists one religion possessed of a monopoly, society splits into two warring sides',[133] the religious and the secular. Ecclesial monopoly creates 'abrasive division and militant secularism' and a hostility to pluralism and to democracy. However, Ratzinger's German experience has been of a 'duopoly' of Protestantism and Catholicism, creating greater openness to democracy and human rights.[134]

In 2011 Martin provided an insightful analysis of 'Catholicism and Modernity'.[135] Adenauer's post-war Catholic Christian democracy, in which Ratzinger grows to maturity, flourishes in reaction to the three horrors of Nazism, Communism *and* capitalism. All three themes powerfully inform Ratzinger's theology, as they do Catholic endorsements of human rights:

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[132] Martin, *A General Theory of Secularization*, p.12. In a similar vein, Berger, a doyen of secularization theory, distanced himself from his earlier 1960s stance, with these words: 'The assumption that we live in a secularized world is false.' Peter L. Berger (ed.), *The Desecularization of the World: Resurgent Religion and World Politics*, quoted in Hovdelein, 'Post-Secular Consensus? On the Munich-dialogue between Joseph Ratzinger and Jürgen Habermas'.

[133] Martin, *A General Theory of Secularization*, p.17.

[134] Skidelsky (*op.cit.*) explains that post-war German democracy rests on a unique combination of Christianity as *kulturprotestantismus* and constitutional patriotism. Nemoianu sees German democractic socialism as very close to Catholic social teaching and a major contributor to German social consciousness. Nemoianu, *The Church and the Secular Establishment*, p.31. Jiménez Lobeira agrees that the starting point for both Habermas and Ratzinger is the German *Vaterland*. Jiménez follows George Weigel in summarizing Catholic social teaching in four principles: the dignity of the human person, human rights, the common good and subsidiarity. Jiménez Lobeira, *Pre-political Foundations of the Democratic Constitutional State*, p.12.

[135] David Martin, *The Future of Christianity: Reflections on Violence and Democracy, Religion and Secularization*, (Farnham: Ashgate, 2011), pp.31-37.

From having defended up to quite recently the special rights of the Church in collusion with the state, the politics of Catholicism moved to the defence of the rights of the person, including the free exercise of religion.[136]

But it is only the disentangling of the Church from power which enables Ratzinger to see the Catholic Church as offering society 'a stance of critical solidarity'.[137] Martin's vision for the role of the Catholic Church in the 21st century is almost identical to Ratzinger's:

The most the Church can expect is to exercise broad cultural influence as a pressure group, while distancing itself from any dangerous identification with power elites in the state. It has to arrive at workable compromises in the field of politics, while retaining a critical or prophetic role.[138]

In 2014 Martin provided an updated perspective on the relationship between religious and secular power.[139] His provocative subtitle takes us into the heart of the Ratzinger project and its obsession with the transition from *mythos* to *logos*. Martin even-handedly castigates both Habermas and Ratzinger. Both characterize themselves as *logos*, true reason, not realizing that they are always still *mythos*, unprovable belief or story-telling.[140] We all have such stories, 'whether we are Catholics, Protestants or secularists' and these are always redacted and communicated in symbol and image. If we accept Martin's thesis, we will read Ratzinger's Platonic/Johannine/Patristic *logos* as a pictogram, or 'floating signifier', 'to be read at different times by different people in different lights'.[141]

Nevertheless, Martin subscribes to the Jaspers genealogy whereby the Axial revolution brings us out of 'the shadowy realm of Plato's cave' and achieves 'critical distance

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[136] Martin, *The Future of Christianity*, p.32. Martin sees Ratzinger's criticism of the United Kingdom's 2010 Equality Act for infringing natural law as part of this direction of travel.
[137] *Ibid.,* p.32.
[138] *Ibid.,* p.34.
[139] David Martin, *Religion and Power: No Logos without Mythos*, (Farnham: Ashgate, 2014).
[140] Adams advocates that we need to be 'more circumspect about the difference between "mythic" and "modern" thought.' See *Habermas and Theology*, p.3.
[141] Martin, *Religion and Power*, p.176 and p.174.

from immemorial givens', facilitating the vision of 'a universal humanity under a universal law'.[142] However, this vision comes at a cost, because 'the moment you embrace universality and the idea of truth you are entangled in a struggle with the partisans of particularity and of alternative versions of universal truth'.[143]

Human rights may hide 'an enduring will-to-power behind a claim to nurturance'.[144] The canonical secular story of human rights and the radical orthodox counter-narrative may *both* be guilty of indulging in 'the ritual recitation of an impeccable genealogy as *the* Party of Humanity'. The Enlightenment produced not democracy but racism, violence, imperialism and autocracy. There again, 'Christianity did much the same some 1,500 years earlier'. We call ourselves secular or religious, when both of us are both; we tell ourselves our cherished *Heilgeschichte*, and 'rest with unquestioning faith on the religious advances we violently disavow'.[145]

Summary

Martin challenges Ratzinger's distinction between *mythos* and *logos*, suggesting that even *logos* theology is just another myth. But Martin agrees with Ratzinger, that Western civilization, democracy and the modern moral order of human rights, all rest on forgotten presuppositions of the Socratic/Platonic demand for truth and for peace.

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[142] *Ibid.*, p.178.

[143] Milbank, like Jaspers, Martin and Ratzinger, recognises that 'original philosophy was a monistic revolt against myth', defining the Axial enlightenment as a transition 'from the rule of synecdoche and metonymy to that of universalist monism.' See *Beyond Secular Order,* pp.11-12.

[144] Martin, *Religion and Power*, p.179.

[145] *Ibid.,* p.180.

8.5: *LOGOS* THEOLOGY, THE SECULAR AND AN INCLUSIVE CONCEPT OF HUMAN RIGHTS

8.5.1 *Logos* and *dialogos*

Nemoianu admires the 'seamless continuity' between the levels of Ratzinger's 'coherent and organic thinking system.' The essence of this system is this:

> Faith, reason and love constitute the three main elements – the three pillars – of the thought of Joseph Ratzinger. Reason and relation, truth and love, *logos* and *dia-logos* take us back to "creator Reason," to the *Logos* that existed "in the beginning" (John 1:1), which created through love. *Logos*, truth and love are all intimately united: there is an alliance between the divine and the human, because as the Word is made flesh (John 1:14), he has to redeem everything that is human, including reason.[146]

For Ratzinger, as always, it is the *logos* that can be used as a place-holder, both to critique a secularized construct of the socio-political sphere and to endorse a 'universal breathing – space' where social solidarity is based on charity.

> In truth, charity reflects the personal yet public dimension of faith in the God of the Bible, who is both *Agape* and *Logos*: Charity and Truth, Love and Word. Because it is filled with truth, charity can be understood in the abundance of its values, it can be shared and communicated. Truth in fact, is *logos*, which creates *dia-logos*, and hence communication and communion. Truth, by enabling men and women to let go of their subjective opinions and impressions, allows them to move beyond cultural and historical limitations and to come together in the assessment of the value and substance of things. Truth opens and unites our minds in the *logos* of love.[147]

In his characteristic style, Ratzinger articulates his Christian vision against the backdrop of the Axial Platonic/Socratic inquiry into the 'value and substance' of things. The *logos* or

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[146] Thomassen, (ed.) *The Derrida-Habermas Reader*, p.500.
[147] Ratzinger, *Caritas in Veritate,* paras.3-4, p.5

rational argument of the Platonic dialogue aimed for *alētheia*, but its aim could only be realised in the *alētheia* of Christ, in whom *logos* is transformed into *agapē*, *dialogos* into *koinōnia*.

Here we see the centrality of dialogue in Ratzinger's theology. Habermas is right: communication is key and so is solidarity. But deep communication is communion, deep solidarity is love. So Habermas is wrong: communication does not derive its value as a strategy or procedure, but as the expression of the deepest nature of the human person, of the world and of God. That nature is *logos*, word, a word that by its very nature manifests in a dialogue of love and truth.

Rawls is right: democracy requires its citizens to adopt an original position, to set something of themselves aside as they meet each other in the public square in the interest of the profound values of freedom, equality and fairness. But these non-negotiable secular values in turn must be grounded in something even deeper. So Rawls is wrong: the original position democracy needs is not a calculation of self-interest but conscience, as a realization of the original position, where biblical faith grasps the dignity of the human person, created by love and oriented towards truth; faith, grounded in conscience has a public dimension and can never just be personal.

8.5.2 Primordial Conscience – the ultimate grounding of natural law and human rights

It is conscience that impels personal morality to become a public solidarity and demand for justice. This, I propose, is the missing ingredient which Habermas is searching for 'when things fall apart'. For Ratzinger 'justice is both the aim and intrinsic criterion of all

politics'.[148] Catholic social doctrine has no intention of giving the Church power over the state, or of imposing the Church's ways of thinking or behaving on those who do not share its faith. Its true task is 'to help purify reason' in the interests of justice. It *does* use natural law, but has no desire to *impose* natural law:

> The Church's social teaching argues on the basis of reason and natural law, namely on the basis of what is in accord with the nature of every human being. It recognizes that it is not the Church's responsibility to make this teaching prevail in political life. Rather, *the Church wishes to help form consciences in political life* and to stimulate greater insight into the authentic requirements of justice as well as greater readiness to act accordingly, *even when this might involve conflict with situations of personal interest*.[149]

Those who withstand totalitarian injustice need the personal courage to jeopardize their own self-interest, but first they will need to be capable of discerning authentic justice, and for this they will need conscience, a conscience informed by natural law. For Ratzinger, totalitarianism is the existential question of our age, because the destruction of conscience has always been the precondition for totalitarian obedience.[150] This is why the figure of Thomas More, just like Socrates, is an enduring icon for Ratzinger, as he makes clear in the Westminster Address.[151] Ratzinger expresses the indispensability of conscience for the health of democracy in his essay 'Conscience in its Time'.[152] He speaks against the backdrop of

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[148] *Deus Caritas Est* para.28, p.35.

[149] *Ibid.,* para.28, p.35. Emphasis added.

[150] Twomey, *Pope Benedict XVI,* p.107.

[151] Russian dissident Andrey Sakharov occupies a very similar position in Ratzinger's thought. Ratzinger brought this out in the acceptance speech he made when he was elected as an associate foreign member of the *Academie des Sciences Morales et Politiques* of the *Institut de France*, on November 7, 1992, in an address entitled *'Freedom, Law, and the Good: Moral Principles in Democratic Societies.'* The speech is published as Chapter 3 of *Values in a Time of Upheaval, pp.45 – 52.*

[152] Joseph Ratzinger, 'Conscience in its Time: A Lecture Given to the Reinhold Schneider Society', in Ratzinger, J., *Church, Ecumenism and Politics: New Endeavours in Ecclesiology*, trans. Michael J. Miller et al., (San Francisco: Ignatius Press, 2008), pp.165-172. Originally published as 'Das Gewissen in der Zeit: Ein Vortrag von der Reinhold-Schneider-Gesellschaft', in *Internazionale katholische Zeitschrift Communio* 1 (1972), pp.432-442.

Germany's totalitarian nightmare, in which it was Hitler's self-declared aim to liberate people from 'a chimera called conscience and morality' and in which Göring could proudly proclaim 'I have no conscience! The name of my conscience is Adolf Hitler'.[153] Conscience is the only true safeguard against tyranny and totalitarianism, just as the abolition of conscience is always totalitarianism's top priority. The 'primal level of conscience', as Twomey calls it,[154] is 'something sacred that must remain inviolate and that in its ultimate sovereignty eludes all control'.[155] Twomey also refers to it as 'primordial conscience' and connects it to natural law, defining it as 'our innate consciousness of the natural law which has to be "formed" in dialogue with one's religious tradition.'[156] Of course, appeals to conscience can become a mere smokescreen for the enthronement of the ego, 'an alibi for one's own wrong-headedness and lack of docility', the absolutization of the will and consequently a voluntarism which opens the door to relativism.[157] Nevertheless, insists Ratzinger, the phenomenon of the misuse of conscience does not diminish its greatness. He appeals to Reinhold Schneider's definition of conscience as 'the knowledge of one's responsibility for all creation before him who created it', such that when we look at others we acknowledge the creator in them.[158] Drawing further on Schneider's novel, Ratzinger returns to the historical moment of the discovery of America, when 'the question of what right belongs to man as man, the question of human rights, was posed in a new form for Christian Europe.'[159] In Schneider's narration of the story of Bartolomé de las Casas, three modes of conscience are embodied in three characters: the apparently powerless conscience of the suffering girl, the awakened conscience of the brutal conquistador and the conscience of the powerful in the emperor who is responsible for the

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[153] Ratzinger, *Church, Ecumenism, and Politics*, p.160.
[154] Twomey, *Conscience of Our Age*, p.122.
[155] Ratzinger, *Church, Ecumenism, and Politics*, p.160.
[156] D. Vincent Twomey, *Moral Theology after Humanae Vitae: Fundamental Issues in Moral Theology and Sexual Ethics*, (Dublin: Four Courts Press, 2010), p.63.
[157] Ratzinger, *Church, Ecumenism, and Politics,* p.164.
[158] *Ibid.*, p.164.
[159] *Ibid.*, p.165.

law.[160] The message is that conscience 'ceaselessly disturbs the peace of those whose power comes at the expense of others' rights.'[161]

Rourke, like Twomey, shows clearly that in we must speak of conscience and natural law in the same breath. The Habermas dialogue demonstrates clearly that the democratic state can never make itself the source of norms. Behind the state's laws are the moral norms which lie beyond the reach of the state.

> 'These norms, what philosophers call the first principles of natural law, are preserved in the Ten Commandments and the Christian moral tradition based on them. The Church has a mission, not only to preserve them intellectually, but to witness to them, to live them out in a vibrant way so as to guarantee the ongoing renewal of the social sense that these norms are genuine, true, and worthy to be transmitted.'[162]

This makes conscience essential, since it preserves the norms on which the entire social order is based. These norms are natural laws, coming not from the outside, but from inside, from human nature. 'It is by following the inner voice of conscience, which reaffirms the society's moral norms, that these norms are preserved.'[163] In fact conscience has two roles. Firstly, it is 'the ultimate repository' upon which the state is based and secondly, it serves as a limit on the power of the state. Rourke concludes:

> 'There is no element in his political thinking on which Benedict places more emphasis and where he is more unique than in his insistence that totalitarianism is an issue of our time and that the power of conscience is the only force capable of resisting it.'[164]

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[160] Ratzinger gives the reference for Schneider's novel as *Las Casas vor Karl V: Szenen aus der Konquistadorenzeit*, which was published in Germany by Ullstein Verlag in 1968. It had been translated into English by Walter Oden and published in 1948 under the title *Imperial Mission* in New York by the Gresham Press.
[161] Ratzinger, *Church, Ecumenism, and Politics*, p.170.
[162] Rourke, *The Social and Political Thought of Benedict XVI*, p.68.
[163] *Ibid.*, p.68.
[164] *Ibid.*, p.69.

Political power becomes truly great only when it allows itself to be moved by conscience and the Church attains its authentic greatness only when 'it is capable of giving conscience its voice'.[165]

It is here then, in primordial conscience, in openness to natural law, that the theme of the full breadth of reason finds perfect expression, where the Christian faith finds the true grounding of the dignity of the human person and human rights, where a true interculturality, an authentic universalism and a genuine antidote to relativism and totalitarianism is located. Ratzinger's conscience, consequently, is intensely practical and real, more challenging and effective than Habermas' solidarity:

> In the last century (as in every century), it was in fact the testimony of the martyrs that limited the excesses of power, thus making a decisive contribution to what we might call the convalescence of reason.[166]

Counterintuitively then, the approach of Habermas and Rawls represents the greatest threat to human rights, while Ratzinger's political thought constitutes its greatest safeguard.

> Otherwise, if the only basis of human rights is to be found in the deliberations of an assembly of citizens, those rights can be changed at any time, and so the duty to respect and pursue them fades from the common consciousness. Governments and international bodies can then lose sight of the objectivity and 'inviolability' of rights. When this happens, the authentic development of peoples is endangered.[167]

Conscience, not communication, is the aspect of human nature which provides a great universality, 'a beacon for all cultures' and the truest grounding of human rights.[168] A healthy

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[165] Ratzinger, *Church, Ecumenism, and Politics*, p.170.
[166] *Values in a Time of Upheaval*, p.29.
[167] *Caritas in Veritate*, para.43, p.54
[168] Casarella, 'Culture and Conscience', in Cavadini, *Explorations in the Theology of Benedict XVI*, p.81.

democracy is utterly dependant on the ethical health of its citizens, 'insofar as they are truly trying to act in accordance with their conscience.'[169]

8.5.3 *Etsi deus non daretur...*

Ratzinger is haunted by the Enlightenment demand to set the question of God aside and build a political morality as if there were no God. Grotius did this in the interests of peace and out of a desire for consensus, but the tragedies of the twentieth century show us that this project 'leads us increasingly to the edge of the abyss'. At Subiaco, Ratzinger makes his provocative offer to the secular world:

> We must reverse the axiom of the Enlightenment and say: Even one who does not succeed in finding the way of accepting God, should, nevertheless, seek to live and to direct his life '*veluti si Deus daretur*', as if God existed. In this way, no one is limited in his freedom, but all our affairs find the support and criterion of which they are in urgent need.

I take this to mean that, in order to be truly post-secular and post-postmodern, it might be in the interests of secularists to posit a hypothetical metaphysical grounding for their most cherished ideals and values. These are human rights, plus the 'canon of values', which Ratzinger insists 'deserve our approval': peace, justice, the preservation of Creation, equality of men regardless of race, the equal dignity of the sexes, and freedom of thought and belief.[170] If constitutional democracy is rooted in the *humus* of the Judaeo-Christian tradition then 'there is a strong case for that component to be investigated, specified, acknowledged and

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[169] Twomey, *Pope Benedict XVI: The Conscience of Our Age,* p.119.
[170] *Values in a Time of Upheaval*, p.27 and p.28. Eggemeier (p.458) reads the *etsi deus* proposal as Ratzinger's *alternative* to natural law: 'In place of natural law, Ratzinger proposes an alternative approach to translation, in which he invites non-believers to share with believers the moral certainties of the Christian *tradition*.' (my emphasis). Ratzinger's proposal of a concrete historical tradition becomes a critique of the Enlightenment's mistakenly abstract and ahistorical rationality.

preserved if liberal constitutional democracies wish to continue as such.'[171] Perhaps it is not so far from Habermas' commitment that post-metaphysical thought is prepared to learn from religion, 'but remains agnostic in the process.'[172]

I believe that the distinction between 'first order' and 'second order' discourse may also be useful here.[173] In the Habermas debate, I read Ratzinger as oscillating between these two modes, thinking in first order terms himself, but offering a second order way of meeting between the secular and religious. Related to this point is Ratzinger's suggestion that the Ten Commandments might provide a guide to the essential values required by democracy if it is to sustain its culture of human rights and dignity of the human person.[174] The suggestion might seem offensive from a secular perspective, but Ratzinger points out that the Decalogue does not belong exclusively to Christianity, or even to Judaism: 'it is a sublime expression of moral reason, and as such it finds echoes in the wisdom of the other great cultures.'[175]

Summary

If we want a firm foundation for democracy, we have to either believe in God, or posit some sort of equivalent as guarantor of our deepest values.

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[171] Jiménez Lobeira, *Pre-political Foundations of the Democratic Constitutional State*, p.14.

[172] Habermas, *Religion in the Public Square*, p.17.

[173] By 'first order' discourse I mean 'confessional' discourse, speaking in an 'assertive' tone. By 'second order' I mean 'notional' discourse, speaking in a more neutral tone. The *etsi deus* proposal may then represent a more or less successful attempt to collapse the one into the other. For an explanation of these two 'prominent types in theological thinking' see Cheetham, *Ways of Meeting,* p.39. Hovdelein (p.114), for example, reads Ratzinger in conversation with Habermas as a first order thinker, ('there is much potential theological power in this way of thinking'), while Nemoianu (p.34), reads him as strategically adopting a second-order frame of reference which is essentially 'sociohistorical' and refuses 'to withdraw haughtily into the domain of dogmatic theology.'

[174] The suggestion was actually made by Gad Lerner, when moderating a debate between Ratzinger and the Italian philosopher Paolo Arcais de Flores. The debate took place in the year 2000 in Rome and was entitled 'A Controversy on God, the Church, Ethics, Politics and Secularism,' covering much the same ground as the debate with Habermas. De Flores is an atheist secularist and theorist of public reason, but has clashed with Habermas as well as Ratzinger.

[175] *Values in a Time of Upheaval*, p.29.

CONCLUSION

Habermas and Ratzinger ask for the voice of religion to be heard in the public square. They call for a dual debate about the scope of reason and the ethical foundations of democracy and human rights. The debates encountered in this chapter represent powerful evidence that it is possible for secular atheists and Christian theologians both to debate and to find common ground on *both* these points.[176] The public addresses by Ratzinger provide evidence that the voice of religion *can* be admitted into the public square.[177] Whether it has any effect, however, is questionable. Many who listened politely to the Westminster Address doubtless regarded its demand for pre-political moral foundations as quite unnecessary; the ethical standard by which democratic legislation can be judged has already been established in the Modern Moral Order of liberty, equality and fairness, realized through the framework of the Human Rights and Equality Acts and worked out by procedural parliamentary reason. For some, to admit Ratzinger's natural law-derived non-negotiable moral values would be to take politics in the direction of theocracy, and theocracy for the ardent secularist is not just a ghost from Europe's medieval past, but a spectre looming as a clear and present danger in the form of both Christian and Islamic fundamentalism.

We have seen clearly that Ratzinger's interaction with the world of secular atheistic modernity emphatically does not consist of an attempt at the imposition of Christ as Word made flesh upon an unwilling audience, nor an attempt at the restoration of ecclesial socio-political power and influence through the imposition of religious law. Nor does it demand even to bring theological discourse into the realm of public debate. Ratzingerian *logos*

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[176] The Habermas-Ratzinger debate and the Habermas-Jesuits debate.
[177] Westminster Hall, 2010 and the German Parliament, 2011.

theology merely requests that rationality be broadened so that the human capacity for transcendence is not ruled out of court.

Yet there is a religious culture which, in some of its manifestations, adheres to the importance of socio-political power and influence through the imposition of religious law, and does demand that religious discourse be part and parcel of discourse in the public square. That culture of Islam, in some of its forms, was critiqued by Ratzinger in the Regensburg Lecture, and is widely regarded by secular atheistic modernity as intrinsically incompatible with democracy, with rationality, with the concept and culture of human rights and its accompanying belief in the dignity of the human person.

If the Habermas - Ratzinger encounter is still but a *dual* debate, and a Euro-centric debate, it may reveal a 'blind spot' in both interlocutors.[178] There seems to be an urgent requirement that both the global and the European debate should be broadened to become a *tripartite* debate between Christianity, the secular, and the religions in general, and Islam in particular. My attempt to position Ratzinger as an important theorist of intercultural dialogue is not complete. Ratzinger's suggestion that the wisdom of the world's great cultures might be enlisted in support of the culture of human rights leads us back to Regensburg and the relationship between Islam and human rights: my final chapter must therefore confront head-on the relationship between Ratzinger's *logos* theology, secular modernity's ultimate value of pluralistic tolerance, and the ultimate value of Islamic religious faith, namely the revealed truth of the Qu'ran.

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[178] This phrase is used by Korf, *Review of The Dialectics of Secularization*, p.483.

RATZINGER, ISLAM AND RIGHTS

'not to act in accordance with reason is contrary to God's Nature.'[1]

INTRODUCTION

The starting point for Chapter Nine is the Regensburg Lecture's citation of Surah 2,256 'There is no compulsion in religion', whereby Ratzinger raises 'the central question' of the relationship between religion and violence. This involves the relationship between reason and God's nature and 'the essential relationship between faith and reason.' The chapter will examine the Ratzinger theme of the self-limitation of reason through the possible loss of the philosophical tradition in Islam. The chapter will argue that cut off from its philosophical tradition, Islam can fall prey to an extreme voluntarism. Reconnected with its own rationality, Islam has a natural relationship with the culture of human rights. Islam has much to offer to an inclusive and universalist dialogue about human rights and the dignity of the human person.

Ratzinger's argument proceeds as follows: Islam teaches God's absolute transcendence. As a consequence, God's will is not bound up with God's rationality, or connected to human rationality. So acting unreasonably does not contradict God's nature and consequently it is not unacceptable for a Muslim to spread faith by violence. In Greek philosophy, God's will is bound to the truth and goodness recognised by human reason. Christianity embraced Greek philosophical thought to produce a profound synthesis of faith and reason. Christians therefore say, with the Greeks, that not to act with reason is contrary to God's nature. The word *logos* symbolizes the historical Christian encounter with Greek

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[1] *The Regensburg Lecture*, para.14.

thought, the rationality of the divine nature, and the connection between God and our created reason. The extreme voluntarism and transcendentalism of Islamic theology has made violence intrinsic to Islam, while Christian *logos* theology, with its Greek inculturation, has made reasonableness and opposition to violence intrinsic to Christianity.

The aim of this chapter is to engage critically with Ratzinger's evaluation of Islam by testing it against Islamic voices participating in the dialogue of cultures. The chapter will examine Islam's relationship with reason, democracy and human rights and will conclude by calling for a tripartite dialogue between Islam, Christianity and the secular, on the subject of human rights.

Islam and the foundations of *logos* theology

Our contention has been that Ratzingerian *logos* theology, which attempts to remain loyal to the Hellenized Judaeo-Christian tradition, constitutes what can be called a 'Platonic Christian humanist utopia'. This is an expanded humanism, which restores the humanist ideal to its full dignity and rescues it from its own historical self-limitation. In several ways this humanism bears the authentic mark of inclusivism and universalism. Firstly, it knows that it itself is the result of an inclusive intercultural encounter in which elements were welcomed or corrected according to the criterion of truthfulness. Secondly, it does not prohibit talk of God as illicit, or deny the universal human capacity for transcendence or the essential universality of rational human nature. Thirdly, in its belief in the *Logos* as self-communicative Word of God made flesh in Christ, it rescues God from extreme transcendence, simultaneously rescuing humanity from a merely self-referential rationality, into a rationality fulfilled in an analogical relationship between God and man and therefore a relationality between human and human. Fourthly, it restores and draws inclusively upon centuries of ethical reflection, legal tradition

and societal development in its desire to go beyond the empirical and to search for the universal values by which the empirical is set in order. Fifthly, it clings to conscience, to the universal light which enlightens every man, and seeks to illuminate conscience with the wisdom of the great religious traditions of humanity. Nevertheless, it remains authentically Christian, secure in the knowledge that the delicate plant of democratic conscience, predicated on the dignity of the human person and the concept and culture of human rights, has grown up uniquely in Christian soil, and still stands today as the only secure safeguard against dictatorship in any of its various forms of unbridled capitalism, intolerant secularism, totalitarian fascism or socialism or religious extremism.

Our task in this chapter is to search for a new *logos* as 'a common word' between the utopian ideals of Islamic faith and a *logos* theology understood as a Platonic Christian humanist utopia. This is a search for a broadening of reason in the form of an expanded humanism which can embrace the secular, the Christian and the Islamic visions of the good society.

9.1: RATZINGER, REGENSBURG AND ISLAM

9.1.1 Criticism of Regensburg

Ratzinger's citation of the words of Manuel II,[2] appeared to many as at best insensitive and at worst inflammatory:

> Show me just what Mohammed brought that was new, and there you will find things only evil and inhuman...[3]

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[2] The Byzantine emperor Manuel II Palaiologos reigned 1391-1425.
[3] *The Regensburg Lecture*, para.12.

Secular commentator Fassin says that 'the Pope should never have expressed so candidly his theological views on Islam',[4] while Roman Catholic theologian Mannion finds this reference 'ill-advised' and 'grossly offensive', accusing Ratzinger of employing 'inaccurate, generalized and stereotypical accounts of the Islamic faith and its cultural heritage.'[5] Corkery acknowledges that Christian acts of violence would have served just as well to illustrate the lecture, but that Ratzinger was making a vital point: dialogue must welcome rational critique.[6]

Mannion disagrees, on the grounds that Ratzinger's superior tone 'throws the sincerity and purpose of any inter-church or inter-faith dialogue into doubt.'[7] He ignores the mystical tradition in Islam, schematizing religion in a way that is 'crude and/or even forced.'[8] Apart from overtly violent reactions, Makin's Indonesian case-study helpfully identifies three Muslim tendencies:[9]

    i)   Apologetic and radical stances, which are aimed at 'closing the door to dialogue.'[10]

    ii)   Less radical approaches, which engage with Regensburg, while 'retaining the old suspicious attitude.'[11]

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[4] Eric Fassin, 'The Geopolitics of Vatican Theology', *Public Culture*, Vol.19 No.2, (Spring 2007), pp.233-237, at p.233.

[5] Boeve and Mannion, *The Ratzinger Reader,* p.146. Mannion claims that Ratzinger was advised to remove this passage by a number of journalists who had read the text of the lecture early in the morning of the day on which it was due to be delivered. Jane Kramer, claiming Vatican correspondent and friend of Pope Benedict Marco Politi as her source, says that journalists received the text of the lecture at 6am on the day of the address and assembled at 10am in a makeshift press room to advise Federico Lombardi, the Vatican spokesman, 'that the passage was going to be incendiary.' See Jane Kramer, 'The Pope and Islam: Is there anything that Benedict XVI would like to discuss?', *New Yorker Magazine*, 2 April 2007. Available at:
http://www.newyorker.com/magazine/2007/04/02/the-pope-and-islam. (Accessed: 12 December 2015).

[6] Corkery, *Joseph Ratzinger's Theological ideas*, p.102

[7] Boeve and Mannion, *The Ratzinger Reader*, p.147.

[8] *Ibid.,* p.149.

[9] The Regensburg Lecture was delivered on 12 September 2006, just one day after the fifth anniversary of the '9/11' terrorist attacks in the United States. Violent reactions to the lecture included attacks on Christian churches and the shooting dead of a 68-year-old Catholic nun, Sr. Leonella, in Mogadishu, the capital of Somalia, outside the children's home where she worked. See
http://news.bbc.co.uk/1/hi/world/africa/5353850.stm.

[10] Al Makin, 'Benedict XVI and Islam: Indonesian Public Reactions to the Regensburg Address', *Islam and Christian-Muslim Relations*, Vol.20 No.4, pp.409-421, at p. 411.

[11] Makin, *Benedict XVI and Islam,* p.411.

iii)   Progressive responses expressing a willingness to respond positively to the Pope's call for dialogue.[12]

Makin's analysis is in line with Ratzinger's view that in Islam 'there is a broad spectrum, from ... absolute fanaticism ... to attitudes that are open to embrace a tolerant rationality.'[13] Makin hopes that 'open-minded voices' in favour of interfaith dialogue will prevail against 'the rising sway of radicalism.'[14] Muslim scholar Tariq Ramadan makes the point that uncontrollable outpourings of emotion 'end up providing a living proof that Muslims cannot engage in reasonable debate and that verbal aggression and violence are more the rule than the exception' and are often the result of Muslim leaders 'manipulating crises of this kind as a safety valve for both their restive populations and their own political agenda.'[15]

One serious charge against the Regensburg narrative, hinted at by Mannion, is that of 'orientalism' or 'essentialism'. These cultural stances, associated with colonialism and Eurocentrism, attribute fixed essences or characteristics to 'superior' European and 'inferior' non-European peoples. 'Europe' is certainly a core concern of Ratzinger, who propounds 'an essentialist understanding of Europe, revolving around Christianity, which stigmatises Islam as "the Other".'[16] Ratzinger's essentialism is grounded in his story of Hellenization. Asad challenges this:

There is a problem for any historian constructing a categorical boundary for "European civilisation", because the populations designated by the label "Islam" are,

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[12] Makin, *Benedict XVI and Islam,* p.413.

[13] *Values in a Time of Upheaval*, p.41. This title was published in German in 2004 and 2005, and in English in 2006. It is a compilation of eleven lectures or addresses, delivered between 1992 and 2004 and therefore predating the Regensburg Lecture.

[14] Makin, *Benedict XVI and Islam,* p.416.

[15] Cited in Jane Kramer, *The Pope and Islam*, *op.cit.*

[16] Luca Mavelli, 'Political Church, Procedural Europe, and the Creation of the Islamic Other', *Journal of Religion in Europe* Vol 1, (2008) pp.273 – 301, at p.276. Mavelli (p.274) defines 'nominal proceduralism' as 'a political approach that promotes a system of communal allegiances based on the acceptance of and compliance with universally shared principles.' Mavelli suggests that the rejection of all non-secular sources of moral and ethical judgement falls into Charles Taylor's helpful category of a 'social imaginary', i.e. a system of meanings underpinning social institutions and organisation.

in great measure, the cultural heirs of the Hellenic world – the very world in which "Europe claims to have its roots.[17]

Mavelli observes that where Ratzingerian Christians essentialise Europe as 'Christian', European secularists essentialise 'Europe' in terms of Habermasian 'proceduralism'. This leads *both* to demonise Islam, as the natural enemy of both Christianity and secularism. Both practise a dialectic of exclusion, whereby Islamist terrorism 'would appear not just a deviation, but a structural component of an irrational religion.'[18] Thus Ratzinger, who sets himself against modernity's restricted rationality, is unmasked as a child of modernity, whose 'critique of Islam ... resonates with dominant Western – and for this reason, also partly secularised – discourses.' 'Orientalism' in theory has disappeared, under the influence of two opposing tendencies, globalization, which renders obsolete any notional boundaries between 'oriental and occidental cultures', and postmodernism, which extols 'the richness and complexity of local meanings'.[19] The irony or tragedy of Regensburg, then, could be that, because of the perceived orientalist denigration of Islam, its auditors become deaf to its critique of modernity's restricted rationality, and fail to see that this is a critique shared by Islam, which also has ambitions to fill the void left by the instrumental materialism and moral vacuity of procedural Europe. There is a threat here for Roman Catholicism, which finds itself attacked both by secularists and Islamists. But they also attack each other, so there is a unique opportunity, which Ratzinger tries to seize at Regensburg, to find commonality between all three, on the basis of a broadened rationality.

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[17] Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity*, (Stanford, CA: Stanford University Press, 2003), p.168.

[18] Mavelli, *Political Church, Procedural Europe,* p.277. Mavelli emphasises the *political* dimension or context of Regensburg, which comprises the debate over the European constitution, the anniversary of the 9/11 attacks, the publication of the Danish cartoons, French controversies over the wearing of the veil and Turkey's candidacy for membership of the European Union. Mavelli (p.279.) believes that because the Roman Catholic Church is 'a transnational actor' with a 'global presence' and a 'universal vocation', Regensburg can never be adequately theorised by mere philosophical and theological analyses. It is unavoidably political.

[19] Bryan S. Turner, *Orientalism, Postmodernism and Globalism*, (London: Routledge, 1994), p.9.

9.1.2 Defence of Regensburg

Schall admires Ratzinger's 'intellectual courage' in confronting an issue which 'had to be addressed by any responsible thinker seeking to understand the central issues of our era.'[20] It was neither unfriendly nor prejudiced to ask 'is it or is it not true that Mohammed or the Koran permits violence in the name of religion' and 'whether Islam, or many of its followers, thinks that it has the right and duty to use terror to further its religious goals.'[21] Ratzinger explicitly distances himself from Manuel's rhetoric by referring to 'startling brusqueness, brusqueness which leaves us astounded.' Furthermore, published editions contain Ratzinger's footnoted apology and clarification.[22] Marcinkowski notes a significant difference between the English translation 'evil and inhuman' and Ratzinger's original German 'bad and inhumane.'[23] On the other hand, the published translation is a somewhat sanitised version of Ratzinger's original words.[24]

Reflecting on Regensburg in 2010, Ratzinger says that 'The political reading ignored the fine web of argument, ripping the passage out of its context and turning it into a political statement.'[25] He notes the success of his visit to Turkey, where he showed his respect for

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[20] Schall, *The Regensburg Lecture,* p.36.

[21] *Ibid.,* p.26 and p.37.

[22] 'In the Muslim world, this quotation has unfortunately been taken as an expression of my personal position, thus arousing understandable indignation. I hope that the reader can see that this sentence does not express my personal view of the Qur'an, for which I have the respect due to the holy book of a great religion. In quoting the text of the Emperor Manuel II, I intended solely to draw out the essential relationship between faith and reason. On this point I am in agreement with Manuel II, but without endorsing his polemic.'

[23] Marcinkowski points out that 'evil and inhuman' would be '*böses und unmenschlich*', whereas the words Ratzinger *actually* used in the Aula Magna were '*schlechtes und inhumanes*'. See Christoph Marcinkowski, "Religion, Reason, 'Regensburg': Perspectives for Catholic-Muslim Dialogue" in *Islam and Civilisational Renewal*, Vol. 1 No. 1, published and distributed by International Institute of Advanced Islamic Studies (IAIS) Malaysia, available at http://www.iais.org.my/icr/index.php/icr/article/view/251. (Accessed 24 June 2015).

[24] The word *Djihad,* for example, has been removed from the original spoken text, where it was used in apposition to 'holy war' (para.11). Marcinkowski also points out that where the original spoken German had '*wendet er sich in erstaunlich schroffer, uns überraschend schroffer Form*', ('he addresses his interlocutor in an astoundingly harsh – to us surprisingly harsh – way'), the word *überraschend* ('surprising') has been redacted to read '*unannehmbar*', so that the official English version now reads 'he addresses his interlocutor with a startling brusquenesss, a brusqueness that we find *unacceptable*.'

[25] J. Ratzinger, *Light of the World,* p. 97.

Islam as 'a great religious reality'. He concludes that 'this controversy led to the development of a truly vigorous dialogue.'[26] He refers to the letter written by 138 Islamic scholars containing an invitation to dialogue. But he still insists: 'Islam needs to clarify two questions in regard to public dialogue, that is, the questions concerning its relation to violence and its relation to reason.'[27]

9.1.3 Ratzinger beyond Regensburg

The wider Ratzinger view of Islam is one of admiration for its religious vitality or 'inner power.'[28] In the light of the 'Islamic soul reawakened'[29], Ratzinger views Muslims as natural allies in his critique of secular modernity and an implicit challenge to 'the deep moral contradictions of the West and of its internal helplessness.'[30] He can empathise with the Muslim position:

> "We are somebody too; we know who we are; our religion is holding its ground; you don't have one any longer... the Christian religion has abdicated; it really no longer exists as a religion; the Christians no longer have a morality or a faith; all that's left are a few remains of some modern ideas of enlightenment. ... We have a moral message that has existed without interruption since the prophets, and we will tell the world how to live it, whereas the Christians certainly can't."[31]

He knows that 'there is a noble Islam', and that one must *not* identify terrorism and Islam. Christianity and Islam are 'on the same side of a common battle' such that 'radical secularism stands on one side, and the question of God, in its various forms, stands on the other.'[32] His proposal is 'to discover what we have in common and, wherever possible, to perform a

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[26] *Light of the World*, p.98.
[27] *Ibid.*, p.98.
[28] J. Ratzinger, *Salt of the Earth,* p.246.
[29] *Ibid.,* p.246.
[30] *Ibid.,* p.245.
[31] *Ibid.,* p.246.
[32] *Light of the World*, pp.99-100.

common service in this world.'[33] The contemporary secularist narrative is one of 'enlightened reason' against 'a fundamental and fanatical form of religion,'[34] but Rowland points out that Ratzinger does *not* want Islam 'to undergo its own eighteenth-century style Enlightenment.'[35] Ratzinger's central message is that 'to the other cultures of the world, there is something deeply alien about the absolute secularism that is developing in the West' which means that 'we can and must learn from that which is sacred to others.'[36]

Nevertheless, he believes that there *is* an inherent Islamic problem in relation to democratic and pluralist society. The Qur'an regulates the whole of political and social life and Islam does not have a separation of the political and religious sphere. This means that if it reduced itself to just another non-governmental organisation, 'it would be an alienation from itself.'[37] Ratzinger had earlier stated that 'the separation of faith and law, of religion and tribal authority, was not completed in Islam and cannot be accomplished without disturbing Islam at the very core.'[38] This was a sentiment that seems to have dominated an informal discussion which took place at the Ratzinger *Schülerkreis* at Castel Gandolfo in September 2005, just months after Ratzinger's election as Pope.[39]

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[33] *Light of the World,* p.100.
[34] *Ibid.*, p.108.
[35] Rowland, *Ratzinger's Faith*, p.120.
[36] *Ibid.,* p.80 and p.79.
[37] *Salt of the Earth,* p.244.
[38] J. Ratzinger, *Church, Ecumenism, and Politics: New Endeavours in Ecclesiology*, (San Francisco: Ignatius Press, 2008), p.211. The words quoted were written in 1979.
[39] The *Schülerkreis* (student circle) is an annual meeting between Ratzinger and a group of his former doctoral students. The meetings started when Ratzinger was Theology professor in Bonn and continued after he became Archbishop of Munich and again after he became Prefect of the Congregation for the Doctrine of the Faith in Rome. The year before the death of John Paul II, it had already been decided that the theme of the September 2005 *Schülerkreis* would be Islam. The meeting took place as usual behind closed doors over a weekend at the papal summer residence at Castel Gandolfo in September 2005. Although the discussions were never published, participant Joseph Fessio S.J. spoke of them in a radio interview on the Hugh Hewitt Show on 5 January 2006. The Islam experts presenting at the study weekend were Samir Khamil Samir, an Egyptian Jesuit and professor of Islamic Studies at the Université Saint-Joseph in Beirut and at the Pontifical Oriental Institute in Rome, and Christian Troll SJ, (b.1937). Troll, who delivered the main presentation at the seminar, is a graduate of the universities of Tübingen, Bonn, Beirut and the London School of Oriental and African Studies, with a doctorate in Contemporary Islamic Thought. Troll's teaching career includes 12 years at the Vidyajyoti Institute of

The politicised ideology of Islamism was again uncompromisingly condemned post-Regensburg:

A partisan image of God, which identifies the absoluteness of God with one's own community or its interests, thereby elevating something empirical and relative to a state of absoluteness, dissolves law and morality. The good now becomes whatever helps maintain one's own power, the real distinction between good and evil disintegrates. This is made even worse by the fact that the intention to act on behalf of one's cause is charged with a fanaticism, and thus becomes completely brutal and blind. God has become an idol in which human beings adore their own will.[40]

When Seewald poses the challenge that 'in countries where Islam dominates State and society, human rights are trampled upon and Christians are brutally oppressed', Ratzinger replies:

The important thing here is to remain in close contact with all the currents within Islam that are open to, and capable of dialogue, so as to give a change of mentality a chance to happen even where Islamism still couples a claim to truth and violence.

The remainder of this chapter will therefore provide a brief survey of these 'currents within Islam' by listening to Islamic voices on the subject of the relationship between Islam and reason, human rights, democracy, religious pluralism and dignity. Islamic scholar Abdulaziz Sachedina has described his own project thus:

to initiate a substantial theoretical discussion of an inclusive foundational conception of human rights that would appeal to suspicious traditional authorities in the Muslim

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Religious Studies in New Delhi, 5 years at the Centre for the Study of Islam and Christian-Muslim Relations at the University of Birmingham and 6 years at the Pontifical Oriental Institute in Rome. According to Fessio, Troll concurred with the position of Fazlur Rahman, that Islam is capable of reinterpreting the Qu'ran and reconciling itself to democracy, human rights and to other religious cultures. Fessio also reports that Ratzinger, while very keen that this should happen, is uncertain as to the possibility of such a move, given that it would require such a radical overhaul of Islam's understanding of itself. See Sandro Magister, 'Islam and Democracy: A Secret Meeting at Castel Gandolfo', online post available at http://chiesa.espresso.repubblica.it/articolo/45084?eng=y (Accessed: 23 January 2016). It should be noted that this was a private, not a 'secret' meeting.
[40] *Light of the World*, p.109.

world, apparently threatened by secular ideologies that they believe are determined to destroy the spiritual and moral foundations of a global community to make room for liberal secular ideas of inalienable human rights.

My aim is to follow the trajectory indicated by both Ratzinger and Sachedina in order to clarify the principles at stake and to identify the strategies which might endorse their projects. For the sake of clarity, this enquiry will be conducted under three headings, reason, democracy and human rights.

9.2: ISLAM AND REASON

9.2.1 A strong relationship

> …the Qur'an,...in numerous verse, invites individuals, or the community, to reflect and reason independently.

With these words Islamic scholar Abdullahi Ahmed An Na'im seeks to rehabilitate a foundational intimacy between Islam and rationality. For him 'human reflection and understanding is the whole purpose of the Qur'an.'[41] *A Common Word*, the Islamic scholars' response to Regensburg, includes a tripartite vision of rationality which feels very close to both the Platonic and the Christian:

> …the mind or the intelligence, which is made for comprehending the truth; the will which is made for freedom of choice, and sentiment which is made for loving the good and the beautiful.[42]

Indeed, the document refers to the *Shema*,[43] where love of God involves heart (*lev*), soul (*nefesh*) and strength or might (*me'od*). Matthew uses heart (*kardia*), soul (*psyche*), and mind,

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[41] Abdullahi Ahmed An-Na'im and Louis Henkin, 'Islam and Human Rights: Beyond the Universality Debate', *Proceedings of the Annual Meeting (American Society of International Law)*, Vol.94 (April 5-8, 2000), pp.95-103, at p.98. An Na'im cites verse 12 of chapter 2 and verse 43 of chapter 3.
[42] Available at www.acommonword.com. (Accessed: 6 July 2015).
[43] *Deuteronomy* 6:4-5

rationality or intellect (*dianoia*),[44] where Mark has will or strength (*ischys*).[45] The document is advocating the full breadth of rationality represented by the Qur'anic 'heart', as 'the organ of spiritual and metaphysical knowledge.'[46] In the Qur'an there is a unity of ontology, epistemology and ethics:

> God orders people to fear Him as much as possible, and to listen (and thus to understand the truth); to obey (and thus to will the good), and to spend (and thus to exercise love and virtue.'[47]

Sachedina is a key Islamic interlocutor who places rationality at the heart of Islam:

> In Islam, human ability to know right from wrong is part of the divine endowment for humanity through the very creation of human nature (*fitra*), the receptacle of intuitive reason.[48]

The whole process of Qur'anic interpretation constitutes a profound synthesis of faith and reason:

> Revelation actually depended on reason for its validity; and reason sought to validate its conclusions by showing their correlation to the revelation.'[49]

Delacoura likewise sees reason at the heart of Islam because although *shar'ia* is based on the Qur'an, 'considerable leeway' is allowed in interpretation, drawing on *hadith*, what the Prophet said or did, *ijtihad*, independent reasoning and *ijma*, legal consensus.[50] Johnson also finds the Qur'an repeatedly exhorting its readers to use their reason (*'acquala*).[51] *Ijtihad* plays

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[44] *Matthew* 22:37
[45] *Mark* 12:30
[46] *A Common Word*, p.14. footnote iv.
[47] *Ibid.,* p.6.
[48] Abdulaziz Sachedina, *Islam and the Challenge of Human Rights*, (Oxford: Oxford University Press, 2009), p.38.
[49] Sachedina, *Islam and the Challenge of Human Rights,* p.38.
[50] Katerina Delacoura, *Islam, Liberalism and Human Rights: Implications for International Relations*, (London, New York: I.B. Tauris, 1998, revised edition 2003), p.65.
[51] David L. Johnston, 'Islam and Human Rights: A Growing Rapprochement?', *American Journal of Economics and Sociology*, Vol.74, No.1 (January 2015), pp.113-148 at p.132.

an important role in El Fadl's understanding of the process of *shar'ia*, through which human beings are 'charged with the duty to investigate a problem diligently and then follow the results of their own *ijtihad*.'[52] As their conclusion on Islamic rationality, the post-Regensburg scholars' letter claimed that

> In their most mature and mainstream forms the intellectual explorations of Muslims through the ages have maintained a consonance between the truths of the Qur'anic revelation and the demands of human intelligence, without sacrificing one for the other.[53]

To put it another way 'The human mind should not be restricted or crippled by the other gift of God, which is represented in his guiding messages.'[54]

9.2.2 Hellenization of Islam and Islamization of Christianity

The failure to acknowledge this tradition of *ijtihad* can be deemed a significant lacuna in the Regensburg narrative. An equally noticeable omission is a theme which might be called 'the Hellenization of Islam.' Islam has its own philosophers, the *falāsifa*. These were Muslims, Christians and Jews 'committed to the legacy of Greek philosophy, mainly a Neoplatonic interpretation of Aristotelianism.'[55] Islam has its own philosophy of religion, called the *kalam*, a term applied to the standard version of the cosmological argument.[56] Ibn Sina adopted Aristotle's substance/accident distinction via the Neoplatonism of Plotinus and

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[52] Khaled Abou El Fadl, *The Human Rights Commitment in Modern Islam*, p.138 of online resource. Available at: www.musawah.org/sites/default/files/Wanted-KAEF-EN.pdf. (Accessed 6 July 2015). This online version is an edited version of an article first published in Joseph Runzo and Nancy Martin, (eds.), Human Rights and Responsibilities, (Oxford: Oneworld Publications, 2003).

[53] *Open Letter: Written and Signed by leading Muslim Scholars and Leaders in response to Pope Benedict XVI's remarks on Islam at the Regensburg Lecture*. Available at: theislamicmonthly.com/open-letter-to-pope-benedict-xvi. (Accessed 6 July 2015).

[54] Fathi Osman, 'Democracy and the Concept of Shura' in Alan Race and Ingrid Shafer (eds.) *Religions in Dialogue: From theocracy to democracy*, (Aldershot: Ashgate, 2002), pp.85-97, at p.87.

[55] Zain Ali, *Faith, Philosophy and the Reflective Muslim*, (London: Palgrave Macmillan, 2013), p.160.

[56] Kerr points out that Aquinas' 'Third Way', the belief that God is *ipsum esse subsistens*, is found in Ibn Sina and also in Plato, Aristotle, and Philo. See Fergus Kerr, *After Aquinas*, p.71.

Proclus.[57] Burrell reminds us that 'the cultural heritage embodied in notable achievements in medicine, mathematics, astronomy, as well as logic, philosophical commentary, translation, and original work in metaphysics begun in tenth-century Baghdad, represented a legacy coveted by western medieval thinkers.'[58]

Kraemer lists the broader tenets of Greek inculturation, adopted by both Roman, Christian and Islamic culture: a sense of the unity of humankind, a commitment to the formation of intellect and character and 'humaneness', or love of mankind. Many writers have studied this 'Islamic Humanism', locating it in particular in the Mu'tazilite School:

> The intellectual weapons wielded by the Mu'tazilites in their polemics with heretics and non-Muslims were foreign concepts and modes of discourse. After this initial step, interest in Greek sources grew, Greek authors were translated into Arabic, and even the state authorities lent their support to the translation activity.[59]

Kraemer shows that this is a particularly German debate, in which Troeltsch and Jaeger essentialised Islam as Oriental and 'other', while Becker and Schaeder included Islam in the Western / European story.[60] According to Kraemer, all these authors have doubts about the

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[57] See F.C. Copleston, *Aquinas: An Introduction to the Life and Work of the Great Medieval Thinker*, (London: Penguin Books, 1955), p.88 and David B. Burrell, 'Aquinas and Islamic and Jewish Thinkers', in Norman Kretzman and Eleonore Stump (eds.) *The Cambridge Companion to Aquinas* (Cambridge: Cambridge University Press, 1993), pp.60-84 at p.71.

[58] Burrell, 'Aquinas and Islamic and Jewish Thinkers', p.61.

[59] Joel L. Kraemer, 'Humanism in the Renaissance of Islam: A Preliminary Study', *Journal of the American Oriental Society*, Vol.104, No 1, Studies in Islam and the Ancient Near East Dedicated to Franz Rosenthal (January – March 1984), pp. 135 -164, at p.142. See also J. Kraemer, *Humanism in the Renaissance of Islam*, (Leiden: E.J. Brill, 1986), Marcel A. Boisard, *Humanism in Islam*, (Indianapolis, IN: American Trust Publications, 1988), originally published in 1961 in Paris by Albin Michel, and Lenn E. Goodman, *Islamic Humanism*, (Oxford: Oxford University Press, 2003). Boisard (p.6) reminds the West that 'the civilization which took charge of the Mediterranean culture for the seven centuries of the Middle Ages was that of Islam', while Goodman (p.4) says that 'Every Western historian knows that between classical antiquity and the modern age, "the Arabs - Muslim thinkers and scientists ... brought to the West a new knowledge of philosophy, mathematics, astronomy and medicine.'

[60] Kraemer draws on the following works: E. Troeltsch, *Der Historismus und seine Probleme. Erste Buch: Das logische Problem der Geschichtphilosophie* in *Gesamte Schriften*, *III* (Tübingen, 1922), W. Jaeger, *Humanistische Reden und Vorträge*, C.H. Becker, '*Der Islam als Problem*' in *Islamstudien* (Leipzig, 1924), H.H. Schaeder, '*Der Orient und das griechische Erbe*' in *Der Mensch im Orient und Okzident, ed. G. Schaeder*, (Munich, 1960).

depth and efficacy of the Greek / Islamic inculturation and the true extent of Islam's appropriation of classical 'humanism'. Kraemer reports Schaeder's view of the 'tragic sterility' of the Greek heritage in the Orient. The goal of Oriental culture was not *humanitas* but salvation (*Heilung*) and redemption (*Erlösung*). No concept was developed of the 'free, virtuous citizen'. Greek texts *were* translated from the 9th century onwards, but only for utilitarian purposes, serving religion and science. Avicenna was a mere 'compiler', of little significance for Islamic science or culture. In Schaeder's view, 'Though *logos* or *ratio* permeated the entire spiritual production of the Orientals, it did not transform the Oriental spirit.'[61]

Kraemer then counters this view with a detailed account of 'the Renaissance of Islam', focusing on the work of the *falāsifa* of the 9th century 'Abbāsid epoch, and their emphasis on education and cultural refinement.[62] A key concept for Kraemer is *insāniyya*, the rational human nature shared by all mankind. Sachedina believes that it was the 'rationalist impulse' already present in the Qur'an that enabled the Mu'tazilite (and Shi'ite) theologians to speak about 'the innate moral worth of humanity' and to advocate 'a substantial role for human reason to discern moral truth.'[63]

The 'Islamization of Christianity' is a way of expressing the commonplace theme in cultural history of the role played by Islam in the preservation, discovery and dissemination of classical texts in the early Middle Ages. The most significant locus of this process for

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[61] Kraemer, *Humanism in the Renaissance of Islam*, pp.141-142.
[62] Johnston, p.129, explains that it was during the reign of the Abbasid Caliph Mamoun (813-833 C.E.) that the rationalist school of the Mu'tazilites became the dominant creed. An important doctrine, which the Caliph endorsed, was the Mu'tazilite teaching that the Qur'an was *created* by God, and so was not an eternal entity in itself.
[63] Sachedina, *Islam and the Challenge of Human Rights,* p.86.

Christian theology is Aquinas, where the influence of 'Avicenna' is widely acknowledged.[64]

Aquinas was remarkable for 'the depth and breadth' of his respect for Islamic Avicenna and the Jewish Maimonides, seeing both as 'valued co-workers in the vast project of clarifying and supporting revealed doctrine by philosophical analysis and argumentation.'[65] He respected them as 'fellow travellers' and was willing 'to learn from them in his search for truth.'[66]

9.2.3 A relationship ruptured

The 'Hellenization of Islam' and the debt owed to Islam by Roman Catholic theology, found no place in the Regensburg Lecture. However, Ratzinger is fully aware that 'again and again over the course of history there has been rapprochement between Islam and the intellectual world of Greece.' But he is equally convinced that 'it has never lasted' and so firmly believes, over 25 years before Regensburg, that Islam 'shuts itself off from Greek rationality and the resulting culture.'[67] A key protagonist in this story is Al-Ghazālī, who serves both as a symbol of philosophical Islam, and of its repudiation.[68] His *Incoherence of the Philosophers* used philosophical reasoning to attack the philosophical reasoning of the *falāsifa*. His work is still

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[64] Kerr, (p.213, note 13) states that 'Abu 'Ali al Husain ibn 'Abdullah ibn Sina (990 -1037), 'Avicenna' to Thomas, Muslim philosopher, physician to Iranian princes, wrote in Arabic but widely known in Hebrew and Latin translations; at least as significant as Aristotle in Thomas' philosophical framework.' Nichols holds that 'Thomas' own metaphysics are closer to those of the Muslim thinker Avicenna than they are to Aristotle.' See Aidan Nichols O.P., *Discovering Aquinas: An Introduction to his Life, Work and Influence*, (London: Darton, Longman and Todd, 2002), p. 45.
Kerr, (p.7 and p.207) further states that Aquinas' first composition, *De ente et essentia*, is 'heavily indebted to Ibn Sina' and gives Aquinas the opportunity to expound 'the metaphysical doctrines held in common by Christians, Jews and Muslims at the time.' Kerr comes to a major conclusion that 'We have to find ways of reading Thomas that put him into conversation ...with Ibn Sina ...', a conclusion he draws from the work of David Burrell, *Knowing the Unknowable* (Notre Dame, IN: University of Notre Dame Press, 1986), and *Freedom and Creation in Three Traditions* (Notre Dame, IN: University of Notre Dame Press, 1993).
[65] Kretzman and Stump, *The Cambridge Companion to Aquinas,* p.10
[66] *Ibid.,* pp.60 and 61.
[67] Ratzinger, *Church, Ecumenism, and Politics*, p.211. These words are taken from a chapter entitled 'Europe: A Heritage with Obligations for Christians,' which was originally published in 1979 in the *Katholische Academie Bayern*, as '*Europa – verpflichtendes Erbe für die Christen.*'
[68] Abu Hamid Al-Ghazali (c1058 – 1111) was a Muslim theologian, jurist, philosopher and mystic of Persian descent.

highly revered, and reveals 'a sceptical attitude toward the reliability of human reason, and the conviction that religious belief is *sui generis*.'[69] The alternative view is that Islam affords the human mind extensive scope for creativity to cope with change, since 'the human mind is also God's gift which has to be fully used and developed.'[70]

Here Ratzinger finds support from Islamic commentators who regret the triumph of Ash'arite over Mu'tazilite theology, and agree with Ratzinger that what is at stake is theological voluntarism and divine transcendence. Sachedina admires Mu'tazilite thought and regrets that historically the Sunni *ulema* prevailed.[71] This promoted Ash'arite theological voluntarism that taught the primacy of God's will over the intellect, 'which led to identifying morality with divine positive law and denying that ethical values can have any other foundation but the will of God.'[72] Bin Talal also bemoans the suppression of Mu'tazilite humanism.[73] Like Ratzinger, Sachedina sees the debate over theological voluntarism as a lynchpin in the Islamic rupture with reason:

> For the Sunni *ulema*, nature and reason were insufficient for ethics. An action is not good because it is construed so by the essential nature of a human being, but because God so wills.[74]

This meant that there was no standard of good and evil, however minimal, available to all rational creatures, such that

> The notion of God as an unlimited and arbitrary power implied reduction of all moral laws to inscrutable manifestations of divine omnipotence.[75]

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[69] Ali, *Faith, Philosophy and the Reflective Muslim*, p.45.
[70] Osman, *Democracy and the Concept of Shura*, p.87.
[71] *Ulema* is a term for a body of Muslim scholars who are recognized as having specialist knowledge of Islamic sacred law and theology. See www.oxforddictionaries.com/definition/english/ulema
[72] Sachedina, *Islam and the Challenge of Human Rights*, p.86.
[73] El Hasan bin Talal, 'Religion, Common Values and Dialogue', in Race and Shafer, *Religions in Dialogue*, pp.xv – xx, at p.xv.
[74] Sachedina, *Islam and the Challenge of Human Rights*, p.86.

Mayer laments 'the pervasive hostility on the part of members of the Islamic establishment toward rationalist currents in Islamic philosophy.'[76] Rahman also bemoans the victory of the Ash'arite School, 'which reduced man to impotence in the interests of saving the omnipotence of God.'[77] Delacoura wants to insist that 'the door of *ijtihad* was never really shut,' but implicitly concurs with Ratzinger's call for a balance between reason and revelation. She sees the marginalization of Mu'tazilite thought as a lost opportunity for a rational culture to become established in the Islamic world.[78] Nevertheless, we should remember that in the Shi'ite world, philosophy and the use of *ijtihad* for deducing new laws for new situations continued to be used, 'if not to flourish.'[79] Conversely, Shaukat Ali accepts that over time *ijtihad* 'lost more and more of its creativity.'[80] El Fadl also concedes that 'puritan' Islam holds that 'dominion belongs to God alone, who is the sole legislator and lawmaker' and so considers 'all moral approaches that defer to intuition, reason, contractual obligations, or social and political consensus to be inherently whimsical and illegitimate.'[81]

9.3: ISLAM AND DEMOCRACY

We have seen in our discussion of the Habermas debate how Ratzinger positions Christianity in relation to the procedural rationality of liberal democracy and the legal framework of the secular state. We have also heard Ratzinger's view that Islam does not match Christianity's de-sacralization of the state and cannot accommodate itself to pluralist society without

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[75] Sachedina, *Islam and the Challenge of Human Rights,* p.86.

[76] Ann Elizabeth Mayer, 'The Dilemmas of Islamic Identity', in Leroy S. Rouner (ed.) *Human Rights and the World's Religions*, (Notre Dame IN: University of Notre Dame Press, 1988), pp.94 – 110, at p.95.

[77] Fazlur Rahman, *Major Themes in the Qur'an*, (Minneapolis: Bibliotheca Islamica, 1994), p.23. As noted above (note 41), it was Rahman's attempt to reinterpret the themes of the Qu'ran for contemporary Muslims that informed Troll's presentation of Islam to Ratzinger at the September 2005 Castel Gandolfo *Schulerkreis*.

[78] Delacoura refers to B. Lewis, *The Arabs in History*, (London: Hutchinson, 1970), pp. 139 – 143.

[79] Johnston, *Islam and Human Rights*, p.134.

[80] Zeenat Shaukat Ali, 'Democracy at the Heart of Islam', in Race and Shafer, *Religions in Dialogue,* pp. 99-109, at p.105.

[81] El Fadl, *The Human Rights Commitment in Modern Islam*, p.122. The puritanical rebellion of the *Khawarij* school took place as early as the 7th century C.E. In the debate about God's sovereignty, the '*hakimiyyat Allah*', the puritans insisted that 'dominion belongs to God.' See El Fadl, p.133.

betraying its essence. We must also acknowledge that there is a widespread view that, because of its foundational commitment to the inseparability of religion, law and governance, Islam is essentially incompatible with secular democracy. The issue of *shari'a* law is generally regarded as central to this debate.

An examination of these issues can be found in the work of An Na'im. He is useful for this study because of the prolific and comprehensive nature of his output, which represents both indigenous Sudanese and U.S.- based Islam, and involves both theoretical and empirical research. An Na'im enjoys a high status in the academy and has been calling for 'an Islamic Reformation' since 1990.[82] Drawing on range of An Na'im sources, I will organise his contribution into foundational principles and a positive proposal.

9.3.1 Foundational principles

The principle of interpretation is fundamental. Islamic Law is not of the same status as the *Qur'an*. Although it is derived from the fundamental divine sources of Islam, the *Qur'an* and *Sunna*, *Shari'a* is not itself divine, but is the product of *human interpretation* of those sources.[83] It is derived from 'human understanding in specific historical context.'[84] It does not 'descend from heaven ready-made.'[85] Since interpretations differ, there is no Islamic consensus or authoritative guide to the content of Islamic Law. This is a positive feature

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[82] An Na'im is a Sudanese-born Islamic scholar who holds degrees from the Universities of Edinburgh and Cambridge. At the time of writing An Na'im teaches at Emory University where he is the Charles Howard Candler Professor of Law as well as Senior Fellow of the Center for the Study of Law and Religion. An-Na'im teaches courses in international law, comparative law, human rights, and Islamic law and has conducted research into women and land in Africa, Islamic family law and the role of *shari'a*.
[83] Abdullahi Ahmed An Na'im, *Toward and Islamic Reformation: Civil Liberties, Human Rights, and International Law*, (Syracuse, NY: Syracuse University Press, 1990), p.185.
[84] An Na'im and Henkin, *Islam and Human Rights: Beyond the Universality Debate*, p.97.
[85] An Na'im takes this phrase from Bernard Weiss, *The Spirit of Islamic Law* (Athens: University of Georgia Press, 1998), p.116.

which points to 'a clear appreciation of the permanent social, cultural and political diversity among Muslims', particularly in relation to their understanding of Islam.[86]

An Na'im is painfully aware of the negative principle of power and its abuse. This is seen when particular interpretations are attributed to God and then used to silence alternative interpretations.[87] There is a tendency in religion for the 'guardians of orthodoxy' to claim 'eternal validity' for their own legal interpretations and practices.[88] Uncertainty of interpretation 'opens the door to manipulation' by political élites.[89]

Islamists often draw on the negative principle or myth of 'original perfection'. 'Islamic State' narratives are then built on the imperative of restoring the lost historical realization of divine law, associated by some with the Prophet's rule in Medina, by others with the subsequent rule of the four Caliphs. An Na'im points out that there is no agreement about the nature of the 'Medina model' or how it could be applied today. The result is obsession with 'an unrealistic ideal that is honoured only in theory but never in practice,'[90] the pursuit of an objective 'that can never be realized anywhere.'[91]

A key principle in An Na'im's thought is that the very concept of Islamic state law is flawed. There may be states which claim to be predicated on 'Islamic law', but in the absence of any authoritative version of such a law, it falls to the state to determine the content of

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[86] Abdullahi Ahmed An Na'im, 'Why Should Muslims Abandon Jihad? Human Rights and the Future of International Law', in *Third World Quarterly*, Vol.27, No.5 (2006), pp.785-797, at p.791.
[87] Abdullahi Ahmed An Na'im (and Lama Abu Odeh), 'Islam and International Law: Toward a Positive Mutual Engagement to Realize Shared Ideals', *Proceedings of the Annual Meeting of the American Society of International Law*, Vol.98, (March 31-April 3, 2004), pp.159-168, at p.167. This phrase is from Odeh's response to An Na'im's lecture.
[88] Abdullahi Ahmed An Na'im, 'The Interdependence of Religion, Secularism, and Human Rights: Prospects for Islamic Societies', *Common Knowledge*, Vol.11, No.1, (Winter 2005), pp.56-80, at p.65.
[89] Abdullahi Ahmed An Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a*, (Cambridge, MA: Harvard University Press, 2008), p.108.
[90] An Na'im, *Islam and the Secular State*, pp.106-7.
[91] *Ibid.*, p.2. Roy's comment is relevant here, that 'there is an Islamic 'political imaginary' haunted by nostalgia for the times of the Prophet. See Olivier Roy, 'There will be no Islamist Revolution', *Journal of Democracy*, Vol.24, No. 1 (January 2013), pp.14-19, at p.17.

'Islamic law'.[92] Whatever law a state develops is actually secular state law, not Islamic law. Once Islamic law becomes state law, therefore, it is secular, not religious in nature. Islamic law and state law are therefore distinct, both in theory and in practice, and the notion of an Islamic state is 'a contradiction in terms.'[93] Furthermore, any Islamic state law would have to be imposed, because its proponents 'would not permit each other the freedom to disagree.'[94] Farhang would add that a unified legal system, accepted by all Muslims, simply does not exist. Indeed, he points out that 'Muslims, for the greater part of their history, have lived under regimes which had only the most tenuous link with *shari'a* or the religious law.'[95] The principle that religious adherence must be voluntary underpins An Na'im's hopes for an Islamic reformation. He opens his 2008 study with this declaration:

> In order to be a Muslim by conviction and free choice, which is the only way one can be a Muslim, I need a secular state.

We see here a belief in a style of faith based on personal decision and an aversion to state-imposed belief and practice. 'Self-determination' is 'a core human value' as well as a global political reality.[96] He expresses his stance pithily: 'human beings do not truly believe, where disbelief is not an option.'[97] This is no mere concession to Western secular modernity. He claims support from 114 Qur'anic verses, which show that 'human agency, ... was integral to

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[92] An Na'im issues the caveat that although the term 'Islamic Law' serves the purpose of discussion with English audiences, it is not an accurate translation of '*Shari'a*', which he defines as 'the religious normative system of Islam.' Abdullahi Ahmed An-Na'im, 'The Compatibility Dialectic: Mediating the Legitimate Coexistence of Islamic Law and State Law', in *The Modern Law Review*, Vol. 73, No 1, (January 2010), pp.1-29, p.1, footnote 1.

[93] An Na'im, *The Interdependence of Religion, Secularism, and Human Rights*, p.74.

[94] An Na'im, *Islam and the Secular State,* p.95.

[95] Mansour Farhang, 'Fundamentalism and Civil Rights in Contemporary Middle Eastern Politics', in Rouner, *Human Rights and the World's Religions*, pp. 63-75 at p.65.

[96] Abdullahi Ahmed An Na'im, 'The constant mediation of resentment and retaliation', *Philosophy and Social Criticism*, Vol.38, No.4-5, (2012), pp.351-358, at p.351.

[97] An Na'im, *The Interdependence of Religion, Secularism, and Human Rights*, p.72.

the revelation, interpretation, and practice of Islam from its beginning in the seventh century.'[98]

At the heart of Islam An Na'im finds the principle of reciprocity. If Muslims reflect on this principle, the idea that 'one should concede to others what one claims for oneself,'[99] they will realise that violence is 'unproductive' and that 'the Golden Rule is the constant, simple, yet totally comprehensive standard.'[100] An Na'im has always believed that the Golden Rule 'is shared by all the major religious traditions of the world.'[101]

9.3.2 A practical proposal

An Na'im's prime proposal is for Shari'a reform. Underlying his position is the awareness that Islamic law was developed in the 8th-9th centuries C.E., and the need for an adaptation to new contexts:

> …it is simply impossible for the same principles of Shari'a formulated by Muslim jurists more than thirteen centuries ago to remain the only valid law of Islam.[102]

Muslim understanding of *Shari'a* could be transformed with the help of the Islamic concepts of *shura* (consultation) and *mu'wada* (reciprocity).[103] An Na'im accepts that the search for 'credible agents of internal religious change' is challenging.[104] The emphasis is on the 'internal'. He emphasizes 'the need to work from within the culture and to preserve its integrity.'[105] In order to reform, Muslims must draw on the 'symbols of their own culture' and

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[98] An Na'im, *The Interdependence of Religion, Secularism, and Human Rights*, p.73.
[99] Abdullahi Ahmed An Na'im, *Muslims and Global Justice*, (Philadelphia, PA: University of Pennsylvania Press, 2011), p.95.
[100] An Na'im, *The constant mediation of resentment and retaliation*, p.352.
[101] An Na'im, *Toward and Islamic Reformation,* p.163.
[102] An Na'im, *Muslims and Global Justice,* p.192.
[103] An Na'im, *Islam and the Secular State,* p.110 and 111.
[104] An Na'im, *The Interdependence of Religion, Secularism, and Human Rights*, p.63.
[105] An Na'im, *Muslims and Global Justice,* p.93.

history.[106] Commentators like Usama Hasan agree that 'the task of reformation is primarily for Muslims' and that it has been in progress since the Ottoman reforms of the middle of the nineteenth century.[107]

Rationality in the form of reasonable dialogue is also fundamental to An Na'im's practical vision. He is happy to endorse a quasi-Habermasian / Rawlsian procedural rationality, whereby Muslims may bring their religious commitments into the public sphere, but only by translating them into the language all can share: 'they must provide civic reasons through a civic reasoning process in which all citizens can participate without reference to religion.'[108] An Na'im spends some time distinguishing his own 'civic reasoning' from Habermas' communicative action and Rawls' political liberalism, but concludes that he is right not to invest in too detailed a view of the subject. He defines 'civic reason' as

> …the requirement that the rationale and purpose of public policy or legislation be based on the sort of reasoning that most citizens can accept or reject and use to make counterproposals through public debate without reference to religious belief as such.[109]

An Na'im proposes a Ratzinger-style reconciliation with the secular, which can be summed up as a 'yes' to secularity and a 'no' to secularism. He accepts that the secular state 'should neither favour nor disfavour one particular tradition over another,' because its purpose is 'to unite diverse communities of belief and practice into one political community precisely and only because the moral claims it makes are minimal.[110] At the same time he supports Henkin's dictum that 'No country can develop effectively if its development excludes

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[106] An Na'im, *Muslims and Global Justice,* p.195. Rahman opines that one starting point might be to stop thinking of the *Qur'an* as a law book, and view it rather as a *source* for the law. See Rahman, *Major Themes of the Qur'an*, p.47.
[107] Usama Hasan, 'Give us time: this is Islam's reformation', in *The Times*, 18 November 2015, p.13. Available at: http://www.thetimes.co.uk/tto/news/uk/article4616761.ece. (Accessed: 18 November 2015).
[108] An Na'im, *Islam and the Secular State,* p.93.
[109] *Ibid.,* p.100.
[110] An Na'im, *The Interdependence of Religion, Secularism, and Human Rights*, p.63.

participation on grounds of religion.'[111] He rejects secularist indifference to, or rejection or exclusion of religion or religious considerations.[112] Muslims have the right to propose public policy and / or legislation, provided that they can support their proposals in ways that are open to public debate.[113] There is no reason why *Shari'a* 'should not play a role in shaping and developing ethical norms and values that can be reflected in general legislation and public policy through the democratic political process.'

9.3.3 Conclusion

An Na'im represents precisely the 'currents of thought' sought by Ratzinger. He shares Ratzinger's key propositions on the right relationship between religion, the procedural rationality of liberal democracy, and the legal framework of the secular state. An Na'im offers an intriguing 'dialectic of compatibility and incompatibility.'[114] Identification of religion and state constitutes a mutual betrayal of their respective identities and purposes. But in order to preserve the mutual health of both, religion cannot and must not be separated from politics.

Muslim states should concede the theoretical incoherence and practical impossibility of a totalizing religious Islamic law. Secularists should concede the injustice of a totalizing and exclusionary secularism. Muslim states should be allowed and encouraged to let Islamic law underpin state law. They can provide the pre-political foundations both for personal morality and the broader ethical orientations on which all legal systems and polities depend, regardless of whether they are 'religious' or 'secular.'

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[111] An Na'im and Henkin, *Islam and Human Rights: Beyond the Universality Debate*, p.103
[112] An Na'im, *The Interdependence of Religion, Secularism, and Human Rights*, p.62.
[113] An Na'im, *Islam and the Secular State,* p.93.
[114] An Na'im, *The Compatibility Dialectic*, p.17

We can usefully remind ourselves that as early as the 1920s Hassan al Banna, founder of the Muslim Brotherhood, affirmed that democracy was not incompatible with Islam.[115] We can also cling to the conviction that Islamic approaches to society may not be inherently democratic, but 'they are certainly not irreconcilable with democracy' and 'there is no theoretical obstacle to democracy in Islam, no anti-democratic theology.'[116]

9.4: ISLAM AND HUMAN RIGHTS

An Na'im has endeavoured to open up a space in which Islam seeks reconciliation with liberal modernity without capitulation to secularism or materialism, and has sought an accommodation with the culture of human rights, without compromise to the integrity of Islam. This enterprise presupposes a question: the compatibility of Islam and human rights. This section will explore the three narratives of incompatibility, compatibility and consensus.

9.4.1   Narratives of incompatibility

The Universal Declaration of Human Rights provides an important starting point for incompatibility narratives, since it is often claimed that Muslim voices were not heard in the 1946-48 drafting process. This argument tends to be based on the fact that few African and Asian states participated, Western manners and languages predominated, 'non-Western' representatives were fully Westernized.[117] This view can be expressed thus:

> These laws were not adopted by nations but by a small clique of lawyers, bureaucrats and intellectuals who are highly westernized and most of whom have absolutely nothing to do with the cultures in which most of their fellow nationals live.[118]

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[115] Ali, *Democracy at the Heart of Islam*, p.99.
[116] Khalid Duran, 'How Democratic is Islam?', in Race and Shafer, *Religions in Dialogue*, pp.111-116, at p.116.
[117] See An-Na'im, *Muslims and Global Justice*, pp.78-80.
[118] An-Na'im, *Muslims and Global Justice*, p.81.

However, Waltz has done important work to dispel the myth of Muslim absence, non-involvement or exclusion from the process of drafting the Universal Declaration.[119] Her detailed research into the United Nations records enables her to establish 'the active engagement' of delegations from the Muslim world over the twenty-year period from 1946 to 1966.[120] In fact, one of the greatest Muslim achievements was the inclusion of the opening article of both the 1966 and 1976 covenants: 'All peoples have the right of self-determination.' Morsink likewise dismisses as a myth the idea that 'something went wrong way back at the beginning.'[121] He explains that the religious drafters *welcomed* a secular framework because it was inclusive and because they agreed on 'independent access to the basic truths of morality.'[122]

Incompatibility narratives of Islam and human rights were strengthened by Asian delegates at the 1993 Vienna Conference on Human Rights, based on a putative dichotomy between Western individualism, based on rights, and Asian or 'Eastern' communitarian values, based on obligation. The success of such an analysis would have conceded to 'Asian' cultures the right to selectivity and non-implementation of certain human rights. The argument from 'Asia'/'Islam' would be that

> International human rights fall within the historical continuum of the European
> colonial project in which whites pose as the saviours of a benighted and savage non-

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[119] Susan Waltz, 'Universal Human Rights: The Contribution of Muslim States', *Human Rights Quarterly*, Vol.26, No.4 (November 2004), pp.799-844. See also Susan Waltz, 'Reclaiming and rebuilding the history of the Universal Declaration of Human Rights', *Third World Quarterly*, Vol.23, No.3, (2002), pp.437-448.

[120] Waltz (p.818) acknowledges vigorous opposition to religious freedom by Muslim participants, but shows how Islamic views are coloured by negative experience of Christian missionary activity.

[121] Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, (Philadelphia: PA: University of Pennsylvania Press, 1999), p.xiii.

[122] Morsink, *The Universal Declaration of Human Rights*, p.285.

European world ... Thus human rights reject the cross-fertilization of cultures and instead seek the transformation of non-Western cultures by Western cultures.[123]

The adverse effects of colonialism and Christian mission may be the hidden motivators, drawing 'Islam' into a polarized 'clash of civilizations' narrative. Mawdudi, for example, complains that

The people in the West have the habit of attributing every good thing to themselves and try to prove that it is because of them that the world got this blessing.[124]

Panikkar sees Western secular rights as only one 'window' through which to view problems of 'a just human order.'[125] Without doubting the sincerity of such interlocutors, Mayer warns us that some incompatibility postures may be proposed to 'insulate the conduct of modern nation states from scrutiny.'[126] Some Western thinkers, influenced by postcolonial guilt and postmodern relativism, endorse this stance with critiques of Western civilizational hegemony.[127] Pollis and Schwab are influential Western proponents of a questioning of the Western human rights approach.[128] A key riposte to this whole approach is to recall that, in the face of those 'Asian' voices that expounded an Asian exceptionalism, the 1993 Vienna Conference reaffirmed that 'the universal nature of these rights is beyond question.'

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[123] Makau Mutua, 'The Complexity of Universalism in Human Rights,' in András Sajo (ed.) *Human Rights with Modesty: the Problem of Universalism*, (Leiden: Brill, 2004), p.51, quoted in Henry J. Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context: Law, Politics, Morals*, (3rd edn.) (Oxford: Oxford University Press, 2007), p.143.

[124] Abul A'la Mawdudi, *Human Rights in Islam*, (Leicester: UK Islamic Foundation, 1976), p.13.

[125] Raimundo Panikkar, 'Is the Notion of Human Rights a Western Concept?', *Diogenes* 120 (Winter 1982), pp.75-102, at p,79.

[126] Ann Elizabeth Mayer, *Islam and Human Rights*, (London: Pinter Publishers, 1991), p.21.

[127] See for example, Richard A. Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing World*, (New York: Routledge, 2000).

[128] Adamantia Pollis and Peter Schwab (eds.) *Human Rights: New Perspectives, New Realities*, (Boulder, CO: Lynne Rienner Publishers, 2000). Ignatieff describes their approach as 'a critique of Western intellectual hegemony' and its concepts of selfhood, individuality, agency and freedom, influenced by Marxism, anthropology, postmodernism and post-colonialism. See Michael Ignatieff, 'The Attack on Human Rights', *Foreign Affairs*, Vol.80, No.6 (Nov. – Dec., 2001), pp.102-116, at p.104.

Closely related to this argument is a widespread sense of the broader incompatibility of secular human rights universalism and religious cultural particularity. This is a more serious point. It seems valid to question why centuries-old religious cultures, 'deeply rooted in the lives, beliefs and values of billions of people,' should yield to recently-minted human rights standards.[129] Asad, for example, questions why Islam should accord to secular human rights the status of 'a transcendent truth' when in reality the secular rationality of rights is implicated in a panoply of political and economic presumptions and 'heavily invested in myth and violence.'[130] Secularists have a tendency to portray Muslims as 'frenzied, irrational, thoughtless and brutal,' forgetting that Christianity and secularism were to some extent forged by 'fanatics of destruction.'[131] There may be fundamental contradictions between secular rights and religious Islam:

> Islam does not recognise such ideology. Man for Islam does not possess inborn rights, rather he has a radical obligation toward God ... Islam is not going to abandon its worldview simply because another civilization has decided to disband religion and has put human rights above divine rights.[132]

It would be wrong to avoid the specific incompatibilities which loom large in the Western imagination, especially 'aspects of the rights of women and freedom of religion and belief.'[133] Without detailed consideration of these complex issues, it is worth noting that it cannot be surprising that Islamic law from the 8th – 11th centuries C.E. is incompatible in certain respects with human rights law developed in recent history. We can add that, as observed

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[129] Michael Freeman, 'The Problem of Secularism in Human Rights Theory', *Human Rights Quarterly*, Vol.26, No.2 (May 2004), pp.375-400, at p.376.
[130] Asad, *Formations of the Secular*, p.15 and p.56.
[131] Mansour Farhang, 'Fundamentalism and Civil Rights in Contemporary Middle Eastern Politics,' in Leroy S. Rouner (ed.) *Human Rights and the World's Religions*, (Notre Dame, IN: University of Notre Dame Press, 1988), p.75.
[132] Ataullah Siddiqui, *Christian-Muslim Dialogue in the Twentieth Century*, (Basingstoke: Macmillan Press, 1997), p.158.
[133] An-Na'im, *Why Should Muslims Abandon Jihad?,* p.791.

earlier, 'Islamic law' is always state law, and, as such, can always be rendered compatible with human rights law by being reformed.[134] Nevertheless, Ignatieff makes Ratzinger's point, that 'the Western separation of church and state, of secular and religious authority, is alien to the jurisprudence of political thought of the Islamic tradition.'[135] Sachedina, meanwhile, candidly catalogues Islamic human rights violations as intolerance and violence against religious minorities, disregard for the rights of women, lack of democracy, constitutionalism and citizenship.[136] Cerna lists countries which invoke *Shari'a* law just to avoid the full implementation of human rights treaties.[137] Whatever we say about the specifics, we must never lose sight of the warning given by Cerna: change in Islam can only come from within; it cannot be imposed from outside.[138] The universalities *are* there in the form of 'elementary values' such as 'an essential equality of human beings' and this can be 'a starting point for a debate.'[139] But the debate must initially be internal to Islam, not imposed from without.

To conclude by turning from the specific to the general, the issue of the compatibility of Islam with human rights involves a high-stakes debate between universalism, which demands compatibility, and relativism, which allows incompatibility. Excessive universalism or absolutism leads to a denial of the integrity of local cultures. Excessive relativism or cultural pluralism leads to an acceptance of the inhumane, and fails what I will call 'the Nazi test.'[140] Renteln takes the balanced view that 'diversity be recognized' without destroying the

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[134] See Ruud Peters, 'Islamic law and human rights: A contribution to an ongoing debate', *Islam and Christian-Muslim Relations*, Vol.10, No.1, pp.5-14, at pp.6-7.

[135] Ignatieff, *The Attack on Human Rights,* p.103.

[136] Sachedina, *Islam and the Challenge of Human Rights*, p.101.

[137] Christina M. Cerna, 'Universality of Human Rights and Cultural Diversity: Implementation of Human Rights in Different Socio-Cultural Contexts', *Human Rights Quarterly*, Vol.16, No.4, (November 1994), pp.740-752, at p.748. Writing in 1994, Cerna cites Afghanistan, Egypt, Iran, Jordan, the Maldives, Pakistan, and Qatar.

[138] Cerna, *Universality of Human Rights and Cultural Diversity*, p.752.

[139] Peters, *Islamic Law and Human Rights*, p.13. Rahman claims that the equality of the entire human race is 'assumed, affirmed and confirmed' in the Qur'an. See Rahman, *Major Themes of the Qur'an*, p.45.

[140] By this phrase I mean, along with Renteln, that 'according to relativism we could not have fought the Nazis, because relativism calls for absolute tolerance.' (Renteln, *Relativism and the Search for Human Rights*, p.58.)

possibility of an international moral order and calls for a Ratzingeresque broadening of human rights 'which incorporates diverse concepts.'[141] In order to counteract the 'caricatured picture' of relativism,[142] she helpfully unpacks a variety of 'relativisms.'[143] She concludes that 'relativism is compatible with the existence of cross-cultural universals.'[144] The implication is that the compatibility of rights with Islam can be found through empirical research into these cross-cultural universals.

9.4.2 Narratives of compatibility

An Na'im insists that the idea of the incompatibility of Islam and human rights has no 'factual or normative' basis.[145] Peters also warns against 'methodological flaws' which involve a failure to recognise that in comparing 'human rights' and 'Islam' we are not comparing like with like.[146] However, some Islamic compatibility narratives may be equally lacking in any factual or normative basis. Certain Islamic apologists, such as Mawdudi, offer 'strained readings' of the Qur'an in an attempt to demonstrate that the Universal Declaration was anticipated in 7th century Islam.[147] Madjid may be guilty of this approach when he avers that in his farewell speech 'the Prophet elaborated the principles which today would be called 'Human Rights' and 'the whole process of the development and the perfection of Prophet Muhammed's sacred mission culminated in his declaration of the principles of human

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[141] Alison Dundes Renteln, 'The Unanswered Challenge of Relativism and the Consequences for Human Rights', *Human Rights Quarterly*, Vol.7, No.4 (November 1985), pp.514-540, at p. 540.

[142] Alison Dundes Renteln, 'Relativism and the Search for Human Rights', *American Anthropologist*, New Series, Vol.90, No.1 (March 1988), pp.56-72, at p.56.

[143] *Cultural* relativism may mean simple recognition of cultural differences, or a theory about evaluating cultural differences, which favours tolerance. *Ethical* relativism likewise is a simple acknowledgement that people differ in their moral beliefs, while 'meta-ethical' relativism holds that there are no objectively valid reasons for preferring one ethical judgement over another. (Renteln, *Relativism and the Search for Human Rights*, pp.57-61.)

[144] Renteln, *Relativism and the Search for Human Rights*, p.68.

[145] An Na'im, *Why should Muslims abandon Jihad?*, p.791.

[146] Peters, *Islamic Law and Human Rights*, p.5

[147] Mayer, *Islam and Human Rights*, p.54.

rights.'[148] A further example from a different source is the statement that 'fourteen hundred years ago, Islam gave to humanity an ideal code of human rights.'[149] Mawdudi-style approaches produce a faux compatibility, 'a superficial and uncritical "Islamization" of human rights' which falls into the trap of essentialism.[150] The use of isolated Qur'anic verses, 'quoted out of context and without reference to the classical exegetical tradition' displays 'intellectual poverty,'[151] or 'lethargy.'[152] Such apologetics tend to produce 'pietistic fictions about the presumed perfection of Islam,'[153] ignore the fact that 'there is no unequivocal language of human rights *per se* in Islamic sources.'[154] The end-result is invariably 'a one-sided and uncritical Islamization of human rights language at the expense of both the universalism and the emancipatory spirit of human rights.'[155] It might be better to admit that while there is much in Muslim tradition that could be used to support a human rights policy, 'the contemporary concept of human rights does not occur.'[156]

Usama Hasan finds compatibility between the Ottoman royal decree of 1839, giving equal citizenship rights to Jews, Christians and Muslims and the Universal Declaration of 1948. He refers to Turkish scholar Recep Senturk, who pointed out that in 1948 the Turkish

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[148] Nurcholish Madjid, 'The Roots of Civil and Political Rights in the Islamic concept of Human Being', in Race and Shafer, Religions in Dialogue, pp.155-166, at p.165. Madjid's approach here is not without its merits. He uses Sacredness of Life, (*al-dimā*), Property (*al-amwāl*), and Honour (*al-a'rād*) to build a bridge to Locke's Life, Liberty and the Pursuit of Property and Jefferson's Life, Liberty and the Pursuit of Happiness.

[149] This claim is taken from the Saudi Arabia-sponsored Universal Islamic Declaration of Human Rights, issued in 1981 by the Islamic Council of Europe, quoted in Heiner Bielefeldt, '"Western" versus "Islamic Human Rights Conceptions? A Critique of Cultural Essentialism in the Discussion of Human Rights', *Political Theory*, Vol.28, No.1 (February 2000), pp.90-121, at p.105. This approach can still be seen in the work of writers like Rehan, who says 'Islam has given to mankind a comprehensive framework and an ideal code of human rights. The world should return towards Islam...' See Sadia Rehan, 'Origin and Development of Human Rights in Islam and the West: A Comparative Study', in *International Journal of Social Science and Humanity*, Vol.3, No.1, (January 2013), pp.36-38, at p.38.

[150] Bielefeldt, *"Western" versus "Islamic Human Rights Conceptions?*, p.104.

[151] Peters, *Islamic Law and Human Rights*, p.8.

[152] El Fadl, *The Human Rights Commitment in Modern Islam*, p.119.

[153] *Ibid.,* p.118.

[154] Sachedina, *Islam and the Challenge of Human Rights*, p.85.

[155] Bielefeldt, *"Western" versus "Islamic Human Rights Conceptions?"* p.106.

[156] Elaine Pagels, 'The Roots and Origins of Human Rights', in Alice H. Henkin (ed.) *Human Dignity: The Internationalization of Human Rights*, (New York: Aspen Institute for Humanistic Studies, 1979), pp.1-13, at p.6.

scholars of Islamic law such as Kazim Kadri and Ali Fuat Basgil welcomed the Universal Declaration as consistent with Islamic law and declared that its 'universal concept of the human' deserves the support of Muslims.[157]

Another popular shortcut to compatibility (and universality) is the restriction of human rights to a 'thin' theory of rights, free from foundational commitments or comprehensive doctrines. Human rights thus become a purely human political construct, centered especially around the 'first generation' civil and political rights. The point is that as human beings, set in political contexts, Muslims have the same rights to, and need of, the universal provisions of the human rights conventions as any and every citizen. Inquiry into the source and grounding of the agreements is irrelevant and divisive. Thus Mayer would prefer that Muslims spend time considering 'what freedoms most need protection in light of the patterns of governmental human rights abuses.'[158] Waltz favours this 'constructive' approach on the grounds that foundational approaches 'may needlessly polarize and alienate.'[159]

Sachedina, however, is not so sure that compatibility can be derived merely from the pragmatic efficacy of rights in 'protecting human agency.'[160] Such a retreat from foundationalism opens wide the door to cultural relativism behind which Muslim political actors can hide 'their lack of commitment to promoting certain freedoms for their Muslim as well as non-Muslim citizens.' Absent an 'Islamic' foundation, human rights are vulnerable to rejection as a 'secular European religion.'[161] On the other hand, it is precisely to avoid rights

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[157] Hasan, *Give us time: this is Islam's reformation*, *op.cit*.
[158] Mayer, *Islam and Human Rights*, p.68.
[159] Susan Waltz, *Universal Human Rights: The Contribution of Muslim States*, p.800.
[160] Sachedina, *Islam and the Challenge of Human Rights*, p.8.
[161] *Ibid.,* p.14.

becoming a religion, or humanist idolatry, that Ignatieff expounds his theoretical minimalism.[162]

In fact, Sachedina and Ignatieff are not far apart. Ignatieff proposes that 'the grounding of human rights in a defence of human agency is widely acceptable across many cultures,'[163] while Sachedina's premiss is that 'liberal views about human individuality, dignity and agency are compatible with Islamic revelation as developed in Muslim philosophical theology and juridical methodology to understand human personhood.'[164] Ratzinger would strongly endorse Sachedina's point that Ignatieff's denial of foundationalism, although proposed as inclusive, involves the imposition of an exclusive Western rationality and acts as 'a conversation stopper' in the dialogue of cultures.

Contra Ignatieff-style rights as a theory-free zone of positive law, Sachedina uses the concept of natural law in the search for the compatibility of secular and Islamic human rights formulations. He believes that Islam is facing an epistemological crisis which has dislocated theology, ethics and law and paralysed reflection on human rights. Islam does have well-developed resources, such as the common good, (*al-khayrāt*) (Q:5:48), moral agency (*jihād*), humankind as a universal community, (*umma wāhida*) (Q:2:213, 5:48, 10:19). It has a theory of natural law, *fitra*, based on belief in 'the common, immutable, and eternal nature of human beings' and 'confidence in the substantive role of reasoning in discerning moral values.'[165] Sachedina is not an isolated voice. Madjid, for example, also speaks of 'the immutable *fitra* of God, deep inside of the human spirit', relating it to *hanifīyah samhah*, 'the broad-minded

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[162] Ignatieff's anti-foundationalism is expressed in this way: 'Human rights are important instruments for protecting human beings against cruelty, oppression and degradation. That's all we need to believe to defend human rights. Many people believe far more about human rights, for example, that there is a divine or natural source for human rights. The human purpose of defending human rights, however, may not differ dramatically, even if the imputed sources do.' Ignatieff, *Human Rights as Politics and Idolatry*, p.xi.
[163] Ignatieff, *Human Rights as Politics and idolatry*, p.xxii.
[164] Sachedina, *Islam and the Challenge of Human Rights*, p.16.
[165] *Ibid.,* pp.87-88.

natural inclination to the sacred and the true' and *nūrāniy*, or conscience. *Fitra* is 'that universal *gnosis* which always has existed and always will exist.'[166] Sachedina sees natural law as 'the most logical point of entry' into human rights for Muslims because 'the notion of a natural or innate constitution of the human being is the core doctrine of the Qur'an.'[167] He explains that

> …the Qur'anic metaphor *fitrat allāh*, meaning God's nature, through which God has created the universe, implies that the natural world is entirely divine, and reason and faith are not only not incompatible, they are also correlative in guiding human life to a meaningful existence.[168]

Fitra opens the door not just to compatibility with human rights, but to universality and commonality with Christianity:

> The natural law idea, if proven as intrinsic to Islam as it is, for instance, to Catholicism, will determine the course of action to revisit and revise the traditional disqualifications for inclusive membership of all human beings on the basis of divinely endowed dignity.[169]

Bin Talal would add that the concept of the *logos*, (Arabic *kalimah*, word), is common to both Christian and Islamic orthodoxy and that both faiths can build on their common belief in human access to a source of divine wisdom.

The Catholic experience is highly relevant to the Islamic rights compatibility debate. In the Roman Catholic tradition, incompatibility of Catholicism and human rights (*The Syllabus of Errors*, 1864), was transformed into compatibility and enthusiastic endorsement (*Pacem in Terris* 1964). This was 'the result of a complicated and lengthy learning process'

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[166] Nurcholish Madjid, 'The Roots of Civil and Political Rights in the Islamic Concept of Human Being', in Race and Shafer, *Religions in Dialogue*, p.160.
[167] Sachedina, *Islam and the Challenge of Human Rights*, p.93. Sachedina (p.94) translates *fitra* as 'something natural, native, innate, original.'
[168] *Ibid.,* p.100.
[169] *Ibid.,* p.101.

which produced 'a revised and modernized version of Christian tradition more appropriate for Christians living under the circumstances of modernity.'[170] Arkoun's recommendation is relevant: Muslims should strive to 'enlarge the thinkable area.'[171]

The fact that there is no agreement on the foundation of human rights may actually open rather than close the door to compatibility. Maritain famously made the point that the virtual silence of the Universal Declaration on foundations was not designed to preclude each religion or culture from supplying its own theoretical justification.[172] Agreement had been reached 'not on the affirmation of one and the same conception of the world, of man, and of knowledge, but upon the affirmation of a single body of beliefs for guidance in action.'[173] However, Maritain showed in his own work how his own tradition could supply its own philosophical rationale for rights.[174]

Renteln's preferred approach is a *Weltethos*-style empirical investigation into cross-cultural universals, 'those least common denominators to be extracted from the range of variation that all phenomena of the natural or cultural world manifest,' some of which have persisted 'through countless generations.'[175] Donnelly takes a different approach. He makes a significant contribution to the Islam and human rights compatibility debate by walking a tightrope between relativity and universality:

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[170] Bielefeldt, *"Western" versus "Islamic Human Rights Conceptions?,* pp.98-99.

[171] Mohammed Arkoun, *A Critique of Islamic Reasoning*, (Paris: Maisonneuve, 1984), p.218, quoted by Nikkie R. Keddie, 'The Rights of Women in Contemporary Islam', in Rouner (ed.) *Human Rights and the World's Religions*, pp.76-93, at p.108.

[172] 'Yes, we agree about the rights but on condition no one asks us why.' Quoted by Mary Ann Glendon in *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, (New York: Random House, 2001), p.77.

[173] Glendon, *A World Made New*, pp.77-78.

[174] Jacques Maritain, *The Rights of Man and Natural Law*, (San Francisco, Ignatius Press, 1986), original French edition, 1942.

[175] Renteln, *Relativism and the Search for Human Rights,* p.66

…universal human rights, properly understood, leave considerable space for national, regional, cultural particularity and other forms of diversity and relativity.[176]

He rejects Renteln-style anthropological universality, on the grounds that it does not exist. Ratzinger would agree. He rejects foundational or ontological universality, because philosophically it cannot be established. Ratzinger would disagree; to give up on ontology is to abandon humanity. His preferred universality is 'functional, international legal, and overlapping consensus universality.'[177] This is similar to Waltz and Ignatieff, but more subtly positioned. He keeps open the door to ontology, based on 'imperfect reflections of a deeper ontological universality,' and concedes that 'an ontologically universal comprehensive doctrine has recently and *contingently* endorsed human rights as a political conception of justice.'[178] On the cultural relativism side of the debate, he accepts the fact of cultural relativity but rejects the ideology of cultural infallibility or absolutism, which, counter-intuitively, are the corollaries of 'substantive relativism.' I read Donnelly as saying: rights are not trumps, (contra Dworkin), but nor (contra Pollis and Schwab) is culture.

Throughout the literature on the relationship between Islam and human rights, the theme of dignity recurs. Of course this word is contested and can lead to diametrically opposed conclusions. Nevertheless, many interlocutors revert to it as an appropriate starting-point for the dialogue of cultures, conscious of the fact that a rights discourse based on mere expedience is neither charismatic nor efficacious. The analysis provided by Kamali may illustrate how a contemporary Muslim scholar is exploring dignity as a bridge in the dialogue of cultures.[179]

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[176] Jack Donnelly, 'The Relative Universality of Human Rights', *Human Rights Quarterly*, Vol.29, No.2, (May 2007), pp.281-306, at p.281.
[177] Donnelly, *The Relative Universality of Human Rights*, p.281.
[178] *Ibid.,* p.293.
[179] Mohammed Hashim Kamali, *The Dignity of Man*, (Cambridge: Islamic Texts Society, 2002).

Kamali starts with the premise that 'human rights are a manifestation of human dignity and that from the Islamic perspective, dignity is a manifestation of God's favour on mankind.'[180] A key Islamic concept that might serve as a correlative of dignity is expressed by *kilafa*, the vice-regency of man on earth. This means that Islam always balances rights with obligations, individual with collective good and freedom with virtue. God's love is key, because it is 'the cause of the creation of man and of the conferment of dignity on him.'[181] Reason or rationality is equally central: 'God Most High has honoured mankind in endowing him with the faculty of reason.'[182] Kamali claims that 'the commitment of the Shari'a to the dignity of man is so strong and pervasive as to warrant the identification of human dignity as one of the higher goals and objectives of the Shari'a.'[183] Osman agrees that Islam considers human dignity to be fundamental to its habits of thinking and practice, drawing inspiration from the Qur'anic divine statement "We have indeed conferred dignity on the children of Adam..." and that this means that Islam should always 'present itself through sound reasoning.'[184] He concludes with a practical recommendation:

> Muslim countries should take human dignity as a postulate and framework that is then taken to its logical conclusion in the detailed formulations of the basic rights and liberties that are upheld and guaranteed therein.[185]

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[180] Kamali, *The Dignity of Man*, p.ix.
[181] *Ibid.,* p.xvi.
[182] *Ibid.*, p.xvi. Kamali is here quoting al-Alusi (d.1864).
[183] *Ibid.,* p.102.
[184] Fathi Osman, 'Democracy and the Concept of Shura', in Race and Shafer, *Religions in Dialogue: From theocracy to democracy*, p.88.
[185] *Ibid.,* p.102.

9.5: AN ISLAMIC *LOGOS* THEOLOGY AND AN INCLUSIVE CONCEPT OF HUMAN RIGHTS

Ratzinger at Regensburg called for a 'dialogue of cultures'. An-Na'im agrees. We need 'a conversation between civilizations' on a global level, in the form of a 'non-violent dialogue and negotiation between competing sources.'[186] Whatever the results in terms of international human rights norms, 'each participant in the process remains free to perceive as they wish the source of the normative force of the obligations.'[187]

One of An-Na'im's central messages is that religions will never accept human rights without internalizing them for themselves. One of the strategies for building ownership of human rights by religions is steadfast adherence to the hard-fought 1948 achievement of holding together the 'second generation' economic, social and cultural rights, and even the 'third generation' collective rights, in other words the rights most favoured by religious actors such as Catholics and Muslims, together with the 'first generation' civil and political rights most favoured by secularist humanists.[188]

If we agree with Renteln that human rights will not be successful until there is 'a global consensus' that supports them,[189] then we must also accept that to be truly inclusive, rights must embrace religion: 'the more religious perspectives are excluded from the conversation, the less likely are religious adherents to accept the universality of human rights.'[190]

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[186] An Na'im and Odeh, *Islam and International Law*, p.166.
[187] James Cockayne, 'Islam and International Humanitarian Law: From a Clash to a Conversation Between Civilizations', *International Review of the Red Cross*, 84, No.847, (September 2002), pp.597-625, at p.624.
[188] An-Na'im, *The Interdependence of Religion, Secularism, and Human Rights*, p.66.
[189] Renteln, *Relativism and the Search for Human Rights*, p.68.
[190] An-Na'im, *The Interdependence of Religion, Secularism, and Human Rights*, p.61.

Religion however, must embrace rights. Part of this process is the mutual reconciliation and peace between religions. Part is a self-reflexive purification of religious practice. In an echo of Ratzinger's 'broadening of reason', bin Talal calls for 'an expanded humanism' in both Christianity and Islam. This expanded humanism, which embraces the culture of human rights, must make as many demands on Christianity in general, and on Roman Catholicism in particular, as it does on Islam.

CONCLUSION ON PART THREE:

THE *LOGOS* AT WORK IN THE DIALOGUE OF CULTURES

Chapter Eight concluded that Ratzinger has no desire to dominate the public sphere and has a profound respect for the culture of deliberative democracy and its underlying values of pluralism, tolerance, secularity, equality, non-discrimination and liberty. He rejects, however, the notion that the best that can be hoped for from the public sphere is the use of a procedural reason to arrive at a consensus and majority rule through positive law. He likewise rejects the notion that the voice of religion must be excluded. In Ratzinger's *logos*-based political thought, the Church should place itself at the service of the legislative process by drawing on the long tradition of scriptural reasoning and natural law thinking, to put questions to the legislative authority about the morality of its actions and the moral principles on which it is founded. Ratzinger believes that reason needs to be broadened beyond the instrumental. His openly inclusive *logos* theology also places itself at the service of wider society by the way it fosters communities of solidarity, enhances social cohesion, works for the common good and develops individual conscience. We can call this a *logos* theology because it is based on the capacity of reason, the personal *logos*, to listen to the voice of the *Logos*. This voice is expressed through the *logos spermatikos* of each individual person's practical reason or 'heart', which can be enlarged through scriptural reasoning, which is a listening to *Logos* as Word of God.

The implication of this theology for human rights is that the framework of human rights should sit above the public sphere, to act as judge upon its actions and a guide for its discourse. Ratzinger understands that the framework of human rights is still only a *logos*, in the sense of a reasoned discourse we speak to ourselves, but also sees that this *logos* is our

way of giving expression to some of the deeper values of modernity. These values can be expressed as liberty, equality and fraternity or solidarity, but are themselves are grounded in an even deeper value, the dignity of the human person, which Ratzinger insists should be at the heart of the democratic process. He asks for a special respect to be granted to religious belief and practice, because it is a capacity for transcendence which is the true essential dignity of the human person.

As a *logos* theologian, Ratzinger invites Islam to recover its own *logos* tradition of philosophical reflection and to recover its confidence in the faculty of reason as a key component of the dignity of the human person. This gift of rationality can be used by Islam in the interpretation of scripture and the devising of new ways of living that respect the dignity of the human person. With its mighty tradition of belief in transcendence, Islam can form a natural alliance with Ratzinger's *logos* theology, to remind secular modernity of what is missing from its rationality. Building on Ratzinger, this thesis invites Islam, not only to reform its law through a recovery of the concept of natural law, but to show the liberal culture of human rights that it can be strengthened if it rests on pre-political moral foundations ultimately grounded in revelation.

Ratzinger is forced to define his position in relation to modernity. This is not easy because there is a profound disjunction between his *logos* theology and modernity. Ratzinger's *logos* ontology is grounded in the transcendent, modernity in the material. *Logos* epistemology believes in the complementarity of faith and reason; modernity is constructed from reason alone. Modernity's ethics is instrumental and utilitarian; *logos* ethics is grounded in natural law. Modernity's politics is secular and admits of only one type of discourse, Ratzinger's *logos* theology asks for a voice in the public square. Yet both modernity and Ratzinger find a place of meeting, and a common language to speak, in the framework of

human rights. In this dialogue of human rights, the *logos* tradition finds that historically it has been penetrated by modernity, while modernity finds that the *logos* tradition still flows through its bloodstream.

Ratzinger feels compelled to give an account of his position in relation to Islam. He is conscious that the dialogue with Islam has been dominated by secular voices thoroughly imbued with the spirit of modernity. For these voices the key imperative has been tolerance. Yet Ratzinger warns that secular modernity's approach to Islam can become intolerant, when, under the banner of enlightened tolerance and universalism, it disrespects the unique particularity and exclusivism of Islam. Ratzinger's *logos*-based approach has more in common with Islam than it has with the materialist, instrumental culture of modernity. But all cultures, Christianity, secular modernity, and Islam can and must find common ground in the culture of human rights. This is partly possible because where doctrine and theory has a tendency to divide, collaborative humanitarian endeavour has the potential to unite. More profoundly, it is because the religious cultures of the world share a vision of the human capacity for transcendence which modernity has lost. Modernity can only benefit from this encounter, because it is dependent for its survival on a vibrant culture of respect for the dignity of the human person. The self-proclaimed progressivist project of Western liberal modernity, with its non-negotiable commitments to democracy, tolerance and human rights, has delivered great benefits for human dignity. Yet it is also capable of great intolerance, violence and injustice. It therefore requires a force which is not identical to itself, which can critique it from outside itself. Both Christianity and Islam are capable of fulfilling that critical role, but both must accept that they too are prone to intolerance, violence and injustice. Extreme secularism has a tendency to believe that its modern moral order will best be preserved if the religions are either eliminated, or at least reduced to private pastimes. A

healthy secularity, by contrast, recognizes the ethical depth of religious communities not as a threat but as a resource for democracy.

Reason, religion and rights constitute a co-dependant triad, such that any one of them will lapse into pathology, if deprived of the wise restraining power of both of the other two. We can call them three great rationalities, which together constitute what Ratzinger at Regensburg called 'the full breadth of reason.'

CHAPTER TEN

CONCLUSION

THE *LOGOS* AS A WELLSPRING OF OUR HUMANITY

'the experience of the fact that despite our specializations, which at times made it difficult to communicate with each other, we made up a whole, working in everything on the basis of a single rationality with its various aspects and sharing responsibility for the right use of reason – this reality became a lived experience.'[1]

10.1   THE CHALLENGES OF THE THEME OF DEMYTHOLOGIZATION

10.1.1   Demythologization: how far can you go?

Part One of the thesis explored the foundations of the *logos* through specific studies of Plato, John and Justin, thereby opening up the theme of demythologization and the contrast between *mythos* and *logos*. This theme has been instrumental for my championing of Ratzinger's *logos* theology for the healing of human rights. Following Ratzinger, I have taken Plato, John and Justin as representing breakthroughs to ontological, epistemological and ethical truth. A key function of the broadened rationality espoused at Regensburg is the process of searching or questioning that leads to the dethronement of myth and the disclosure of truth. From Plato, in Chapter Three, came a belief not just in a transcendence, but in the human capacity for participation in this transcendence. From John, in Chapter Four, came the conviction that the source of all being is personal, communicative and relational, that divine transcendence was manifested in the startling historical immanence of the person of Jesus Christ, the Word made flesh. From Justin, in Chapter Five, came the realisation that both

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[1] *The Regensburg Lecture*, para.4.

philosophy and the prophets had prepared a path for Christ and that consequently faith and reason were ways of knowing which were intimately related. These three great truths, the human capacity for transcendence, the capacity for God to dwell with Man and the capacity for reason and faith to purify and nourish each other, these are the truths which Regensburg proposes, but which are forever vulnerable to being in their turn demythologized.

Socrates, in Guardini's view, and thence in Ratzinger's scheme, pre-eminently led the charge against the gods and dared to whisper what everyone was beginning to think: that there was an unsustainable mismatch between belief and truth. Heidegger and Nietzsche, albeit in different ways, sought to demythologize Socrates, to get back to the time of the poets or the heroes. In Jaspers' scheme, the move from *mythos* to *logos* started in the Axial Age, when a series of conceptual transformations somehow precipitated a phase transition in the religious consciousness of humankind. The fact that the concept of 'the axial age' itself can be exposed as a myth is a warning that the theme of demythologization presents dangers both for *logos* theology and for the philosophy of human rights.[2]

Human rights are part of the story of demythologization, because they emerge from the process of demythologization, only to find themselves in turn rejected as myth. The confident demythologizers of the Enlightenment were soon busy repopulating the imagination with what could be regarded as new myths: the liberty, equality and fraternity of the encyclopaedists, Descartes' *cogito* and Rousseau's social contract, Hobbes' Leviathan, Hume's Sympathy and Kant's Categorical Imperative in the Kingdom of Ends. Even Rawls, to produce a 'theory of justice' and a 'law of peoples' had to rely on the myth of an 'original position', while Habermas' 'communicative action' was no less of a mythical construct.

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[2] For a thorough critique of the Jaspers thesis, see Iain Provan, *Convenient Myths: The Axial Age, Dark Green Religion, and the World That Never Was,* (Waco: Baylor University Press, 2013).

Human rights themselves were forged out of Locke's demythologization of the theist God in favour of the deist deity, and from Grotius' call to abandon the myth of the deity altogether, and reconcile ourselves to the *etsi deus* principle. Precisely as products of the Enlightenment, rights have always been ripe for further demythologization, from Bentham's nonsense on stilts to MacIntyre's witches on broomsticks. From a different perspective, but again, precisely because of their Enlightenment provenance, in the eyes of Hauerwas and Milbank, they are too toxic to be redeemed, too compromised with the Enlightenment's substitution of human for divine sovereignty.

Regensburg can be read as a demythologization of Enlightenment reason, unmasking it as a false god, with its materialist, instrumentalizing and atheistic rationality, a rationality which can never explain or justify itself and displays a totalizing and intolerant attitude to religious faith. But it is legitimate to question whether the Ratzingerian *logos* is genuinely demythologization-proof. It may be that Ratzinger's warmed-up (Hegelian?) *logos* is just the latest in a long line of myths, an impressive scarecrow clad in pseudo-classical garb and planted in the field of post-modernity to frighten the population with the ghosts of long dead convictions. It is possible that it too must succumb inevitably to its own unmasking, at best a useful theory designed to support an enduring, inclusive and universal framework for the culture of human rights, or at worst, an obscurantist construction designed as a bulwark for the uncompromising non-negotiables of an authoritarian magisterium (Kristeva). Ratzinger's big tent could be deconstructed as a patchwork of totemic, and indeed polemic, shibboleths, such as solidarity, concern for the other, human nature, human dignity, love, relationality, natural law, transcendence, truth, every one of which is potentially vulnerable to further demythologizations.

I read Ratzinger as exhibiting certain features which are common to both Hauerwas and Milbank. He takes his stand in the transformative power of the living historical Christian community (Hauerwas) and in its fidelity to an ancient tradition of wisdom and truth (Milbank). He also makes moves common to both Newman and Rahner. Living traditions must clash, coalesce, be purified, develop, as they interact with each other in history (Newman). But there is, after all, such a thing as a humanism, a *humanum* (Rahner). As Twomey makes clear, in Ratzingerian thought, cultures never cease to find common ground in the transcendent capacity of the moral conscience. They never cease to demythologize themselves, or be demythologized by others, for as the 'conditions of belief' change (Taylor), and language changes, so truths ossify and crumble to dust if not re-expressed or re-developed.

My answer to my demythologization question of 'how far can you go' is that, as with good hellenization and bad hellenization, good dehellenization and bad dehellenization, there is good demythologization and bad demythologization. I reject demythologization unending, since this can relapse into a dead end, if not of outright cynicism and nihilism (Nietzsche), then certainly of ironic detachment and defeatism (Rorty). This would truly be the end of history, not in Fukuyama's sense of the triumph of the West, but in the final betrayal of Kant's *sapere aude*, defeated by an agnosticism which had decided it knew nothing of faith, or of moral certainty, or of God. In my analysis, the Ratzinger project offers a better solution, by recognising that the culture of human rights, if re-grounded in the truth about the dignity of the human person, may be the best hope we have of negotiating the perils of a postmodern, post-secular, post-Westphalian, post-European world, the 'supernova' of Taylor's hyper-technologized, hyper-expressivist age.

10.1.2 Demythologization: a Ratzinger response

In a speech at La Sapienza in Rome, (a university founded on the principle of Wisdom), Ratzinger does something similar to Regensburg, addressing the nature and purpose of the university, and portraying himself as 'a voice for the ethical reasoning of humanity.'[3] Even Rawls, notes Ratzinger, accepts that 'humanity's wisdom – the wisdom of the great religious traditions – should be valued as a heritage that cannot be cast with impunity into the dustbin of the history of ideas.' The Pope speaks to the dialogue of cultures 'as the representative of a form of ethical reasoning.' The university derives its rationale from Socratic questioning, the kind of questioning used in the famous Euthyphro debate (as at Regensburg) to contrast truth with myth. Socratic demythologization is not destructive or cynical. Its desire for truth makes way for 'the discovery of the God who is creative Reason, God who is Reason – Love.' Socrates was being truly religious and so early Christianity recognized and accepted in him 'reason's laborious search to attain knowledge of the whole truth.' The truth makes us good and in Jesus Christ the *Logos*, creative Reason is recognized as goodness itself. Today the search for the good and the true takes the form of a search for 'a

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[3] Benedict XVI, *The Truth Makes Us Good and Goodness Is True*: *Speech at the University of Rome, La Sapienza*, 17 January 2008. Available at: http://w2.vatican.va/content/benedict-xvi/en/speeches/2008/january/documents/hf_ben-xvi_spe_20080117_la-sapienza.html (Accessed: 18 January 2016.) This speech was never in fact delivered, due to the threat of disruption from student protesters, who were still enraged by the Regensburg Lecture. Ratzinger (Benedict XVI) actually refers explicitly to the Regensburg Lecture within the first few sentences of the address. The unprecedented cancellation of the pope's visit was announced at 5 p.m. on Tuesday, January 15, in a press release from the Vatican press office. On Wednesday January 16, the cardinal secretary of state wrote to professor Renato Guarino, the rector of the university: "Since at the initiative of a decidedly minority group of professors and students, the conditions for a dignified and peaceful welcome were lacking, it has been judged prudent to delay the scheduled visit in order to remove any pretext for demonstrations that would have been unpleasant for all. But in the awareness of the sincere desire on the part of the great majority of the professors and students for culturally significant words from which they can take encouragement for their personal journey in search of the truth, the Holy Father has arranged to send you the text he prepared personally for the occasion [...] with the hope that all may find within it ideas for enriching reflections and examinations."
On the afternoon of that same day, "L'Osservatore Romano" published the complete text of the address that the pope was supposed to have read the following day at the La Sapienza University. Source: http://chiesa.espresso.repubblica.it/articolo/186421?eng=y&refresh_ce (Accessed 23 March 2016.)

juridical body of norms ... that serves an ordering of freedom, of human dignity and human rights.' Ratzinger offers no pat answer to this question, which Socrates asked, and which is 'never asked and answered once and for all.' He wishes only to keep company with the great minds throughout history 'that have grappled and researched, engaging with their answers and their passion for truth.' Habermas, adds Ratzinger, is to be admired for his insistence on 'sensibility to the truth' as an essential component of political argumentation. Knowledge and recognition of human rights and dignity have evolved over time, 'and for this we can only be grateful.' In a subtle reference to Justin Martyr, Ratzinger reminds us that 'the Fathers had presented the Christian faith as the true philosophy' because it fulfilled the demands of reason in its search for truth. In an allusion to John 1:9, and, speaking in almost Hegelian mode, he asks people to recognize Jesus Christ 'as the light that illumines history and helps us find the path towards the future.'

With the self-limitation of reason comes the dismissal of Plato's transcendence, of John's divine self-communication, and of Justin's hard-won religious faith, as myth. With a broadened rationality, they can be embraced as the enduring wellsprings of humanity, as the oases where cultures can meet and find refreshment.

To demythologize the Socratic project out of existence, would be to give up on the ontological, epistemological and ethical questions that have animated and illuminated the Christian faith. These questions are not 'secular' and 'Greek', but religious and human. When Christian faith meets with the secular and with other religions, it brings with it this Socratic imperative as something inclusive and universal. The culture of human rights becomes more inclusive, more universal, more sustainable, when it allows its moral insights to be purified by the wisdom of religious tradition, while also asking religious practice to be purified by its moral insights.

10.2 THE CHALLENGES OF THE THEME OF IDOLATRY

10.2.1 Idolatry: can we worship the human?

Regensburg provides a brief genealogy of rationality, in which reason undergoes a series of self-imposed limitations. In Part Two of this thesis, Chapter Six took up this theme, to see how these developments related to the genealogy of human rights. A number of paradoxes emerged. Divine voluntarism, originally conceived to avoid idolatry and preserve God's greatness, resulted in modernity's idolatrous human voluntarism and the primacy of the human will. The culture of human rights could only emerge and blossom once God had been set aside by Grotius. Human rights became themselves a sort of new idolatry, the worship of Man and the eclipse of God. In Chapter Seven, natural law was shown to have its own genealogy. In a world where the insights of Plato, John and Justin were still live options for humanity, natural law could flourish as a participation in the eternal law. Once knowledge of God had been declared out of bounds, and receptivity to divine self-disclosure forgotten, natural law morphed into modernity's idolatrous enthronement of the autonomous human subject.

Weber and Taylor taught that the idols of the old enchanted world have been deposed, starting with the pantheon, then the theist God, then the deist deity. Gone is the ancient cosmic order in which the human, divine and natural worlds were joined, in which sacralised time was lived out against a backdrop of eternity and the good and the true could be read in the book of nature. It has been replaced with the new idols of the Enlightenment and these include democracy, the rule of law and the culture of human rights. These idols still make ethical demands of their subjects, in the imperatives of freedom, equality and tolerance, Taylor's modern moral order of exclusive humanism. In a Habermasian translation, Christian

faith, hope and charity have morphed into the supreme expression of Enlightenment belief, the culture of human rights. Postmodernism in turn makes the culture of human rights look tired, as it sets up its own new idols: Diversity, Contingency, Historicity, Liminality, Alterity, the Marginal, the Dissident and the Subaltern. Against this backdrop, Ignatieff fears that human rights may overreach themselves by being transmuted into a new mythology and idolatry. Lest they be deposed as false gods, he seeks to keep them limited, practical, earthbound. Moyn meanwhile would rather let them fly, so that they can provide true moral inspiration and the only utopia left to our post-postmodern world.

Ratzinger has consistently opposed all forms of utopia. He was alerted in his early years to the misguided utopian thought of Joachim di Fiore.[4] He went on to see the twentieth century brought to violence by three waves of utopian totalitarianism, Communism, Nazism, and the political violence of the revolution of the 1960s. In the twenty-first century he was witness to a further wave of utopian endeavour, the Islamist project to create a perfect State. This Islamist movement, often termed 'medieval' by the West, may actually be very modern, if the jihadists have bought into technologism, the perfectibility of man, the Sovereign State, and the absolutization of their own Will to Power. As Ratzinger has repeatedly warned, those who try to create heaven on earth, soon come up against the intractability, the sinfulness if you will, of the human person, and in order to force through their utopian project they resort to violence and oppression. Meanwhile in the 'West', the culture of human rights, Ratzinger is keenly aware, can all too easily lapse into a project, intolerant and hostile to true human freedom, a programme perfectly exemplified by the unprecedented prohibition of papal freedom of speech at La Sapienza.

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[4] See J. Ratzinger, *The Theology of History in St. Bonaventure*, (Chicago IL: Franciscan Herald Press, 1971 and 1989), p.39.

10.2.2 Idolatry: a Ratzinger response.

Ratzinger's highly sensitive awareness of the perils of utopian idolatries is well expressed in his funeral homily for Msgr. Luigi Guissani.[5] It is right for Christians to engage in 'social works and needed services, to help mankind in this difficult world where Christians bear an enormous and urgent responsibility for the poor.' But when we come 'face to face with extreme poverty and misery', we are often tempted to set Christ aside, to set God aside, because there are more pressing needs.' Utopian idolatry says 'we have to change structures, fix the external things; first we must improve the earth, and after we will be able to find heaven again.' Christianity morphs into moralism, moralism into politics, believing into doing. Losing sight of that which underlies human rights, the dignity of the human person, we lose the criteria for distinguishing between justice and injustice:

> Whoever does not give God gives too little; and whoever does not give God, whoever does not enable people to see God in the face of Christ, does not build anything up but rather, wastes human activity in false, ideological dogmatism, and so ultimately only destroys.

If the culture of human rights becomes an exclusive secular idolatry, then it will never achieve true universality or inclusivity. On the other hand, if Christians baptize it so thoroughly and indiscriminately that it is fashioned into an *ersatz* substitute for Christian faith, then the Christian birth right will have been sold away for an idolatrous mess of socio-political potage. I propose as a remedy the application of a Ratzinger-style 'theological seismograph' to the shifting tectonic plates of the surrounding culture of human rights, in an attempt to discern between the new mythologies which are bubbling up to the surface and which need to be unmasked as delusory, and the authentic translations (Habermas) or mutations (Rowland)

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[5] J. Ratzinger, 'Funeral Homily for Msgr. Luigi Guissani', in *Communio*: *International Catholic Review*, Winter 2004, 685 – 687.

which can breathe new life into Christian language and culture.[6] The Ratzingerian recommendation lies in a renunciation of the programmatic, and the fostering of a process, namely, the bringing together of Christianity, the religions and the now secular culture of human rights, into a mutually enriching and purifying dialogue. Here, however, we must confront the whole issue of dialogue.

10.3   THE CHALLENGES OF THE THEME OF DIALOGUE

10.3.1 Dialogue, but with whom, about what?

Part Three of the thesis looked at two great dialogues of today, the dialogue with the secular (and 'postsecular'?) state, and the dialogue with Islam. Central to the Regensburg Lecture is Ratzinger's invitation to the dialogue of cultures. Given that it is almost impossible to find a philosopher or theologian who does not, *pace* Milbank, endorse the imperative of dialogue, Ratzinger's invitation may be dismissed as little more than a platitude. This thesis, however, has emphasised the dialogic orientation of Ratzingerian thought.[7] It has drawn the conclusion that the Ratzinger project calls for a mutually purifying and healing engagement between the religious and the secular, with the culture of human rights as a sort of third party to the encounter. This culture of human rights both offers healing and requires to be healed, so that human rights can continue to fulfil their role as honest broker and as a common 'way of meeting' between the religious and the secular.

If Regensburg envisioned a dialogue of cultures which might be based on, and engender, a broadening of reason, then in Part Three of this thesis, this desideratum of the

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[6] I have taken the idea of Ratzinger's theological seismograph from D. Vincent Twomey, 'Pope Benedict XVI: Joseph Ratzinger on Politics', *Logos: A Journal of Catholic Thought and Culture*, (Fall 2015, Volume 18:4), pp.82-99.
[7] The dialogic orientation of Ratzinger's *logos* theology is eloquently portrayed in Christopher S. Collins, *The Word Made Love: The Dialogical Theology of Joseph Ratzinger / Benedict XVI*, (Collegeville, MN: Liturgical Press, 2013).

Ratzinger project was put to the test, to assess its plausibility and viability. Chapter Eight used Ratzinger's dialogue with Habermas as a model of what might be possible in the dialogue between religious and secular cultures. The results were impressive in terms of the overlapping consensus achieved by the interlocutors. Yet this was but one limited dialogue between two ageing contemporaries. Doubts may be raised as to how realistic the prospects are for religious voices, making use of the discourses of natural law and human dignity, to make meaningful interventions in the public square.

At Regensburg, Ratzinger expressed doubts as to the depth of the inculturation of Greek-style reason or rationality in Islamic thought and practice. He called into question especially the potentially harmful effects of an extreme voluntarism. Although designed to conserve God's transcendence, voluntarism constitutes a self-limitation of reason. It serves paradoxically to truncate the dignity of the human person, while also substituting the human for the divine. Chapter Nine responded to this challenge by amplifying a number of Islamic voices whose vision of a productive interplay between philosophy, theology and the secular, at the service of democracy and human rights, shares much in common with Ratzinger.

A healthy scepticism may raise doubts about the actual feasibility of such a dialogue of cultures, especially in terms of the settings or 'ways of meeting' available. In the light of the Regensburg and Sapienza lectures, the most promising setting may be the university. I suggest a primary engagement could take place within the 'first order' realms of philosophy, theology and religion, whether these faculties be independently constituted or conjoined, followed by a 'second order' engagement within the university, followed by wider public engagement.[8] A further way of meeting is suggested by Ratzinger's papal addresses to the

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[8] Ratzinger commences the Regensburg Lecture by drawing an attractive (idealized?) picture of the university as a locus of cross-disciplinary fertilization and 'lively exchange' ('*Die Kontakte ... waren sehr lebendig*').

United Nations, to legislatures, and to a host of professional and specialized audiences.[9] The effectiveness of such interventions can certainly be doubted, but they do at least perform genuine encounters between the secular and the religious. Central to this thesis and to the Regensburg Lecture is a third type of encounter, the dialogue with Islam. There is no doubt that this takes place daily on countless levels and in many modes, although a caveat must always be borne in mind: there is no single 'Islam' with which to dialogue, any more than there is a single secular or Christian voice. Furthermore, prior to any dialogue between Islam and 'the other', Islam should be granted the space to find its own ways of meeting to facilitate its own internal dialogue about the broadening of reason. The phenomenon of scriptural reasoning might suggest itself here as a non-threatening, open-ended and fruitful mode of encounter which respects the Hauerwas / Milbank / MacIntyre imperative that we must stand within our own tradition and rationality and be true to that, alongside the Ratzinger theory of interculturality, which knows that Christianity from the *logos* onwards has always been enriched and purified by bumping up against other cultures and even recognizing itself in them.[10]

Rowland, following Nemoianu, explains that a unique feature of German-speaking lands was the emergence and flourishing of circles of intellectuals, which afforded ways of meeting between theologians and others, 'such that theologians were not cut off from the currents of thought in the world of arts, politics and literature.' Tracey Rowland, *Benedict XVI: A Guide for the Perplexed*, (London: T & T Clark, 2010), p.11.

[9] In the last twelve months of his pontificate Ratzinger, as Benedict XVI, reached out beyond Christian audiences to the Foundation for the Sahel, to the journalists of Mexico, to the dignitaries of Cuba, to the musicians of Leipzig, to the Jewish Congress of Latin America, to the farmers of Italy, to the World Congress of Sports Medicine, to the General Assembly of Interpol, to the Financial Times of London and to the president of the Italian Republic. Available at http://w2.vatican.va/content/benedict-xvi/en.html (Accessed: 23 November 2015).

[10] For an endorsement and explanation of the power of the scriptural reasoning model of interreligious encounter and dialogue, see Nicholas Adams, 'Scriptural difference and scriptural reasoning' in *Habermas and Theology*, (Cambridge, Cambridge University Press, 2006), pp.234-255.

10.3.2 Dialogue: a Ratzinger response

On a trip to the Lebanon in September 2012, Ratzinger, as Benedict XVI, delivered one of his last major public addresses before his resignation the following February.[11] As at Westminster, the address modelled the tripartite encounter between secular power, Christian faith and the world's religious cultures, triangulated by the unifying concept of human rights. The speech was delivered in one of the most violent and troubled settings imaginable. Lebanon is a land with its roots in the ancient and biblical worlds, and was once home to a highly successful mélange of Christian, Islamic and secular Western European culture. Ratzinger spoke to a country overwhelmed by the influx of refugees and migrants fleeing from violent conflict. Without using the word *logos*, he presented a vision of peace and reconciliation based on the dignity of the human person and rooted in natural law.[12] Once again, the starting point was Socratic. The human spirit has an innate yearning for beauty, goodness and truth. This datum of human experience has an explanation; it is part of God's plan and 'he has impressed it deep within the human heart.' We can call it a reflection of the divine, 'God's mark on each person.' We have to listen to this voice, if we want peace. 'Without openness to transcendence ... men and women become incapable of acting justly and working for peace.'

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[11] Ratzinger, J. as Pope Benedict XVI, *Apostolic Journey to Lebanon, Meeting with Members of the Government, Institutions of the Republic, the Diplomatic Corps, Religious Leaders and Representatives of the World of Culture, May 25th Hall of the Baabda Presidential Palace, Saturday 15 September 2012*. Available at: http://w2.vatican.va/content/benedict-xvi/en/speeches/2012/september/documents/hf_ben-xvi_spe_20120915_autorita.html. Marc Guerra has chosen this speech as the first of six key speeches of Ratzinger, all of which are based on a *logos* theology. Regensburg (2006), Westminster Hall (2010) and the Reichstag (2011) are all included in the collection. Guerra (p.xi.) comments that 'Each speech offers an unwavering defence of the splendour and majesty of created reason's ability to know – and to be liberated by – the uncreated Truth.' See Marc D. Guerra, *Liberating Logos: Pope Benedict XVI's September Speeches*, (South Bend, IN: St. Augustine's Press, 2014).
(Accessed: 4 December 2015).

[12] With 32 references, the word 'peace' runs like a mantra through this address.

It is not true that there is no such thing as 'the nature of the human person' and no such thing as 'shared values.' Wherever the idea of human nature is ignored or denied, humanity loses sight of the 'grammar' which is 'the natural law inscribed in the human heart.' There truly is a 'substratum of values' which expresses man's true humanity. For each cultural tradition, genealogical work could recover the spiritual values which give wisdom traditions their real meaning and power. These are 'the wellsprings of our humanity.' They are not the possession of any particular culture. Cultural, social and religious differences are real, but what truly unites is 'a shared sense of the greatness of each person.' Here is another Ratzinger word, *die Größe,* which encapsulates his vision of the dignity of the human person.[13]

Human rights are essential, because they remind us that even before the law we must acknowledge the inalienable value of each person. The shared values we discover across cultures are human rights, 'the rights of each and every human being.' If cultures are to live in 'genuine mutual esteem', to grow in understanding and harmony, there has to be respect for the human rights of all. Religiously associated violence may be a problem, but so is the violence that lurks in the dark underbelly of Western liberal modernity: unemployment, poverty, corruption, addiction, exploitation, trafficking. The only antidote is 'solidarity', based on respect for each human being, a solidarity which believes in 'the greatness of each person and the gift which others are to themselves, to those around them and to all humanity.' All forms of violence must be rejected because they are always an assault on human dignity.[14] The alternative for a pluralistic society is 'continuous dialogue': 'It is heartening to see

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[13] Cf. 'It is part of the inherent greatness of the Christian faith that it can lend conscience its voice' and 'power attains greatness when it allows itself to be moved by conscience.' J. Ratzinger, trans. W.J. O'Hara, 'Conscience in Time', in David L. Schindler and Nicholas J. Healy (eds.) *Joseph Ratzinger in Communio Vol 2: Anthropology and Culture*, (Grand Rapids, MI: Eerdmans, 2013), pp.17-27, at pp.25 and 27.

[14] The dignity of the human person is referred to 6 times in this address.

examples of cooperation and authentic dialogue bearing fruit in new forms of coexistence.' This is certainly possible in Lebanon, because Christianity and Islam have lived there side by side for centuries.

This, then, is my reading of the Ratzinger recommendation, my interpretation of the Regensburg prescription, a proposal that respects and restores human rights to their full power and strength. Far from being overly idealistic and unworldly, this recommendation may well be the most hard-headed and practical healing for the sicknesses of the twenty-first century, for a time 'when things fall apart', just as they did in the twentieth century for Habermas and Ratzinger.

My *logos* theology of human rights is not a system. It cannot be portrayed as a complete, finished intellectual construction. It is a path, a *hodos*.[15] It calls for 'resolute critical discernment'.[16] It requires the courage of a Socrates or a Justin, to explore truth in the face of secular and religious power and violence, and this includes a 'readiness to look for the truth in what strikes us as strange or foreign; for the truth concerns us and can correct us and lead us further along the path.'[17] Europe has tried living *veluti si deus non daretur*. Kant's *sapere aude* has failed. Now Europe must listen once again to the wellsprings of humanity and try the opposite: *quaerere Deum*, seek the truth, 'truth, which does not impose itself by violence, but rather "by the force of its own truth": the Truth which is God.'[18]

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[15] *Truth and Tolerance*, p.145. 'Christianity only opens up in the experiment of going along with others; and as a whole, it can only be grasped as a historical path.'
[16] *Christian Morality*, p.64.
[17] *Many Religions, One Covenant*, p.110.
[18] *Apostolic Journey to Lebanon.* Ratzinger is quoting here from *Dignitatis Humanae,* para.1.

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